

Considered: _____

WATER PERMIT NO. 5336-3

HAP No. same 256-3991

Name of Applicant Madison Country Club, Inc.

Post Office Address Box 293, Madison SD 57042

Amount of Water Claimed 0.66 cfs Total Acres 70.0

Source of Water Supply pit in tailwaters of Lake Herman

Water to be used for irrigation County Lake

About 2 miles W of Madison.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received June 22, 1989 Fee \$225.00 Remarks _____

Corrected Application Received _____ Period of Annual Use Mar 15 - Nov 15

WATER QUALITY APPROVAL RECEIVED 8/7/78 APPROVED/CONDITIONAL (Circle one)

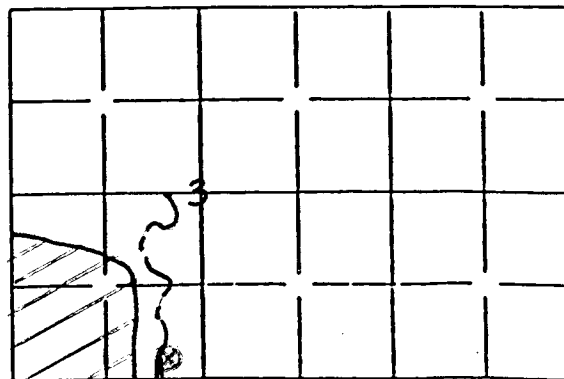
WI-1 Description same as Application YES NO REMARKS _____

Diversion Point pump pit (Lake Herman tailwaters):

SE 1/4 SW 1/4 section 3 - T106N-R53W

Land to be Irrigated SW 1/4 section 3 - T106N-

R53W



Well Log: Driller N/A Licensed YES NO

Depth of Well N/A REMARKS _____

Type of Map aerial photo PREPARED BY _____ Reviewed and the Number

assigned on June 22, 1989 By Ron Jewell

(See instructions)

No. 5336-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Madison Daily Leader, PO Box 348



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Madison Country Club, Inc. Phone No. 256-3991
Post Office Address Box 293, Madison State S.D. 57042
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 0.88 CFS Total acres irrigated 70.0
3. Source of Water supply Lake Herman-pumping pit
4. Location of point of diversion Lot 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 106 N., Range 53W
County Lake
5. Counties where water will be used Lake County, South Dakota
6. Annual period during which water is to be used March 15th through November 15th
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ -3-106-53	18.9
SE $\frac{1}{4}$ SW $\frac{1}{4}$ -3-106-53	12.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ -3-106-53	39.1

Land Description	No. Acres Irr.

Attach sheet if more space is needed

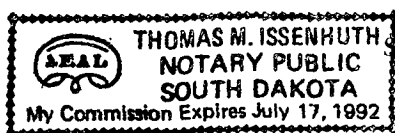
8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify) Sprinkler System
9. Crops to be Irrigated: Grass-golf course
10. Give a description of proposed project. (Attach sheet if more space is needed)
On prior application permit No. 4313-3 was issued dated 9-20-78 due to course renovation. This permit covered all of the property included in the course expansion. However, the course was renovated in 1978, but the additional nine holes was not added to the course until 1988. Applicant thought that permit No. 4313-3 gave applicant authorization to irrigate the new nine holes constructed in 1988. However, applicant was recently advised that the construction of the new nine holes had to be completed within a time frame, thereby necessitating this application.
- Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of LAKE)^{ss}

I, Rex Page, V.P., the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

MADISON COUNTRY CLUB, INC.

Signed Rex Page Vice President
Subscribed and sworn to before me this 21st day of June 19 89
Thomas M. Isenhardt
Notary Public



SOUTH DAKOTA
WATER PERMIT No. 5336-3 FOR IRRIGATION

Date of first receipt of application June 22, 1989.

Date Soil/Water Compatibility Permit received July 7, 1989.

Date of return to applicant for required corrections, changes, or amendments June 22, 1989.

Date of receipt of corrected application July 10, 1989.

The Water Management Board approved Water Permit Application No. 5336-3 on July 26, 1989 for Madison Country Club, Box 293, Madison, South Dakota 57042 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5336-3 appropriates 0.66 cubic feet of water per second (cfs) to irrigate 70 acres of a golf course expansion project located in the SW1/4 Section 3-T106N-R53W. Water is to be diverted from a pumping pit in the tailwaters of Lake Herman located in the SE1/4 SW1/4 Section 3-T106N-R53W. Water Right No. 547-3 authorizes irrigation of 54.9 acres from the same pumping point.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 15 - November 15.
3. The date from which applicant may claim right is June 22, 1989.
4. One-fifth of the construction is to be completed on or before January 26, 1992.
5. All construction is to be completed on or before July 26, 1994.
6. Water is to be put to beneficial use on or before July 26, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Approval of Permit No. 5336-3 is subject to Vested Water Right Claim No. 646-3, Department of Game, Fish and Parks. During low water levels water use under Permit No. 5336-3 may be restricted.
3. Combined diversions under Permit No. 5336-3 and Water Right No. 547-3 may not exceed 1.33 cfs for irrigation of 124.9 acres.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

SOUTH Dakota Department of
Water & Natural Resources

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

May 19, 1989

Dave Theilbar, President
Madison Golf and Country Club
PO Box 293
Madison, SD 57042-0293

Dear Mr. Theilbar:

The Lake County Conservation Officer, Mark Smedsrud has contacted the Division of Water Rights regarding the pumping of water from Lake Herman by the Madison Country Club. We have been advised that the the expansion of the golf course from 11 to 18 holes, was completed during the Fall of 1988.

Madison Country Club currently holds Vested Water Right Claim No. 547-3 and Water Permit No. 4313-3. The construction period for Water Permit No. 4313-3 expired on September 13, 1980. Any construction after September 13, 1980 is not authorized and requires a new permit.

Enclosed are application forms and an instruction sheet. You will need to complete the forms and return them to our office within the next two weeks in order for the application to be processed for the July 25-26, 1989 Water Management Board Meeting.

Pursuant to SDCL 46-1-15 and 46-5-9, no person may appropriate water or begin or carry on any construction of works for storing or using water until a permit to appropriate water has been issued. The Madison Golf and Country Club does not have authority and may not pump water on the expanded area of the golf course until a new permit is obtained.

If you have any questions concerning completion of the application forms, please contact Ron Duvall or Susan Bowar at 773-3352.

Very truly yours,



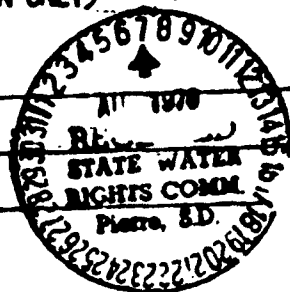
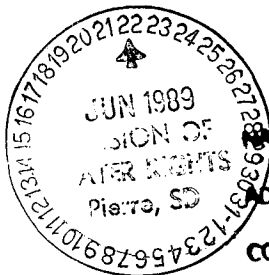
JOHN HATCH, Chief Engineer
Water Rights Division

enclosures

cc: Mark Smedsrud, Lake County Conservation Officer, RR #1 Box
86T, Wentworth, SD 57075

CONSERVATION
COMMISSION
FORM W1 01

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Madison Country Club, INC.
ADDRESS P.O. Box 293, Madison, SD 57042
COUNTY Lake

LEGAL DESCRIPTION

1. WELL LOCATION Lot 1, SE1/4 of SW 1/4, Sec. 3, T106N, R53W
2. LOCATION OF AREA TO BE IRRIGATED Portion S of RR Track in NW 1/4 of SW 1/4 of Sec. 3; Portion S of RR Track & W of Creek in NE 1/4 of SW 1/4 of Sec. 3; Portion W of Creek in SE 1/4 of SW 1/4 of Sec. 3; and SW 1/4 of SW 1/4 of Sec. 3, T106N, R53W.

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN X
4. CROPS TO BE IRRIGATED Grassland, Golf Course

WATER QUALITY

5. SAMPLE NUMBER 78-506
6. SALINITY (EC X 10⁶) 7.58 (moderately high)
7. SODIUM (SAR) 0.72 Adjusted 1.76
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from Conservation District, County Extension Office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Richard J. Hill
APPLICANT'S SIGNATURE
President, Madison Country Club, INC.

SUBSCRIBED AND SWORN BEFORE ME THIS
12 DAY OF July 1978
Robert J. Hill
(TITLE OR SEAL)
Commissioner, June 12-10-78
(SOILS INFORMATION ON REVERSE SIDE)

Albert J. Hill
APPROVED/DATE

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 23, 19 89

RECEIVED OF Arneson, Issenhuth, & Gienapp, 205 N. Egan, PO Box 28, Madison, SD 57042

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

Fee for Application for Permit No. <u>5336-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By

John Abbot Jones
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4387

WR#

OWNERS NAME: Madison Country Club, Inc. OWNERS ADDRESS: P.O. Box 293
Madison, SD 57042

COUNTY LAND LOCATED IN: Lake PHONE: 605-256-3991

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION Lot 1, SE 1/4 Sec. 3-T106N-R53W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 Sec. 3-T106N-R53W</u>	<u>18.9</u>		
<u>SE 1/4 Sec. 3-T106N-R53W</u>	<u>12.0</u>		
<u>SW 1/4 Sec. 3-T106N-R53W</u>	<u>39.1</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: (Specify) X - Sprinkler

3. CROPS TO BE IRRIGATED: Grass

WATER QUALITY:

4. WATER SAMPLE NUMBER: <u>78-506</u>	7. ADJUSTED (SAR): <u>1.76</u>
5. SALINITY (EC X 10 ⁶): <u>988</u>	8. PERCENT SODIUM: <u>12.94</u>
6. SODIUM (SAR): <u>.72</u>	

Requirements:

The area mapped as Lamo soils is subject to a seasonal high water table in which irrigation application should be limited to dry periods.



☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

☒ REQUIREMENTS

[Signature]
Director, Division of Conservation

Date 6/30/89

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

NOT TO SCALE

JUN 1989
DIVISION OF
WATER RIGHTS

JUL 1989
DIVISION OF
WATER RIGHTS
Pierre, SD

Area to be irrigated
70 A.F.
William G. Heyer PE/LS
Apr. 2011



6.2 P
Appl No. 5336-3

SOUTH Dakota Department of
Water & Natural Resources

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

June 22, 1989

Rex Page, Vice President
Madison Country Club, Inc.
Box 293
Madison SD 57042



Dear Mr. Page:

This letter is in response to the water permit application received on June 22, 1989 for the Madison Country Club. The following information is needed to complete the application:

- 1) The fee to apply for a water permit to irrigate 70 acres is \$225.00. The fee structure is outlined on the enclosed instruction sheet.
- 2) The enclosed map needs to be signed by either a South Dakota licensed land surveyor, a South Dakota registered professional engineer or a government employee that regularly prepares maps as part of his or her duties.

The water permit application can not be considered by the Water Management Board unless the application is complete. Please remit the application fee and return the enclosed map with the proper signature and title of the signer to complete this water permit application.

If you have any questions, please contact me.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

* Fee included w/ original application

** Signed - ~~Re~~ William J Heyer
PE/LS
Reg No 2711

thank you?
for 13



ARNESON, ISSENHUTH AND GIENAPP

ATTORNEYS AT LAW

205 NORTH EGAN

P.O. BOX 28

MADISON, SOUTH DAKOTA 57042-0028

June 21, 1989

THOMAS M. ISSENHUTH
DAVID R. GIENAPP

WM. R. ARNESON
OF COUNSEL

TELEPHONE NO.
256-9161
AREA CODE 605

Ron Duvall
Department of Water & Natural Resources
Division of Water Rights
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Re: Water Permit No. 4313-3

Dear Mr. Duvall:

In conformity with our telephone conversation of this morning, enclosed herewith you will find duplicate copies of Application Form No. 2 pertaining to the Madison Country Club. Attached to the application is an aerial map of the property I obtained from the local ASC office indicating the location of the property to be irrigated, and the location of the pumping pit. Also attached is a copy of the supporting information submitted in 1978 concerning the water quality to be utilized for the irrigation.

The pumping pit is located on property owned by the Madison Country Club adjacent to the major inlet on the north shore of Lake Herman.

Historically, in 1958 the Lake Herman Recreational Association, which has since changed its name to the Madison Country Club, obtained an irrigation permit for approximately 54.9 acres. In the early 1970's, the Madison Country Club purchased some farmland adjacent to its property on the west side. In approximately 1978 it was decided to renovate the existing golf course, and add an underground watering system to the nine holes. At that time the Madison Country Club submitted a permit to irrigate all of the real estate it owned, including the farm land acquired several years prior to 1978. This permit No. 4313-3 was approved on September 20th, 1978.

In the fall of 1988 the Madison Country Club decided to add a second nine holes, which was constructed on the farmland purchased in the early 1970's, which land was covered by permit No. 4313-3. The Madison Country Club, therefore, did not realize that any additional

Page Two

June 21, 1989

permits were required. However, the Madison Country Club has now been informed that the entire construction of the irrigation must be completed within a certain time frame after the permit is issued, which was not completed in this instance.

Also enclosed you will find our check payable to the Department of Water Rights in the amount of \$225.00, which I believe is the appropriate filing fee from the information furnished. It is my understanding that the Water Management Board will be meeting on July 25th through 26th, 1989, and I presume we will receive notice of the location of the meeting so that an appropriate representative of the Madison Country Club can be present.

Should any additional information be needed, please feel free to contact the undersigned. Thank you for your cooperation.

Very truly yours,

ARNESON, ISSENHUTH AND GIENAPP

By

Thomas M. Issenhuth

TMI/jp
Encls.

Conversation or File Documentation

NAME OF PERSON OR FILE: Madison Country ClubADDRESS: Box 293, Madison COUNTY LakeDATE: 6/22/89 TELEPHONE 256-3991RE: Proposed pump capacity

COMMENTS:

Contacted Rex Page, Vice President, regarding the existing and proposed pumping capacities. Mr. Page stated that the existing pumping capacity is 300gpm and the proposed capacity is 550-600gpm. Mr. Page also indicated the 1.9 acres irrigated in the NE 1/4 SW 1/4 section has been developed under existing permits and does not need to be included on this application even though outlined on the map.

Mr. Page instructed me to change the requested appropriation from 0.88 cfs to 0.66 cfs (300gpm) for a total permitted capacity of 600gpm.

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: Don Carroll

Report on Application No. 5336-3
Madison Country Club, Inc.
June 22, 1989

Application No. 5336-3 submitted by Madison Country Club, Inc. requests the appropriation of 0.66 cubic feet of water per second (cfs) to irrigate 70 acres of a golf course expansion project located in the SW1/4 of section 3, T106N-R53W. The water will be diverted from a pumping pit in the tailwaters of Lake Herman located in the SE1/4SW1/4 of section 3, T106N-R53W. Existing Water Right No. 547-3 authorizes irrigation of 54.9 acres from the same pumping point. The combined pumping rates of this application, if approved, and Water Right No. 547-3 may not to exceed 1.33 cfs for irrigation of 124.9 acres.

DISCUSSION

The Department of Game, Fish, and Parks claims vested Water Right No. 646-3 for Lake Herman for public recreational purposes. The ordinary high water mark was established by the Water Management Board at an elevation of 1669.0 feet msl. The outlet elevation was set at 1668.4 feet msl. When full, the surface acres of the lake total approximately 1,345 acres. The watershed for the lake totals 36,275 acres of drainage area.

Assuming the lake is full and up to 2 feet of water is used on the 124.9 acres (250 acre feet per year), this withdrawal would lower the lake level 2.5 inches.

Water levels measured by the Division of Water Rights and East Dakota Conservancy Sub-district on Lake Herman show that the Lake has filled to an elevation higher than the outlet in excess of 50% of the years measured. It appears that water is available to meet the needs of the golf course in most years and the impacts to Game, Fish, and Parks Water Right Claim No. 646-3 will be small in comparison to the impacts of evaporation on the lake. However, during low water levels in the lake there could be times when pumping to the golf course may have to be limited.

CONCLUSION AND RECOMMENDATION

Water is available from Lake Herman to meet the needs of this application subject to Vested Water Right Claim No. 646-3 which is held by the Department of Game, Fish, and Parks for public recreational purposes. The impacts to the lake would be a total loss of up to 250 acre feet of water out of a total of approximately 5,000 acre feet of storage. However, during times low water levels in the lake, water use restrictions may be required.

It is recommended that Application No. 5336-3 be approved with the irrigation questionnaire qualification and a qualification that water use restrictions may be imposed by the Chief Engineer during low water levels in Lake Herman.

A handwritten signature in cursive script, reading "James Winterton".

James Winterton
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5336-3, Madison Country Club, 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. 5336-3, Madison Country Club, Inc., Box 293, Madison SD.

The Chief Engineer is recommending APPROVAL of Application No. 5336-3 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. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Approval of Permit No. 5336-3 is subject to Vested Water Right Claim No. 646-3, Department of Game, Fish and Parks. During low water levels water use under Permit No. 5336-3 may be restricted.
3. Combined diversions under Permit No. 5336-3 and Water Right No. 547-3 may not exceed 1.33 cfs for irrigation of 124.9 acres.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
June 22, 1989

 **Department of
Water & Natural Resources**

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

June 23, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

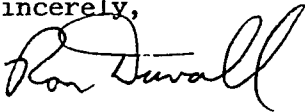
Rex Page
Madison Country Club
Box 293
Madison, SD 57042

Dear Mr. Page:

A water permit application for irrigation use has been received by the Division of Water Rights. A notice of hearing has been sent to the Publisher of the Madison Daily Leader printed at Madison SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

June 23, 1989

Madison Daily Leader
PO Box 348
Madison, SD 57042

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5336-3 to be published twice. Please publish the first notice on or before June 28, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Madison Country Club, Box 293, Madison, SD 57042.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before June 28, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5336-3 to Appropriate Water

Notice is given that the Madison Country Club, Box 293, Madison, SD 57042 has filed an application for a water permit to appropriate 0.66 cubic feet of water per second (cfs) to irrigate 70 acres of a golf course expansion project located in the SW1/4 Section 3-T106N-R53W. Water is to be diverted from a pumping pit in the tailwaters of Lake Herman located in the SE1/4 SW1/4 Section 3-T106N-R53W. Water Right No. 547-3 authorizes irrigation of 54.9 acres from the same pumping point. The combined pumping rates of this application, if approved, and Water Right No. 547-3 is not to exceed 1.33 cfs for irrigation of 124.9 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5336-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, July 26, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

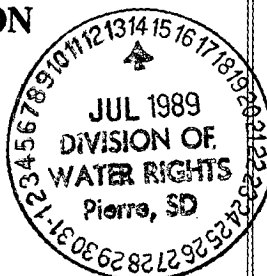
This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1,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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Lake

SS.



Deanna D. Bergheim

..... of the City of Madison,
County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Merrill D. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200

bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Notice of Hearing on Application No. 5336-3
Madison Country Club

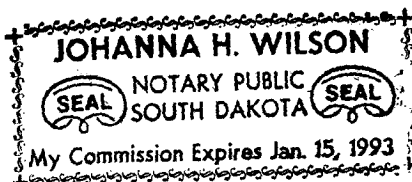
printed copy of which hereunto attached, was printed and published in the said newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 28th day of June, 19 89;
On Wednesday, the 5th day of July, 19 89;
On, the day of, 19;
On, the day of, 19;
On, the day of, 19;
On, the day of, 19;
On, the day of, 19;
On, the day of, 19;

That \$ 35.50 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Deanna D. Bergheim

Subscribed and sworn to before me this 5th day of July, 19 89



Johanna H. Wilson
Notary Public, Lake County, South Dakota.

NOTICE OF HEARING ON APPLICATION NO. 5336-3

Wed., June 28, July 5

NOTICE OF HEARING ON APPLICATION NO. 5336-3 TO APPROPRIATE WATER

Notice is given that the Madison Country Club, Box 293, Madison, SD 57042 has filed an application for a water permit to appropriate 0.66 cubic feet of water per second (CFS) to irrigate 70 acres of a golf course expansion project located in the SW 1/4 Section 3-T106N-R53W. Water is to be diverted from a pumping pit in the tailwaters of Lake Herman located in the SE 1/4 SW 1/4 Section 3-T106N-R53W. Water Right No. 547-3 authorizes irrigation of 54.9 acres from the same pumping point. The combined pumping rates of this application, if approved, and Water Right No. 547-3 is not to exceed 1.33 cfs for irrigation of 124.9 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5336-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, July 26, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building 523 E Capitol, Pierre, SD 57501 (605 773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

This application is made pursuant to 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; Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

 **Department of
Water & Natural Resources**

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

July 7, 1989

Madison County Club, Inc.
Rex Page
Box 293
Madison SD 57042

Dear Mr. Page:

Enclosed is the Report and Recommendations of the Chief Engineer
for Water Permit Application No. 5336-3.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

SEP 12 1989

Rex Page, V.P.
Madison Country Club
Box 293
Madison, SD 57042-0293

Dear Mr. Page:

Enclosed is Water Permit No. 5336-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is stylized with a large, sweeping "J" and a cursive "Hatch".

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

enclosures

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.



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 12/15/89

TO: Water Rights Division, DWNH
Joe Foss Building
Pierre SD 57501-3181

FROM: D. ELLIS —
MADISON COUNTRY CLUB PO Box 254 MADISON, SD 57052
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5336-3.

Water Permit No. 5336-3 states that the diversion system is to be constructed by 7-26-94, and that the water it put to beneficial use by 7-26-98.

The diversion system was completed on 8-1-89.
Applying the water to beneficial use was completed on 8-1-89.

You may schedule an inspection so that the Water License may be issued.

D. Ellis Accountant
signature

LICENSE FOR PERMIT NUMBER 5336-3, 4313-3 and 547-3 (Vested Water Right)

1. Legal location of wells: Point of Diversion - 2244' East and 100' North of the SW corner of Section 3-T106N-R53W, Lake County, SD

Dams and Structures None

2. Well Information: Well Drilling Firm N/A

Completion Report? Yes No X

Pump	a) make <u>Jacuzzi/Unknown Submersible</u>	Motor a) make <u>Century/Unknown</u>
	b) model <u>06M-170/Unknown</u>	b) model no. <u>284TC7</u>
	c) size <u>both 4"</u>	c) horsepower rating <u>30/20</u>
	d) capacity <u>300 (each)</u> GPM	d) serial no. <u>Unknown</u>
	e) turbine pump - no. of stages <u>3 (both)</u>	
	f) operating PSI <u>90 (both)</u>	

3. Distribution lines or canals

a) size and type 6" Steel/ 6," 4", 3" and 2.5" PVC (all Schedule 40)

c) length 10' of 6" Steel/~1000' of 6" PVC and ~4000' of 4", 3", 2.5" PVC combined

4. System Type Underground Sprinkler System

a) Make, model and number of sprinklers 100 - Model No. 85E and 80E Rain Bird Fairway Sprinklers, 63 - Model No. 55 Rain Bird Tee and Green Sprinklers

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 547-3 and 4313-3

Yes No

X 1. Soil and water permit lands agree with lands being irrigated
and lands listed on permit?

REMARKS: The combined diversion rate for Water Permits No. 4313-3 (11 acres), 5336-3 (63 acres) and Vested Water Right 547-3 (54.9 acres) may not exceed 1.33 cfs for irrigation of 128.9 acres.

Permit No. 5336-3 & 4313-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Madison Country Club of Box 293 Madison, SD 57042 holder of Permit No. 5336-3, bearing the priority of authorizing the diversion of 0.66 cu. ft. per second and/or the storage of acre-feet of the waters of the tailwaters of Lake Herman for irrigation purposes, in Lake County.

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

A. Works used to divert the water:

3 Stage Jacuzzi Pump, 4" Model 06M-170, 300 GPM @ 90 PSI; Century Motor, Model No. 284TC7 30 HP; Submersible Pump - Unknown Make and Model, 4", 300 GPM @ 90 PSI with 25 HP Motor

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

10' of 6" Steel pipe, ~1000' of 6" PVC and ~4000' of 4", 3", and 2.5" PVC combined (All PVC is Schedule 40)

C. Works used to apply water to beneficial use:

Underground Sprinkler System - 100 Model No. 85E and 80E Rain Bird Fairway Sprinklers, 63 Model No. 55 Rain Bird Tee and Green Sprinklers

The system is in the following condition Excellent. The point of diversion is located 2244' East and 100' North of the SW corner of Section 3-T106N-R53W, Lake County, SD. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for irrigation of golf course. Water has been put to beneficial use to the maximum extent as follows:

All in Section 3-T10⁶N-R53W:

NW1/4 SW1/4 = 17 acres

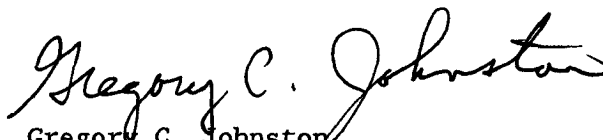
SW1/4 SW1/4 = 35 acres

SE1/4 SW1/4 = 11 acres

comprising a total of 63 acres of land and the license should be issued for 0.66 cfs.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: None Date 9/3/91

A handwritten signature in black ink, reading "Gregory C. Johnston". The signature is written in a cursive style with a large, prominent "G" and "J".

Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

Permit No. 4313-3 v 5336-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Madison Country Club of Box 293, Madison, SD 57042 holder of Permit No. 4313-3, bearing the priority of July 11, 1978 authorizing the diversion of 0.88 cu. ft. per second and/or the storage of acre-feet of the waters of tailwaters of Lake Herman for irrigation of golf course in Lake County.

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

A. Works used to divert the water:

3 Stage Jacuzzi Pump, 4", Model 06M-170, 300 GPM @ 90 PSI; Century Motor, Model No. 284TC7, 30HP; Submersible Pump - Unknown Make and Model, 4", 300 GPM @ 90 PSI with 20 HP motor

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

10' of 6" Steel pipe, ~1000' of 6" PVC and ~4000' of 4", 3" and 2.5" PVC combined (all Schedule 40)

C. Works used to apply water to beneficial use:

Underground Sprinkler System - 100 Model No. 85E and 80E Rain Bird Fairway Sprinklers, 63 - Model No. 55 Rain Bird Tee and Green Sprinklers

The system is in the following condition excellent. The point of diversion is located 2244' E and 100' N of the SW corner of Section 3-T106N-R53W, Lake County, SD. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for irrigation of golf course. Water has been put to beneficial use to the maximum extent as follows:

All in Section 3-T106N-R53W:

NE1/4 SW1/4 = 2 acres

SE1/4 SW1/4 = 9 acres

comprising a total of 11 acres of land and the license should be issued for .16 cfs.

Applicable permit qualifications have been complied with Yes X No

Exceptions to compliance are: None

Date 9/3/91

A handwritten signature in cursive script that reads "Gregory C. Johnston". The signature is written in dark ink and is positioned above the printed name and title.

Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

NOT TO SCALE

NOS. 547-3, 4313-3, 5336-3

MADISON COUNTRY CLUB

MADISON, SD

DRAWN BY: GREGORY C. JOHNSTON

Gregory C. Johnston
Natural Resources Engineer
Water Rights Division, DENR
3/11/92

62R

HEL

HEL

NC

N

1"=650'

No. 5336-3

NW $\frac{1}{4}$ SW $\frac{1}{4}$ = 17 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ = 35 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ = 11 acres
Total = 63 acres

No. 4313-3

SE $\frac{1}{4}$ SW $\frac{1}{4}$ = 9 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ = 2 acres
Total 11.0 acres

3

NE $\frac{1}{4}$ SW $\frac{1}{4}$ = 2 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ = 17 acres

LOT 1 or (NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of SW $\frac{1}{4}$) = 19 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ = 5 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ = 15.9 acres

Unnamed Creek
14.5

LOT 1
(20.9 acres)

35A. 547-3 Water Right
All in Sec 3-106-53:
SE $\frac{1}{4}$ SE $\frac{1}{4}$ = 4 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ = 30 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ = 15.9 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ = 5 acres
Total = 54.9 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ = 30 acres

20.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$ = 4.0 acres
or
RR & W Coffey's
Subdivision of
Sec. 3 & 10,
T 106N-R 53W

SE $\frac{1}{4}$ SW $\frac{1}{4}$ = 35 acres

No. 5336-3

2244'

Pt. of Division

SE $\frac{1}{4}$ SW $\frac{1}{4}$ = 11 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ = 9 acres

Tailwaters
Lake Herman

5336-3

File No. 5336-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: **Madison Country Club/ Marty -
Greenskeeper**

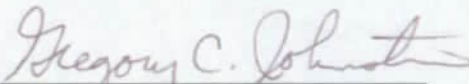
ADDRESS: **Box 293, Madison, SD 57042** COUNTY: **Lake**

DATE: **10/ 25/91** TELEPHONE: **(605)/256-9624**

RE: **Acreages attached to Water Permits assoc. w/ Madison CC**

COMMENTS:

Called Marty 10/25/91, and he returned the call later that afternoon. Needed information regarding the "renovations" associated with Water Permit No. 4313-3. Marty explained that the original 7 holes of the golf course, covering approximately 55 acres, are covered under vested Water Right No. 547-3 (1947). Marty said they added only 3 holes (or 13.6 additional acres) to the existing 7 holes on the original golf course within the Construction Period allowed under Water Permit No. 4313-3. Another nine holes were completed in 1988, but were not constructed within the time period allowed under Water Permit No. 4313-3; therefore, Water Permit No. 5336-3 was approved to cover 70 acres for the 1988 construction (9 holes). The 13.6 acres still covered by No. 4313-3 are not mentioned in the Permit Application Report for No. 5336-3 as a part of the total acreages covered by the two permits (4313-3 and 5336-3) and the vested water right (547-3). Instead of 124.9 acres covered under No. 547-3 (54.9 acres) and No. 5336-3 (70 acres), it should read 138.5 acres covered under 547-3, 4313-3 and 5336-3. The Water License Map for Nos. 547-3, 4313-3 and 5336-3 shows the breakdown of individual acres covered by each Water Permit and the vested water right as well as the total incorporated acreage licensed under the water permits and vested water right.


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

THIS AREA IS
PERMIT NO4313-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 1994

547-3

4313-3

5336-3

Madison Country Club
Bill Stromberg
P.O. Box 293
Madison, SD 57042

Dear Mr. Stromberg:

This letter is in response to receipt of the enclosed check for \$50.00 which you sent to us with your 1994 irrigation questionnaire.

Your check is being returned because the annual water rights fee is only a proposal. The fee information was provided to you to make you aware that the fees are being considered as an option to partially fund the Water Rights Division. Before any annual fee could be assessed, legislation must be passed.

I apologize for any confusion caused by our letter. Please contact me if you have any questions (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 3, 1997

5336-3

Bill Stromberg
Madison Country Club
1428 NE 4th St
Madison, SD 57042

Dear Mr. Stromberg:

Early in 1992, an investigation was conducted of the water use system described in 4313-3 and 5336-3. These two water permits, along with Vested Right No. 547-3, authorize irrigation of 128.9 acres of the golf course. The investigation of your water use system, was conducted so that a water license could be issued for the system as developed under Nos. 4313-3 and 5336-3.

Upon reviewing your water permit files, I noted that a water license was not issued following the investigation. Unless the golf course has expanded, the report prepared following the 1992 investigation should be accurate. Our intent is to issue one water license by incorporating Nos. 4313-3 and 5336-3 together.

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.

I apologize for the delay in issuance of your water license. If you have any questions concerning the findings of the investigation or the issuance of the water license, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number (No. 5336-3). This will insure proper handling of the fee.

RECEIPT

415490

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 15, 19 97

RECEIVED OF Madison County Club, Inc., P.O. Box 254, 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>5336-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John H. H. H.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5336-3**

(1) Madison Country Club Inc., Box 254, Madison SD 57042-0254 made Application No. 5336-3, June 22, 1989 for a water permit to divert 0.66 cubic feet of water per second (cfs) from tailwaters of Lake Herman, Lake County, South Dakota for irrigation purposes. Permit No. 5336-3, with a priority date of June 22, 1989 was approved July 26, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 26, 1994 and for the application to beneficial use of said water on or before July 26, 1998.

* Permits associated with this water use system:

- Vested Right No. 547-3 - with a priority date of May 1, 1947, authorizes 0.78 cfs from an unnamed creek (tailwaters of Lake Herman) to irrigate 54.9 acres.
- Water Permit No. 4313-3 - with a priority date of July 11, 1978, authorizes 0.88 cfs from an unnamed creek (tailwaters of Lake Herman) to irrigate 83.6 acres.
- Water Permit No. 5336-3 - with a priority date of June 22, 1989, authorizes 0.66 cfs from tailwaters of Lake Herman to irrigate 70 acres not developed within the construction period authorized by Water Permit No. 4313-3.

***All permits utilize the same diversion point. An investigation found the entire system is capable of diverting 1.33 cfs to irrigate a total of 128.9 acres.**

The applicable portions of Water Permit No. 4313-3 have been incorporated into this Water License No. 5336-3. Water License No. 5336-3 will be issued for a total of 0.55 cfs with the remaining 0.78 cfs of developed capacity authorized under Vested Water Right No. 547-3.

The priority dates, based on acreage, as they pertain to Nos. 4313-3 and 5336-3 are described in (3) of this license.

(2) It is certified that the permit holder 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 0.55 cubic feet of water per second for beneficial use. The location of the diversion point is 2,244'E and 100'N of the SW corner of Section 3-T106N-R53W (SE ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 3-T106N-R53W	NW ¼ SW ¼	17 acres	June 22, 1989 priority date
	SW ¼ SW ¼	35 acres	June 22, 1989 priority date
	NE ¼ SW ¼	2 acres	July 11, 1978 priority date
	SE ¼ SW ¼	20 acres	June 22, 1989 priority date (11 acres)
			July 11, 1978 priority date (9 acres)
Total acres irrigated: 74 acres			

(continued)

Water License No. 5336-3
Madison Country Club, Inc.
Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Madison Country Club, Inc, Box 254, Madison SD 57042-0254 the holder and/or owner of Incorporated Water Permit No. 5336-3 is issued a license to appropriate water, the right to use 0.55 cubic feet of water per second from the tailwaters of Lake Herman with priority dates of July 11, 1978 and June 22, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5336-3 and subject to South Dakota State Law.



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

JUN 12 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1998

5336-3

Madison Country Club, Inc.
%Bill Stromberg
Box 254
Madison, SD 57042-0254

Dear Mr. Stromberg:

Enclosed is Water License No. 5336-3 and Receipt No. 415490 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5336-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

gm
enclosures

NOTE: The applicable portions of Water Permit No. 4313-3 have been incorporated into this Water License No. 5336-3.



January 14, 2004

5336-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTICE

TO: MADISON COUNTRY CLUB, BILL STROMBERG, 1428 NE 4TH ST, MADISON, SD 57042

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5336-3, 547-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 547-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5336-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5336-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 547-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner 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.

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



5336-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 30, 2004

547-3
5336-3

Bill Stromberg
Madison Country Club
1428 NE 4th St
Madison SD 57042

Dear Mr. Stromberg:

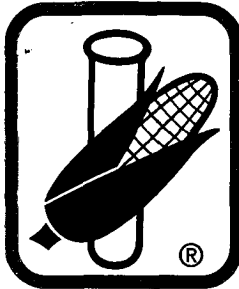
I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 547-3 and 5336-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



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WAYNE, NEBRASKA WAREHOUSE800-545-3775

MOBILE605-222-3938

FAX605-224-8788

2004

Irrigated From Late April thru October.
Tried to split Water usage in half
to fill holding pond.

Total gallons used 12,700,330.

Number taken from Flow meter in
Pumphouse Oct 29 2004

Total Number includes gallons used to
fill pipes, keeping system pressurized, drain
down for repairs, and for keeping levels
up man made hazards or ponds.

Any Questions Call 605-256-9624

Bill Stormbrech

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