

WATER PERMIT NO. 5134-3

MAP No. Same

Name of Applicant Pleasant Valley Lodge

Post Office Address Rt 1, Box 256; Gary SD 57237

Amount of Water Claimed 0.009 Total Acres NA

Source of Water Supply ground water

Water to be used for commercial purposes County Deuel

About 3 miles S of Gary

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 7/8/87 Subject to _____

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

PRIORITY

Date Received Oct. 6, 1986 Fee 50⁰⁰ Remarks Determination that application does not qualify for vested right made April 14, 1987

10/6/86

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS

Diversion Point well: NW $\frac{1}{4}$ SW $\frac{1}{4}$ section 27-

T115N-R47W

Land to be Irrigated NA

well ⊗	27				

Well Log: Driller unknown Licensed YES NO

Depth of Well 70 feet REMARKS _____

Type of Map Plot PREPARED BY Wayne R. Haug Reviewed and the Number 2

assigned on April 29, 1987 By Ron Jewell

No. 5134-3 Hydrologic Unit 07020003
 Map No. same Basin Minnesota-Whetstone
 Newspaper Gary Interstate, 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 Pleasant Valley Lodge Phone No. 605-272-5614Post Office Address Rt. 1 Box 256 Gary State 57237
(Street, RR or Box) (city) Zip Code2. Amount of water claimed (c.f.s) 4 gallons per minute 0.009 cfs3. Source of water supply drilled well4. Location of point of diversion NW 1/4 SW 1/4 Section 27, T115N, R47WCounty Deuel5. Counties where water will be used Deuel6. Annual period during which water is to be used all Year Jan 1 - Dec 31

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 Deuel)^{ss}I, Pleasant Valley Lodge Steven Maas 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 Steven MaasSubscribed and sworn to before me this 31 day of Oct 1986

 Eugene Steele
 Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

Date of first receipt of application _____, 19____.

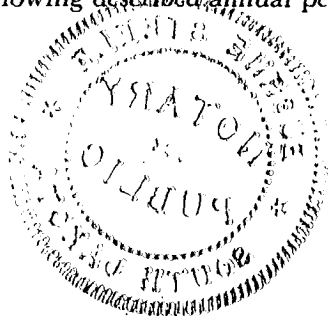
Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ 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 _____, 19____.
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 _____

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 _____ 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 _____ on or before _____, 19____; said water to be used during the following described annual period: _____



WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5134-3

Pleasant Valley Lodge

(Applicant)

Route 1, Box 256

(Street, RR or Box)

Gary SD 57237

(City)

(State)

(Zip Code)

With the following qualifications:

Date of first receipt of application October 6, 1986

Date of return to applicant for correction, amendments or changes required November 26, 1986
December 15, 1986

Date of receipt of corrected application April 20, 1987 Approved July 8, 1987

The Water Management Board approved this Water Permit No. 5134-3 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 October 6, 1986
2. The equivalent of at least one-fifth of the specified work is ~~to be completed on or before~~ 1986
3. The whole of said work is ~~to be completed on or before~~ 1986
4. The limit of time for proof of beneficial use of water appropriated in accordance herewith is 1986
5. The water appropriated shall be used for the purpose of commercial use by the Pleasant Valley 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation granted shall not exceed 0.009 cubic feet per second; neither shall it exceed the amount of water needed for the beneficial uses served and to which water is actually and beneficially applied for commercial use ~~on or before~~ 1986. The water is to be used during the following described annual period: January 1 - December 31

WATER MANAGEMENT BOARD

By: John H. Hatcher

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

AUG 19 1987

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Pleasant Valley, Lodge, Inc.
 Post Office Address Box 256, Gary S.D. 57237
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____

B. Date of start of construction of water supply system ~~1930's~~ In the 1930's Where Book PageC. Date that water was first applied to beneficial use In the 1930's Exact Date UnknownD. Name of owner of original water supply system William SchuttlerE. Amount of water originally applied to beneficial use unknownF. Present Use of Water - Amount of water now being used 4 GPMDate that this water was first used 1977

G. Chronological History of Water Use

Well dug in 1920
 well drilled in late 1930's or 1940's
 maintained by owner in 1950's and 1960's.
 use by Pleasant Valley since 1977

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Deuel) SS

I, Steven R. Maas the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

 X Signed Steven R. Maas
Subscribed and sworn to before me Dec 12, 1986

Atty

Sharon Stuenkel 8-21-88
 Notary Public or other qualified officer)

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

(Print name) 19_________
(Print name) 19____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction Well was dug in the 1930's or 40's
Occupant at that time deceased
- a) Drill Hole Diameter 4 inch Depth 70 feet
- b) Casing Type Steel Diameter 8 Thickness _____
- c) Screen Type Unknown Diameter _____ Thickness _____
- d) Gravel Pack Thickness Unknown Length of Gravel Pack Unknown
- e) Depth to Top of Water Bearing Material Unknown
- f) Depth of Water (ground surface to water level) 36-38 feet
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 2100 feet Approx

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 _____

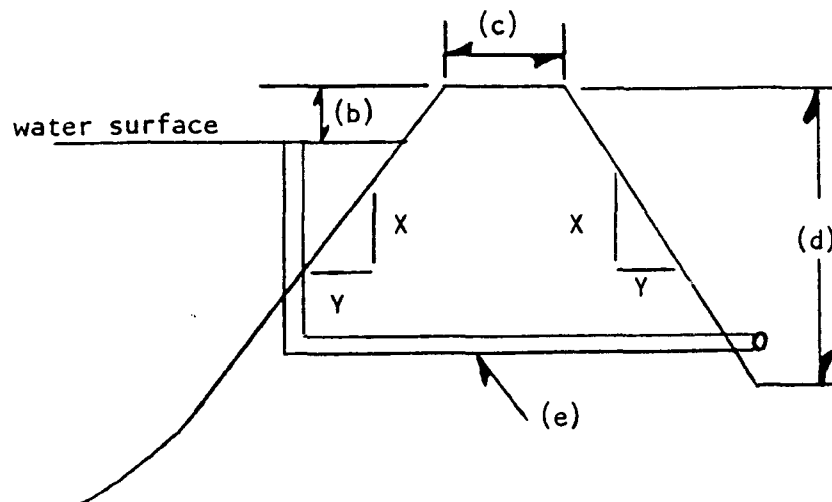
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Pleasant Valley Corporation
Steven Maas
Gary, SD 57237

Hand-drawn survey map of a 27-acre tract. The map shows a rectangular boundary with corners labeled NW Cor, NE Cor, SW Cor, and SE Cor. A north arrow is in the top left. A scale of 1 inch = 1000 feet is noted. The tract is divided into five vertical strips labeled OL1, OL2, OL3, OL4, and OL5. A well is located in strip OL4, with a shaded area around it. A line segment from the SW corner to the well is labeled 2021' and 66°58'. A circled number 27 is in the center of the tract.

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR
 REG. NO. 2249
 WAYNE R. HAUG
 SOUTH DAKOTA

Wayne R. Haug
Wayne R. Haug
Registered P.E. & L.S. No. 2249

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410588

Pierre, October 6, 1986

RECEIVED OF Pleasant Valley, Inc. c/o Steve Maas, RR1, Box 256, Gary SD 57237

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

Fee for Application for Permit No. <u>5134-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	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	14	00

By John Hatch
Chief Engineer

JOHN HATCH/ms

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 20, 1987

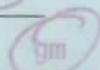
410842

RECEIVED OF Pleasant Valley, Inc. RR #1 Box 256, Gary, SD 57237

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

Fee for Application for Permit No. <u>5134-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	35.00	Add'l FEE
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	35 00

By John Hatch
Chief Engineer JOHN HATCH





Department of Water & Natural Resources

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

June 23, 1986

Steve Maas
Pleasant Valley Inc.
RR 1, Box 256
Gary SD 57237

Dear Mr. Maas:

The Division of Environmental Quality of this Department has conducted 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 Pleasant Valley Inc. .

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use and in some cases non-commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourists 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 minutes.

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 filing fee (see instructions). The filing fee for use of 45 gallons per minute or less is \$50.00. The applicant must pay the cost of advertising. If your water system has been in continuous use prior to 1955, it may qualify for a vested right. The filing fee for a vested right is \$15.00.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water users 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 users 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 uses does not require a permit and has preference over all other users of water.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures





Department of Water & Natural Resources

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

November 26, 1986

Steven Maas
Pleasant Valley Lodge
Route 1, Box 256
Gary, South Dakota 57237

Dear Mr. Maas:

This letter is in response to your water permit application for Pleasant Valley Lodge received on October 6, 1986. The following information is needed before the application can be processed.

- 1) The amount of water claimed (maximum gallons per minute) needs to be specified in Question No.2 on the enclosed Form 2. The application is for appropriating a given amount of water; therefore, an amount of water needs to be specified.
- 2) The enclosed Affidavit of Water Use form also needs to be submitted when filing a Vested Right claim. A Vested Right can be qualified for only if water has been used for the present use since 1955.
- 3) A well log also needs to be submitted with the permit application. If a well log cannot be located and the well driller is unknown, please attach a note stating that the information cannot be obtained.

*A well log is
untrainable and
unknown as owner
at*

Please complete and return the enclosed forms. The permit application cannot be processed until the application is complete. Contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resource Engineer

RD:ms
Enc.

Equal Opportunity Employer

Pleasant Valley, Inc.



Gary, South Dakota 57237
Phone 605 272-5614



Dear Sirs,

It is impossible to submit a well
drillers log as drillers are unknown. The owner
at the time the well was dug died in the
1950's. I have made many calls as
to dates of well and who did it. No
one knows except that it took place in the
late 1930's or 1940's.

Sincerely,

Steven R. Menn

SOUTH Dakota Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

April 14, 1987

Steven Maas
Pleasant Valley Lodge
Route 1, Box 256
Gary, South Dakota 57237

Dear Mr. Maas:

Upon reviewing the Affidavit of Water Use (copy enclosed) you submitted on December 15, 1986. I don't believe your application qualifies for a Vested Right. Water needs to have been used for commercial purposes since 1955 to qualify for a Vested Right. According to the Affidavit of Water use, water was not used by the Lodge until 1977. Therefore, the application you have submitted needs to be considered a new permit application. The application fee is \$50.00. You have already submitted \$15.00; therefore, an additional fee of \$35.00 is needed before the application can be processed. Please contact us if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



REPORT ON APPLICATION NO. 5134-3
PLEASANT VALLEY LODGE
MAY 11, 1987

This application proposes to appropriate 0.009 cfs from one well 70 feet deep located in the NW 1/4 SW 1/4 of Section 27, T115N, R47W. The water is used for commercial purposes by the Pleasant Valley Lodge.

Aquifer - Pliestocene unnamed (PS:U)

Geology and Aquifer Characteristics

The aquifer consists of Pliestocene aged outwash (sand and gravel). The aquifer was tentatively mapped by the SDGS (Hedges, 1982) and is mentioned by the USGS (Kume, 1985) in their report but very little is known about it. Presently, the Water Rights Division monitors 5 observation wells in this area, DU-71C, DU-78B, DU-78C, DU-78D and DU-78E (Observation Well Files, 1987). These wells encountered water under artesian conditions at a depth close to the total depth of this existing well and proposed permit. In general, the water levels in all the observation wells are at the highest levels since record keeping began.

Review of Existing Water Permit

There are no existing water permits within 2 miles of this application. There are 3 permits (4765-3, 2861-3 and 2980-3) located about 3 miles north of this application which are developed for irrigation. The depth of those wells is in the same range as this application and may be in the same aquifer.

Conclusions

1. Water is available from this formation.
2. The data supplied in this application concerning the well is poor. However, it is likely that the well used to supply the Pleasant Valley Lodge is in the Pliestocene unnamed aquifer.
3. This well has been used for many years with no apparent problems.
4. Interference is not likely. The diversion rate for this application is not significant.
5. The Water Rights Division does monitor observation wells in this area. The water levels in these wells are at all-time high levels indicating recharge.


JAMES A GOODMAN
Hydrologist

Bibliography

Hedges, L.S., S. L. Burch, D. L. Iles, R. A. Barari, R. A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, For US Army Corps of Engineers, DWNR, SDGS, Vermillion SD 57069.

Kume, Jack, 1985, Water Resources of Deuel and Hamlin Counties, South Dakota, USGS, Water-Resources Investigations Report 84-4069, Huron SD, 57350.

Observation Well Files, 1987, Records for DU-71C, DU-78B, DU-78C, DU-78D and DU-78E, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5134-3

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. 5134-3, Pleasant Valley Lodge, Rt 1, Box 256, Gary SD.

The Chief Engineer is recommending APPROVAL of Application No. 5134-3 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.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
May 27, 1987

No. 5134-3

Instruction to Newspaper - Publish first publication of the following Notice on or before June 4, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5134-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Pleasant Valley Lodge whose mailing address is
Route 1, Box 256, Gary, South Dakota has made an application for a permit

to appropriate 0.009 cubic feet of water per second from one well 70 feet deep
 located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27-T115N-R47W. Water is used for commercial purposes
 by the Pleasant Valley Lodge.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
 APPROVAL of Application No. 5134-3 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, July 8, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
 Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny
 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 June 26, 1987. The petition may be informal, but it must include a
 statement describing the petitioners interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12,
 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2
 46-5-30.4, 46-5-31; ~~(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 June 26, 1987.

No. 5134-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Deuel) ss.

I, Mary E. Burkman hereby

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

Water was taken from the Gary Interstate

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 Gary

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

Thursday, June 4, 1987

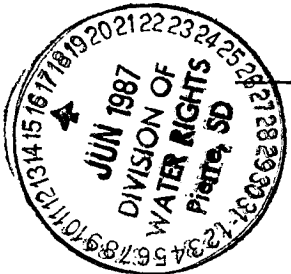
Thursday, June 11, 1987

Mary E. Burkman
(Signature)

Publisher
(Title)

6-1-1987

(Date Signed)



Cost of Printing:

\$38.71

1st 107 lines x \$.201 = 21.507

2nd line 80% = 17.206

total = \$38.71

Pleasant Valley applies for water permit

Notice of Hearing on Application No. 5134-3 to Appropriate Water

Notice is hereby given that Pleasant Valley Lodge whose mailing address is Route 1, Box 256, Gary, South Dakota has made an application for a permit to appropriate 0.009 cubic feet of water per second from one well 70 feet deep located in the NW 1/4 SW 1/4 Section 27-T115N-R47W. Water is used for commercial purposes by the Pleasant Valley Lodge.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5134-3 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, July 8, 1987 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 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 June 26, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the

petitioners opposition to support of the application and the signature and mailing address of the petitioner or legal counsel if legal counsel obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 through 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:0 through 74:02:01:15.

This hearing is an adversarial 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, DWRN, 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 June 26, 1987.

(Publish June 4 & 11, 1987)



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

AUG 19 1987

Steven Maas
Pleasant Valley Lodge
Rt 1, Box 256
Gary SD 57237

Dear Mr. Mass:

Enclosed is your Water Permit No. 5134-3 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 cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

FEB 19 1992

5445-3

Pleasant Valley, Inc.
RR 1, Box 256
Gary, SD 57237

Dear Sirs:

Enclosed is Water License No. 5445-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412923 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. 5445-3, 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

NOTE: The applicable portions of Water Permit No. 5134-3 are incorporated into this Water License No. 5445-3.