

Considered: _____

WATER PERMIT NO. 5168-3

MAP No. same 256-9158

Name of Applicant Hilde Pipe and Gravel

Post Office Address PO Box 6, Madison SD 57042

Amount of Water Claimed 5.0 cfs, 480 ac-ft annually Total Acres NA

Source of Water Supply groundwater 2 existing wells - up to 4 additional

Water to be used for industrial - gravel washing County Lake

About 3 miles SE of Madison.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received December 18, 1987 Fee \$275.00 Remarks _____

Corrected Application Received December 23, 1987 Period of Annual Use Mar 1 - Nov 30

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

WI-1 Description same as Application YES NO REMARKS _____

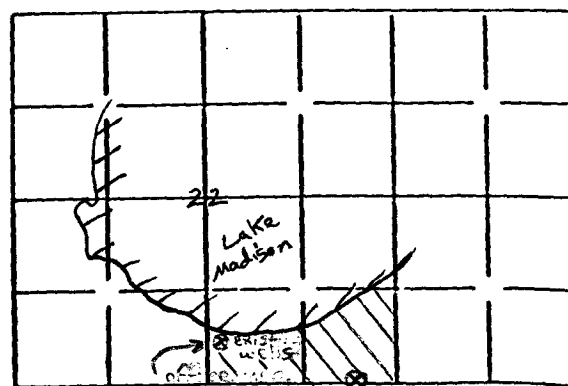
Diversion Point Up to 5 wells: S $\frac{1}{2}$ SE $\frac{1}{4}$ section 22-

T106N-R52W

Land to be Irrigated gravel pit area: S $\frac{1}{2}$ SE $\frac{1}{4}$

section 22; proposed - NE $\frac{1}{4}$ section 27;

all in T106N-R52W



Well Log: Driller Lacey Licensed YES ✓ NO _____

Depth of Well 32 feet REMARKS _____

Type of Map aerial photo PREPARED BY T.S. with ASCS Ron Duwall Reviewed and the Number _____

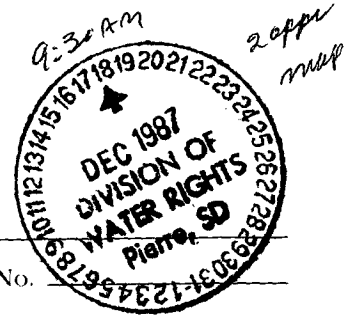
assigned on December 28, 1987 BY Ron Duwall

No. 5168-3 Hydrologic Unit 10170203
 Map No. same Basin Big Sioux R.
 Newspaper Madison Daily Leader, Box 348

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 ☒ GRAVEL WASHING

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 Hilde Pipe & Gravel Phone No. 256-9158Post Office Address P.O. Box 6 Madison State SD Zip Code 57042
(Street, RR or Box) (City)2. Amount of water claimed (c.f.s.) 5.0 - wells 480 acre feet annually2 existing wells plus up to 4 add'l wells3. Source of water supply LAKE MADISON (existing permit) & wells4. Location of point of diversion #1 well 600' west of SE corner of Sec. 22 106 N, - 52 WS $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22 T106N-R52WCounty LATE5. Counties where water will be used LATE6. Annual period during which water is to be used MARCH - NOVEMBER 30

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 _____ ss

I, Dennis Hill the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Signed Dennis HillSubscribed and sworn to before me this 16th day of December 1987

Notary Public

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5168-3
Hilde Pipe and Gravel PO Box 6
(Applicant) (Street, RR or Box)
Madison SD 57042 With the following qualifications.
(City) (State) (Zip Code)

SEE ATTACHED SHEET

Date of first receipt of application December 18, 1987.

Date of return to applicant for correction, amendments or changes required December 21, 1987.

Date of receipt of corrected application Dec 23, 1987. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 5168-3 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 December 18, 1987.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before September 3, 1990.
3. The whole of said work is to be completed on or before March 3, 1993.
4. The limit of time for proof of beneficial use of water appropriated in accordance herewith is March 3, 1997.
5. The water appropriated shall be used for the purpose of gravel washing and office use by Hilde Pipe & Gravel
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 (480 acre-feet annually) 5.00 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 industrial and sanitary uses on or before March 3, 1997. The water is to be used during the following described annual period: Mar 1 - Nov 30

WATER MANAGEMENT BOARD
 By: John Hilde
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
APR 28 1988
 _____, 19____

Qualifications for Application No. 5168-3

1. The wells approved under this Permit will be located near domestic wells and other 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 or in adequate wells having prior water rights.
2. The wells authorized pursuant to this permit shall be constructed by a licensed well driller. The geologic and hydrologic conditions encountered at these well sites preclude completion of the wells authorized by this permit in compliance with the SD Well Construction Standard 74:02:04:28, which requires 20 lineal feet of casing pressure grouted with neat cement grout. Pursuant to SD Well Construction Standard 74:02:04:75, the chief engineer grants a variance from the 20 lineal feet of cement grout requirement with the qualification that the casings of the wells must be sealed with bentonite from the static water level to the land surface.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 20" Depth 32'
- b) Casing Type STEEL Diameter 14" Thickness 1/4"
- c) Screen Type SS Diameter 14" Thickness 12' long x 3/16"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 20
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 5'
- g) Distance to nearest existing domestic well:
 On applicants property 3/8 mile On property owned by others NONE

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) Primary Outlet Capacity _____

If Pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway width _____

g) X & Y Slope

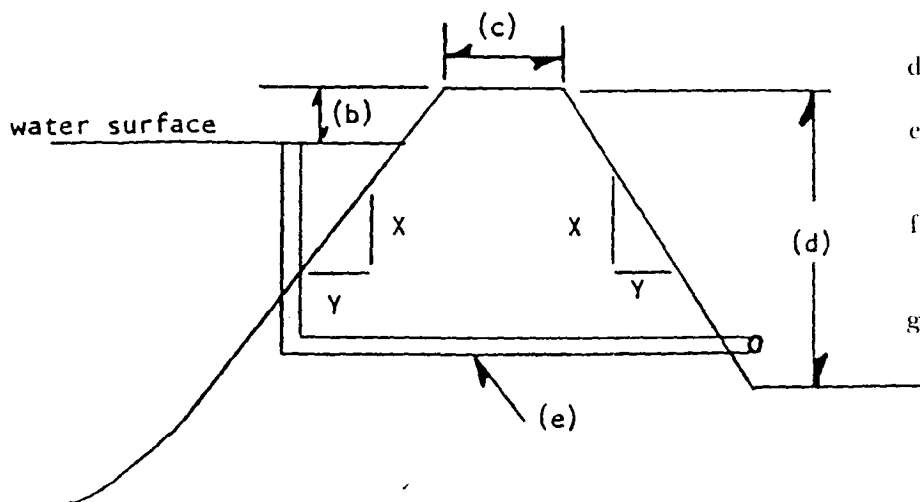
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

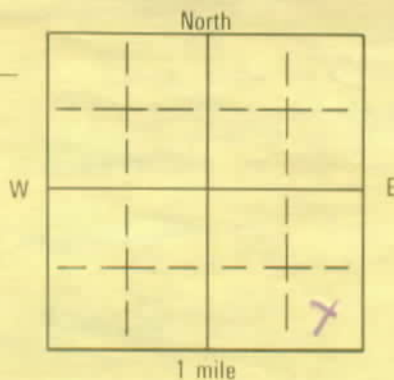
10-85

Location SE 1/4 SE 1/4 Sec 22 Twp 106N Rg 52W

County

Lake

Please mark well location with an "X"

Well Completion Date 12-3-87

PROPOSED USE:

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

Method of Drilling:

Bucket

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 1 1/2" IN Length 12' FEETMaterial Johnson Stainless SteelSlot Size .080 Set From 20 Feet To 32 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Dennis Hilde

Address _____

Well Log:

Depth

Formation

From

To

<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>Rock & gravel</u>	<u>1</u>	<u>8</u>
<u>Uniform sand</u>	<u>8</u>	<u>32</u>

STATIC WATER LEVEL 5' Feet

If flowing, closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling

Signature of License Representative:

Joan Redden

Signature of Well Owner:

Dennis HildeDate Dec 4, 1987

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411115

Pierre, December 23, 1987

RECEIVED OF Hilde Pipe & Gravel, Inc., PO Box 6, Madison SD

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

Fee for Application for Permit No. <u>5168-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	275	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	275 00

By John Hatch
Chief Engineer

JOHN HATCH

ks

HILDE PIPE & GRAVEL, INC.



P.O. Box 6
Phone 256-9158
Madison, South Dakota
57042



it looks to me as though
we would use based on 1000 hr
of Plant operation about 85-90
acre ft per year so I would think
we should be asking for 120 acre
ft. After you study this
application maybe you could give
me a call

yours Truly
Dennis Hilde

Conversation or File Documentation

NAME OF PERSON OR FILE: Hilde Pipe & GravelADDRESS: PO Box 6, Madison SD COUNTY LakeDATE: Dec 21, 1987 TELEPHONE _____RE: Spoke to Dennis Hilde regarding Appl. No. 5168-3

COMMENTS:

question: what is the proposed number wells and how many wells are currently being used?

response: 2 wells are in existence and up to 4 wells are proposed when the operation expands.

question: What is the total annual volume of water to be used and for what uses other than gravel washing?

response: The total annual volume will be approximately 480 acre-feet and water will also be used to supply a site office building.

statement: I told Mr. Hilde that based on an annual use of 480 acre-feet that the appl. fee would be \$275⁰⁰. I also asked Mr. Hilde to send a well log.

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: Ron Duvall

Report on Permit Application No.5168-3
Hilde Pipe and Gravel
January 21, 1988

Water permit application No.5168-3 proposes to appropriate 5.00 cubic feet of water per second (480 acre-feet annually) from two existing wells, and up to four additional wells, approximately 40 feet deep, to be located in the S1/2 SE1/4 Sec. 22, T106N-R52W. The water is to be used for industrial and sanitary purposes by Hilde Pipe and Gravel for gravel washing and office use. The gravel pit area is located in the S1/2 SE1/4 Sec. 22, and the NE1/4 Sec.27, T106N-R52W.

Aquifer: Big Sioux-Northern Skunk Creek

Geology and Aquifer Characteristics:

The Big Sioux-Northern Skunk Creek Aquifer is an alluvium mantled, late Wisconsin Aged outwash, of glacio-fluvial origin. The aquifer is composed of sand and gravel ranging from a fine to medium, poorly-sorted sand, to a well-sorted sand and medium gravel with minor amounts of silt and clay. The Northern Skunk Creek management unit of the Big Sioux Aquifer underlies approximately 24,700 acres of Lake County (see enclosed map), (Hansen, 1986) and contains and estimated 70,000 acre-feet of recoverable water in storage in the county (Hedges, 1982). The well log submitted with this application indicates the aquifer is approximately 35 feet thick in this area. The aquifer is generally under water table conditions, however, where the aquifer is overlain by glacial till it can be under artesian conditions. The static water level is reported to be 5 feet below land surface in this well. The general direction of water movement in the aquifer is to the south east and toward Lake Madison. Transmissivity values for the Big Sioux aquifer range from 20,000 - 42,000 ft²/day and the specific yield of the aquifer ranges from 0.10 to 0.17.

Recharge to the Big Sioux- Northern Skunk Creek Aquifer is through infiltration of precipitation falling directly on the surface of the aquifer and runoff from adjacent areas onto the surface of the aquifer. The Big Sioux-Northern Skunk Creek aquifer is hydraulically connected to Lake Madison, Lake Herman, and Brant Lake. When the levels of these lakes is higher than the water table of the aquifer, the lakes recharge the aquifer. Average annual recharge to the Big Sioux Aquifer is assumed to be 6.57 inches per year (Koch, 1980).

The Division of Water Rights monitors 5 observation wells in the Big Sioux - Northern Skunk Creek Aquifer in Lake County. The nearest Division of Water Rights observation well is located

approximately 2 miles east of this well site. Water level measurements taken from this well since 1984 indicate the water table fluctuates seasonally from 3.2 to 10.7 feet below land surface, in response to recharge events. The observation wells give no indication of a decline of the potentiometric surface of the Big Sioux-Northern Skunk Creek Aquifer.

Review of Existing Water Rights

The "1986 Irrigation Report" identifies 13 irrigation permits from the Big Sioux-Northern Skunk Creek Aquifer in Lake County. The 1986 appropriation from this management unit was 6,005 acre-feet and the 1986 pumpage from the management unit in Lake County was reported to be 699 acre-feet (Division of Water Rights, 1987). There are 8 existing ground water Permits within approximately three miles of this proposed appropriation. All of the permits except one, are for diversions from the aquifer to the north of Lake Madison. The lake is a boundary which effectively isolates the portion of the aquifer to the south of the lake from influence from withdrawals from the portion of the aquifer north of the lake.

The only existing Water Permit south of Lake Madison appropriates 0.10 cfs for commercial use, by Marrs Beach-Maurice Beyers (No. 5065-3), it is located approximately 1500 feet from the applicant's well. All of the existing Water Permits are qualified with the standard well interference qualification.

Application No. 1432-3 to appropriate 1.2 cfs. to irrigate 85 acres from a Big Sioux-Northern Skunk Creek Aquifer well located in Sec. 7, T106N-R52W was rejected by the Water Resources Commission because of the proximity of the proposed diversion point to the City of Madison's future use area.

The Division of Water Rights has Record of several existing domestic wells within approximately 3 miles of the applicant's well.

Conclusions

1. The Big Sioux-Northern Skunk Creek Aquifer is a viable aquifer, and water is available for this appropriation.
2. The Big Sioux-Northern Skunk Creek Aquifer and Lake Madison are hydraulically connected and recharge from leakage from the lake may theoretically increase with increased withdrawals from the aquifer. The lake is a hydrologic boundary which isolates the portion of the aquifer south of the lake from influence from withdrawals from the portion of the aquifer north of the lake.

3. Well interference should not be a problem for nearby adequate wells, the effect of withdrawals may cause only a few feet of drawdown in other wells.
4. For all practical purposes, the portion of water to be used for gravel washing is primarily a non-consumptive use.



Kent Buhler
Natural Resources Engineer

References

- Hedges, L.S., S.Burch, D.Iles, R.Barrari, R.Schoon; 1982, Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, US Army Corps of Engineers contract DACW 45-80-C-0185, SD DWR-Office of Geological Survey, Vermillion, South Dakota
- Koch, N.C., 1982, Appraisal of the Water Resources of The Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota, USGS, Water Resources Investigation 80-100, Huron, SD, 57350
- Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, USGS, Water Resources investigation 84-4209, Huron, SD, 57350
- Division of Water Rights, 1987, Observation Well, Domestic Well, and Water Permit Files, DWR-Division of Water Rights, Joe Foss Building, Pierre, SD
- Division of Water Rights, 1987, 1986 Irrigation Report, DWR-Division of Water Rights, Joe Foss Building, Pierre SD

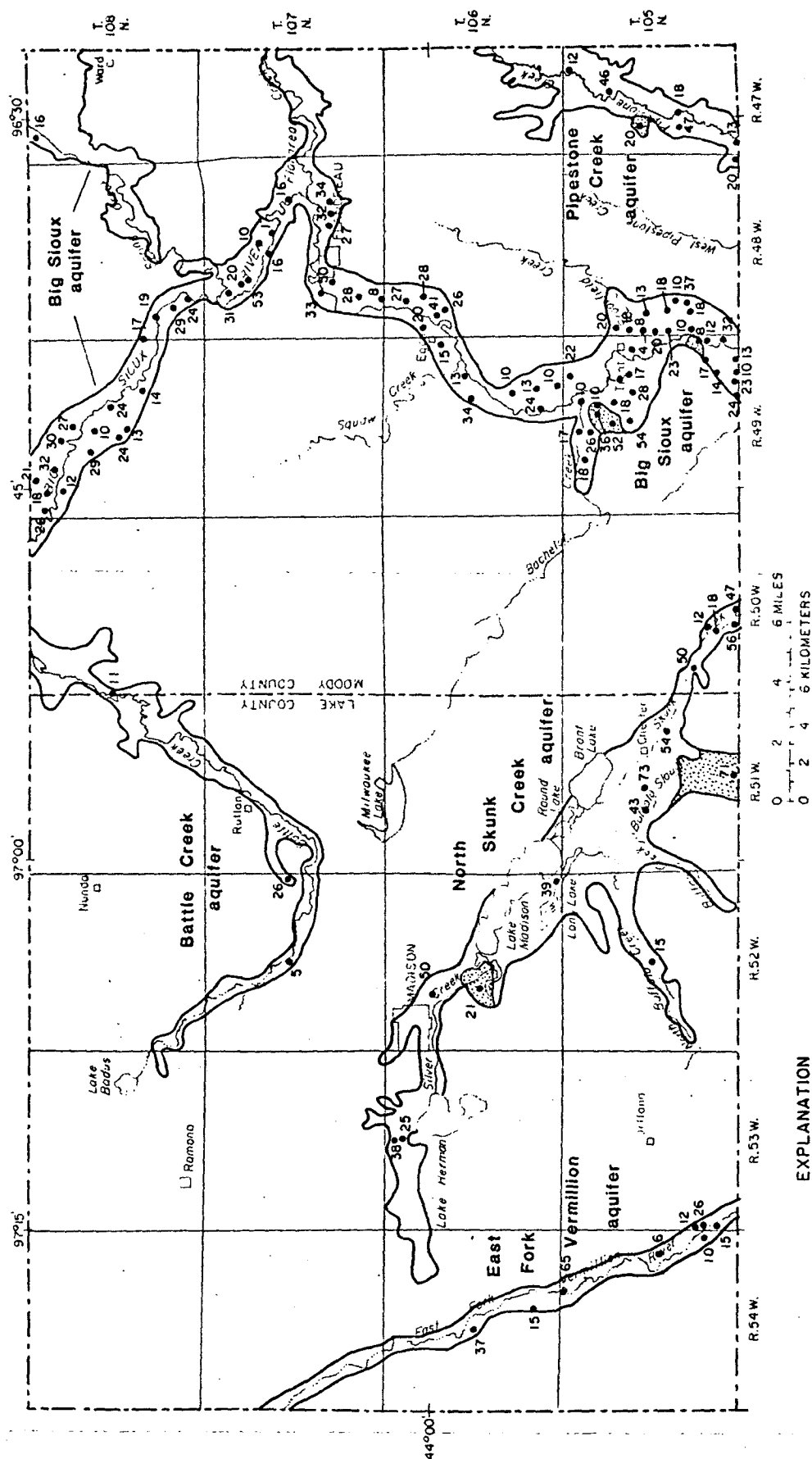


Figure 8.--Extent and thickness of the East Fork Vermillion, North Skunk Creek, Battle Creek, Pipestone Creek, and Big Sioux aquifers in Lake and Moody Counties.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5168-3, Hilde Pipe & Gravel, Inc.

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. 5168-3, Hilde Pipe & Gravel, Inc., PO Box 6, Madison SD.

The Chief Engineer is recommending APPROVAL of Application No. 5168-3 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:

1. The wells approved under this Permit will be located near domestic wells and other 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 or in adequate wells having prior water rights.
2. The wells authorized pursuant to this permit shall be constructed by a licensed well driller. The geologic and hydrologic conditions encountered at these well sites preclude completion of the wells authorized by this permit in compliance with SD Well Construction Standard 74:02:04:28, which requires 20 lineal feet of casing pressure grouted with neat cement grout. Pursuant to SD Well Construction Standard 74:02:04:75, the chief engineer grants a variance from the 20 lineal feet of cement grout requirement with the qualification that the casings of the wells must be sealed with bentonite from the static water level to the land surface.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
January 25, 1988

No. 5168-3

Instruction to Newspaper - Publish first publication of the following Notice on or before February 3, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5168-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Hilde Pipe and Gravel whose mailing address is
P.O. Box 6, Madison, South Dakota has made an application for a permit

to appropriate 5.0 cubic feet of water per second (480 acre-feet annually) from 2 existing wells and up to 4 additional wells (Big Sioux-Northern Skunk Creek Aquifer) approximately 40 feet deep to be located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22-T106N-R52W. Water is to be used for industrial and sanitary purposes by Hilde Pipe and Gravel for gravel washing and office use. The gravel pit area is located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22 and the NE $\frac{1}{4}$ Section 27; all in T106N-R52W.

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

APPROVAL of Application No. 5168-3 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, March 2 1988 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 February 19, 1988. 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 February 19, 1988.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Lake)

I, Deanna D. Bergheim hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Madison Daily 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 of Madison, SD

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

Tuesday, February 2nd, 1988

Tuesday, February 9th, 1988

Deanna D. Bergheim
(Signature)

Secretary

(Title)

Feb. 9, 1988
(Date Signed)

Cost of Printing: 37.33

NOTICE OF HEARING ON APPLICATION
NO. 5168-3 TO APPROPRIATE WATER

Notice is hereby given that Hilde Pipe and Gravel whose mailing address is P.O. Box 6, Madison, South Dakota has made an application for a permit to appropriate 5.0 cubic feet of water per second (400 acre-feet annually) from 2 existing wells and up to 4 additional wells (Big Sioux-Northern Skunk Creek Aquifer) approximately 40 feet deep to be located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22-T106N-R52W. Water is to be used for industrial and sanitary purposes by Hilde Pipe and Gravel for gravel washing and office use. The gravel pit area is located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22 and the NE $\frac{1}{4}$ Section 27; all in T106N-R52W.

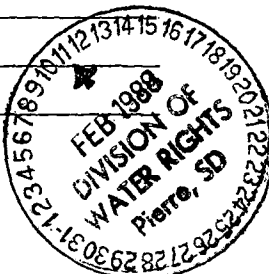
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5168-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2, 1988 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 February 19, 1988. This petition may be informal, but it must include a statement describing the petitioner's 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; 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, SD (605 773-3352) or 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 February 19, 1988.



Ericsson, Ericsson & Leibel

Richard L. Ericsson

Jay M. Leibel

Attorneys & Counselors at Law

P.O. Box 406

100 N. Egan Avenue

Madison, S.D. 57042

605-256-4597

L.F. Ericsson (1909-1979)

Robert R. Spencer (1925-1986)

February 10, 1988

Department of Water
and Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, South Dakota 57501



RE: My client, Maury Beyer, d/b/a Marr's Beach Resort
Application of Dennis & Linda Hilde for water rights,
Lake Madison, South Dakota

Dear Sir/Madam:

I am writing to you concerning my client, Maury Beyer, who does business and operates Marr's Beach, a resort on the west edge of Lake Madison, Lake County, South Dakota. Mr. Beyer has indicated to me that he has recently seen an application for water rights which is being sought by Dennis and Linda Hilde, possibly in the name of Hilde's Pipe & Gravel, Inc. Mr. Beyer does not wish to object to this application, but rather he wishes to make sure that the Department is advised and aware of a previous issue of water rights to Mr. Beyer.

It's my understanding that Mr. Beyer had secured his historic water rights by a filing with the Department on or about the 21st day of June, 1985.

Again, Mr. Beyer is not objecting to Mr. Hilde's application, but wants to make sure that you are aware of his prior rights when giving consideration to Mr. Hilde's request. By all means, if you have any questions or would like to discuss this further with either myself or Mr. Beyer, please do not hesitate to contact me. You may contact Mr. Beyer by calling him at his residence or place of business, (605) 256-3335.

Very truly yours,

R. L. Ericsson

FOR THE FIRM

RLE:so

cc: Maury Beyer

Feb. 12, 1988
(date)

page 1

Parties of Record before Water Management Board regarding Water
Permit Application No. 5168-3, Hilde Pipe and Gravel

For:

Interested:

Dennis Hilde
Hilde Pipe and Gravel
PO Box 6
Madison SD 57042

Maury Beyer
Marr's Beach
RR2, Lake Madison
Madison SD 57042

represented by:
R.L. Ericsson, attorney
Ericsson, Ericsson & Leibell
P.O. Box 406
Madison SD 57042

WATER RIGHTS DIVISION
(605) 773-3352

February 16, 1988

Dennis Hilde
Hilde Pipe and Gravel
PO Box 6
Madison, South Dakota 57042

Dear Mr. Hilde:

Enclosed is a copy of a petition received on February 12, 1988 regarding Water Permit Application No. 5168-3. This copy is to inform you that Maury Beyer has filed a petition with the Division of Water Rights.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



Department of Water & Natural Resources

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

February 19, 1988

5168-3

Richard L. Ericsson
Ericsson, Ericsson & Leibel
PO Box 406
Madison SD 57042

Dear Mr. Ericsson:

I am writing in response to your February 10, 1988 letter on behalf of your client, Maurice Beyer. You stated that although Mr. Beyer is not objecting to application No. 5168-3, Hilde Pipe & Gravel, he wanted to make sure that the Department is aware of Mr. Beyer's prior water rights.

I have enclosed a copy of the staff report, and the Chief Engineer's recommendation for Water Permit Application No. 5168-3, for your information. I have highlighted sections of each which pertain to Mr. Beyer's existing water permit and the consideration it was given.

Please let us know if you have additional questions.

Very truly yours,

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

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

enclosures

cc: Maurice Beyer
RR 2, Box 111A
Madison SD 57042



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

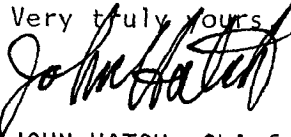
APR 28 1988

Hilde Pipe & Gravel
P.O. Box 6
Madison, South Dakota 57042

Dear Sir:

Enclosed herewith is your Water Permit No. 5168-3 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. 5168-3.

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.



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

4671-3

5168-3

August 16, 1990

Linda Hilde
Hilde Pipe & Gravel Inc.
PO Box 6
Madison, SD 57042

Dear Mrs. Hilde:

I am writing in response to your request to Jim Goodman, concerning your gravel pit. Opening the gravel pit to Lake Madison will not require a water permit or a flood control permit as long as nothing is done which will alter the stage or water level of the lake. A water permit will be needed if water is used for any purpose other than gravel washing for which you have a water permit. Since the Ordinary High Water Mark (OHWM) has been established for Lake Madison, opening the pit to the lake will in effect make the pit part of the lake and the elevation of the OHWM will be valid for the pit area also. The public will have access along the shore below the OHWM the same as the public has access to the rest of the lake.

I am not aware of any permits that are required by the Department of Water and Natural Resources. The mining permit is in order and the reclamation plan is what you propose to do. An NPDES permit is not required, unless there will be surface water discharges to the lake. I am assuming that the lots will be sewerred and a potable supply of water supplied from existing sources.

It is my understanding you have applied for a 404 permit. I contacted the Department of Game, Fish and Parks and discussed your proposal. The Department will comment on the 404 application and may have some specific recommendations. There is no permit, as such, required from the Department of Game, Fish and Parks.

If there are any questions, please feel free to contact us.

Very truly yours,

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

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

cc: Steve Pirner, Director, Division of Environmental Regulation
Tim Olson, Department of Game, Fish and Parks

REPORT ON INSPECTION OF PERMIT NO. 5168-3

DATE OF INSPECTION: 7-29-96

Other permit(s) associated with the project: Vested Right 4671-3

NAME & ADDRESS OF INSPECTION CONTACT: Dennis Hilde

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Owner

NAME & ADDRESS OF PERMIT HOLDER: Hilde Pipe and Gavel, P.O. Box 6, Madison SD 57042
(605) 256-9158

DIVERSION POINT LEGAL LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, T106N, R52W 2050' W and 610' N
of the SE corner of Section 22; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T106N, R52W 600' W of the NE corner of
Section 27.

WELL INFORMATION:

- 1) Well Drilling Firm: Lacey
- 2) No. of Wells 2
- 3) Depth(s) 20; 32 feet
- 4) Well log is available yes; yes

Casing:

- 1) Diameter 8; 14 inches
- 2) Length 15; 20 feet
- 3) Type PVC; steel

Screen:

- 1) Type PVC; Johnson stainless steel
- 2) Length 5; 12 feet
- 3) Static water level 5; 5 feet

Pump: There are two pumps used for the well in Section 22. One pump at the office and one for the truck washing area.

- 1) Make Jakuzi; Demin
- 2) Model #
- 3) Size #
- 4) Capacity 10; 50 GPM

Motor:

- 1) Make General Electric; General Electric
- 2) Model No. #
- 3) Horsepower rating ½; ½ hp

Pump: Well in Section 27 well used for sand and gravel washing.

- 1) Make Western Landroller
- 2) Model #
- 3) Size #
- 4) Capacity 350 GPM

Motor:

- 1) Make Isuzu diesel
- 2) Model No. #
- 3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 6 inches 3) Length 1190 feet
- 1) Type plastic 2) Size 3/4 inches 3) Length at office
- 1) Type fire hose 2) Size 2 inches 3) Length # feet

DUGOUT INFORMATION: Two settling ponds.

- 1) Approximate storage 2 and 3 ac-ft

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

Permit No. 5168-3
Big Sioux River - Water District

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

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

I have this day, July 29, 1997 made a thorough examination of the water use system constructed by Hilde Pipe and Gravel of P.O. Box 6, Madison SD 57042 holder of Permit No. 5168-3, bearing the priority of December 18, 1987 authorizing the diversion of 5.0 cu. ft. per second of the waters of Big Sioux - Northern Skunk Creek Aquifer for industrial and sanitary purposes, in Lake County.

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

A. Works used to divert the water:

Well in Section 22 is 20 feet deep with a Jakuzi pump with a 10 gpm capacity and a General Electric motor rated at $\frac{1}{2}$ hp used for the office. From the same well a Demin pump with a 50 gpm capacity and a General Electric motor rated at $\frac{1}{2}$ hp used for truck washing.

Well in Section 27 is 32 feet deep with a Western Landroller pump with a 350 gpm capacity and an Isuzu diesel motor rated at 50 hp used for the sand and gravel washing operations.

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

$\frac{3}{4}$ " plastic pipe for the office; 4" firehose for the truck washing; and 1190' of 6" steel pipe for the sand and gravel washing operations.

C. Works used to apply water to beneficial use:

Water supply for the office, sprayers for the truck washing and sand and gravel washing.

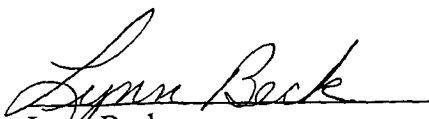
The system is in the following condition good. The point of diversion is located 2050' W and 610' N of the SE corner of Section 22 and 600' W of the NE corner of Section 27; all in T106N, R52W. The works are capable of diverting and conveying to the place of use 0.91 cu. ft. per second of water and/or storing 5 acre-feet of water which is to be used for industrial and sanitary purposes. Water has been put to beneficial use to the maximum extent as follows:

Water supply for the office, truck washing, and the sand and gravel washing operations.

The license should be issued for 0.91 cfs and/or 5 acre-feet of storage.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none


Lynn Beck

Natural Resources Engineer
DENR, Water Rights Program

8-18-97
Date

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



HEL 100

106-52

7811

138

T1936

2 15.4 NHE4NW

3 3.8 NHE4NW

63.5

Lake
Madison

22

106-52

853
NC

130
NHE4NW

2 293 NHE4NW

Garold
T-X-A

Well

2050'

610'

7841

Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
8-18-97



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 20, 1997

5168-3

Hilde Pipe and Gravel
Dennis Hilde
P.O. Box 6
Madison, SD 57042

Dear Mr. Hilde:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5168-3, 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 investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

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

RECEIPT

Division of Water Rights

415447

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 25, 19 97

RECEIVED OF Hilde Pipe & Gravel, Inc., P.O. Box 6, Madison, SD 57042

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5168-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

STATE OF SOUTH DAKOTA

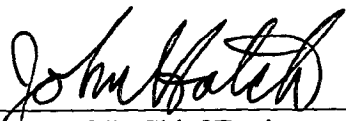
WATER LICENSE NO. 5168-3

(1) Hilde Pipe & Gravel, PO Box 6, Madison, SD 57042-0006 made Application No. 5168-3, December 18, 1987, for a water permit to divert 5.00 cubic feet of water per second from ground water (2 existing wells and up to four additional wells), Lake County, South Dakota for industrial and sanitary purposes. Permit No. 5168-3, with a priority date of December 18, 1987 was approved March 3, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 3, 1993 and for the application to beneficial use of said water on or before March 3, 1997.

(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 0.91 cubic feet of water per second for beneficial use. The location of the diversion points are 2,050'W and 610'N of the SE corner of Section 22 (SW¼ SE¼) and 600'W of the NE corner of Section 27 (NE¼ NE¼), all in T106N, R52W. Two settling ponds, used as part of the gravel washing operation, are located in the N½ NE¼ Section 27 and are capable of storing a total of 5 acre feet of water.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The well in Section 22 supplies water to the office and the truck washing area. The well in Section 27 supplies water for the sand and gravel washing operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hilde Pipe and Gravel, PO Box 6, Madison, SD 57042-0006 the holder and/or owner of Water Permit No. 5168-3 is issued a license to appropriate water, the right to use 0.91 cubic feet of water per second from ground water (two wells) with a priority date of December 18, 1987 from the location specified in (2) of this license, for sanitary and industrial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5168-3 and subject to South Dakota State Law.



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

NOV 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

5168-3

Dennis Hilde
Hilde Pipe and Gravel
P.O. Box 6
Madison, SD 57042-0006

Dear Mr. Mr. Hilde:

Enclosed is Water License No. 5168-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415447 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. 5168-3, 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

gm
enclosures

Water Rights Program - File Documentation

NAME: Hilde Pipe & Gravel, Inc.

ADDRESS: PO Box 6, Madison SD 57042

DATE: 4-25-2001 **COUNTY:** Lake **TELEPHONE:** 605 256-9158

RE: Cancellation of Water Right No. 4671-3

COMMENTS:

Based on return of the 2000 SD Water Use Questionnaire, I called and talked with Mrs. Dennis Hilde. Linda Hilde indicated that Hilde Pipe & Gravel has abandoned the use of water from Lake Madison in their operation. Mrs. Hilde stated their operation utilizes water from 2 wells and 2 settling ponds authorized by Water Right No. 5168-3.

Mrs. Hilde concurred that the water right from Lake Madison could be cancelled because that water source has been abandoned. I told her they would be notified of the time, date and place of hearing once the water rights are scheduled for cancellation.

Karen Schlaak

Karen Schlaak
Environmental Scientist

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Dennis Hilde

ADDRESS: PO Box 6, Madison, SD 57042

DATE: August 25, 2009

TELEPHONE: (605)256-9158

RE: Status of Water Right No. 5168-3 Water Permit No. 5854-3

COMMENTS:

In the preparation of the staff report for Water Permit Application No. 7136-3 for Big Sioux Community Water, a review of the existing water rights/permits from the BS:NSC aquifer identified Water Right No. 5168-3 and Water Permit No. 5854-3 as having questionable status. I contacted Mr. Dennis Hilde to discuss the water right and water permit.

Mr. Hilde informed me that Water Permit No. 5854-3 was never developed. Originally, rural water did not appear to be an option and the Hilde's intended to supply a housing development with water authorized by this water permit. Since the water permit was approved, there has been a change in management at the rural water system, the housing development is supplied by the rural water system and Water Permit No. 5854-3 was never developed. Mr. Hilde agreed that Water Permit No. 5854-3 can be scheduled for cancellation since it was never developed.

Regarding Water Right No. 5168-3, Mr. Hilde informed me that he and his wife sold the gravel washing plant several years ago and Lacey Well Company pulled the pump from the well two summers ago and temporary capped the well. I informed Mr. Hilde that the water right appears to have been forfeited, and should be scheduled for cancellation. Mr. Hilde agreed there has been at least three years since the Water Right was used. Although Mr. Hilde stated that they had considered using water from the well if it should become necessary to aerate a couple of ponds, he agreed the Water Right can be scheduled for cancellation.

I informed him that if a new water permit is desired, we would have to consider the water availability at the time of the application. At this time the BS:NSC is heavily appropriated. A permit to aerate may have to be a temporary permit.



Ken Buhler
Natural Resources Engineer

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Linda Hilde

ADDRESS: PO Box 6, Madison, SD 57042

DATE: May 27, 2010 TELEPHONE: (605)256-2882

RE: Status of Water Right No. 5168-3

COMMENTS:

I contacted Mrs. Hilde for clarification on the August 25, 2009 phone call I had with Dennis Hilde regarding the status of Water Right No. 5168-3. The Hildes have closed the sand and gravel operation so the well for the wash plant was abandoned. However, the second well associated with this Water Right, which was originally used to supply water for the office for the sand and gravel operation is still in operation. The office is used for a "housing" business of the Hilde's and also for Linden Studios, Mrs. Hilde's commercial pottery.

Water Right No. 5168-3 has not been abandoned and should not be cancelled.

A handwritten signature in black ink, appearing to read "Ken Buhler", is written over a horizontal line.

Ken Buhler
Natural Resources Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 16, 2025

5168-3

Woodland Marina II LLC
5735 E 41st St
Sioux Falls SD 57110

Hilde Pipe & Gravel
PO Box 6
Madison SD 57042

To whom it may concern:

I am writing today in regard to SD Water Right No. 5168-3, which is currently held by Hilde Pipe & Gravel.

Water Right No. 5168-3 authorizes the diversion of water at a rate of 0.91 cubic feet of water per second (approx. 410 gpm) from 2 wells (approximate locations on attached map), for sanitary and industrial use in a gravel mining operation.

Our records show that the gravel operation was abandoned in the mid-2000s; however, the water right remained active since water was being used for other purposes.

With this letter, I am hoping to confirm that use of the wells authorized under Water Right No. 5168-3 has been abandoned and schedule the water right for cancellation consideration by the Water Management Board.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Eric w/ Woodland Marina II LLC

DATE: 04-23-2025

TELEPHONE: 1 605-351-1689

RE: Ownership/status of WR No. 5168-3

COMMENTS:

After receiving my letter dated April 16, 2025, Eric called to report that Woodland Marina II LLC had purchased the gravel pit site from Hilde years ago and that the operation had been maintained to aid in development of the marina area. He claimed the LLC was unaware that a water right needed to be transferred but was agreeable to doing so.

He also reported that Well #1 had been plugged by Hilde in the early 2000s but that Well #2 was operational.

Ownership paperwork for Water Right No. 5168-3 will be sent for completion.



Amanda Dewell
Water Rights Program

5168-3

RECEIVED

MAY 01 2025

OFFICE OF
WATER

RECEIVED

MAY 01 2025

OFFICE OF
WATER

PAID

MAY 01 2025

Ck# 2505

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5168-3

Date: 4/28/25

I/We request that Water Right/Permit No. 5168-3 formerly owned by:
Hilde Pipe & Gravel - Madison SD be transferred to:

New Owner Name: Woodland Marina II LLC
Address: 5735 E 41st St mobile: 605-351-1689
City, State, Zip: Sioux Falls SD 57110 email: eric@C-Lemme.com

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

1 well (0.91cfs = 408gpm) for industrial & sanitary purposes in a gravel washing/mining operation

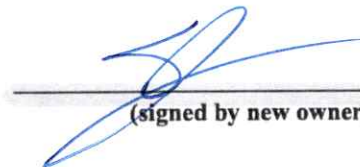
*EMMAILED SHANNON S. 2 2025

☒ I understand that the validity of Water Right/Permit No. 5168-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Eric Johnson (Manager of Woodland Marina II LLC), the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

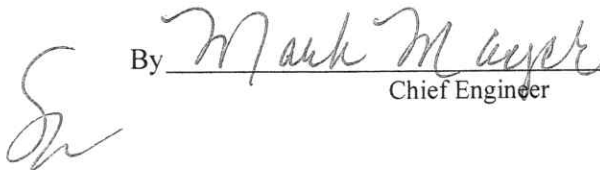
Date May 1st 2025

RECEIVED OF Woodland Marina II LLC 5735 E 41st St Sioux Falls SD 57110

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 #5168-3	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$50.00

By

 Mark Mayer

Chief Engineer