

Considered: \_\_\_\_\_

WATER PERMIT NO. 5445-3

Phone: 272-5614

Name of Applicant: Pleasant Valley, Inc.

Post Office Address: Rt. 1 Box 256, Gary SD 57237

Amount of Water Claimed: 0.02cfs (9 gpm) Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Commercial (lodge) County: Deuel

About 4 miles South of Gary

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F.& C/.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 5/9/90 Fee: \$50.00 Remarks \_\_\_\_\_

Corrected Application Received \_\_\_\_\_ Period of Annual Use \_\_\_\_\_

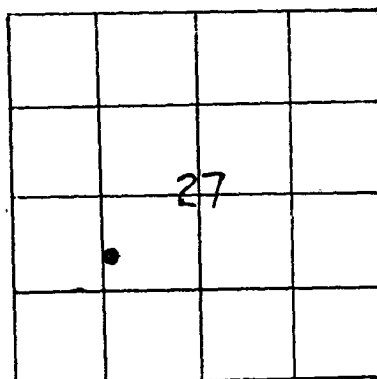
WATER QUALITY APPROVAL RECEIVED \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point: NE1/4 SW1/4 Section 27-T115N-

R47W

Land to be Irrigated: \_\_\_\_\_



Well Log: Driller: David Maas (owner of Property) Licensed YES \_\_\_\_\_ NO X

Depth of Well: 18 feet REMARKS Well was not drilled by a licensed well driller. Owner was out with a post hole digger and hit water, a plumber cased the well.

Type of Map: Plat PREPARED BY: Wayne Hauge 2249 Reviewed and the Number

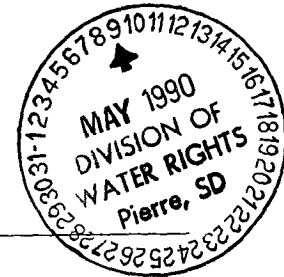
Assigned on 5/11/90 By Eric Gronlund

No. 5445-3 Hydrologic Unit 07020003  
 Map No. \_\_\_\_\_ Basin Minnesota-Whetstone  
 Newspaper Gary Interstate, Box 128, Gary, SD 57237

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. \_\_\_\_\_ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_1. Name of Applicant ~~David Maas~~ Pleasant Valley, Inc. Phone No. 605-272-5614Post Office Address Box 256, Rt. 1 Gary S.D. 57237  
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 9 gallons Per Minute3. Source of water supply Well4. Location of point of diversion N <sup>E</sup> 1/4 Sw 1/4 Section 27, T 115N  
R 47W
County Deuel5. Counties where water will be used Deuel6. Annual period during which water is to be used Jan. 1 to Dec. 31

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

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

STATE OF SOUTH DAKOTA)  
 County of Deuel ssI, Steven Maas, Pleasant Valley, Inc. 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 Steven MaasSubscribed and sworn to before me this 7 day of May 1990
Begun Steele 123-97  
 Notary Public

**SOUTH DAKOTA  
WATER PERMIT No. 5445-3**

Date of first receipt of application May 9, 1990.

Date of return to applicant for corrections, amendments or changes  
May 10, 1990.

Date of receipt of corrected application September 28, 1990.

The Water Management Board approved Water Permit Application No. 5445-3 on December 5, 1990 for Pleasant Valley, Inc., Rte. 1, Box 256, Gary, SD 57237 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. 5445-3 appropriates 0.02 cubic feet of water per second (9 gallons per minute) from one well 18 feet deep located in the NE1/4 SW1/4 Section 27 T115N, R47W.
2. The water appropriated shall be used for the purpose of supplying water to lodging facility and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is May 9, 1990.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. Approval of Permit No. 5445-3 grants a variance to South Dakota Well Construction Standards 74:02:04:30.

**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

*John H. Hatt*  
Chief Engineer, Water Rights Division  
Department of Water and Natural Resources

MAR 27 1991

(date)

# Supplemental Information

(type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 inch Depth 18 feet
- b) Casing Type Plastic Diameter 5 inch Thickness 1/4 inch
- c) Screen Type Plastic Diameter 5 inch Thickness 1/4 inch
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack 10 feet
- e) Depth to Top of Water Bearing Material 12 feet
- f) Depth to Water (ground surface to water level) 10 feet
- g) Distance to nearest existing domestic well:  
On applicants property 565 feet On property owned by others \_\_\_\_\_

## 2. Dugout Information Estimates

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

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

\_\_\_\_\_  
\_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_  
If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway width \_\_\_\_\_

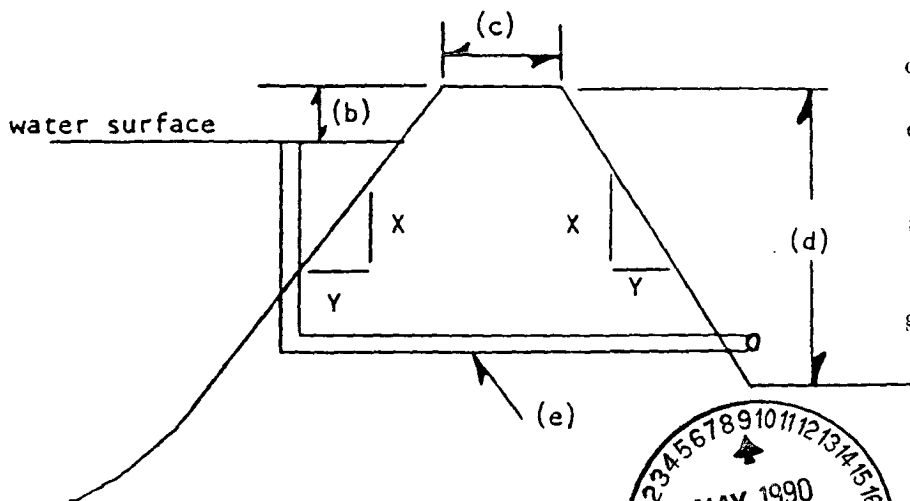
g) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Signature of Applicant \_\_\_\_\_

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412232

Pierre, May 9, 1990

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

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

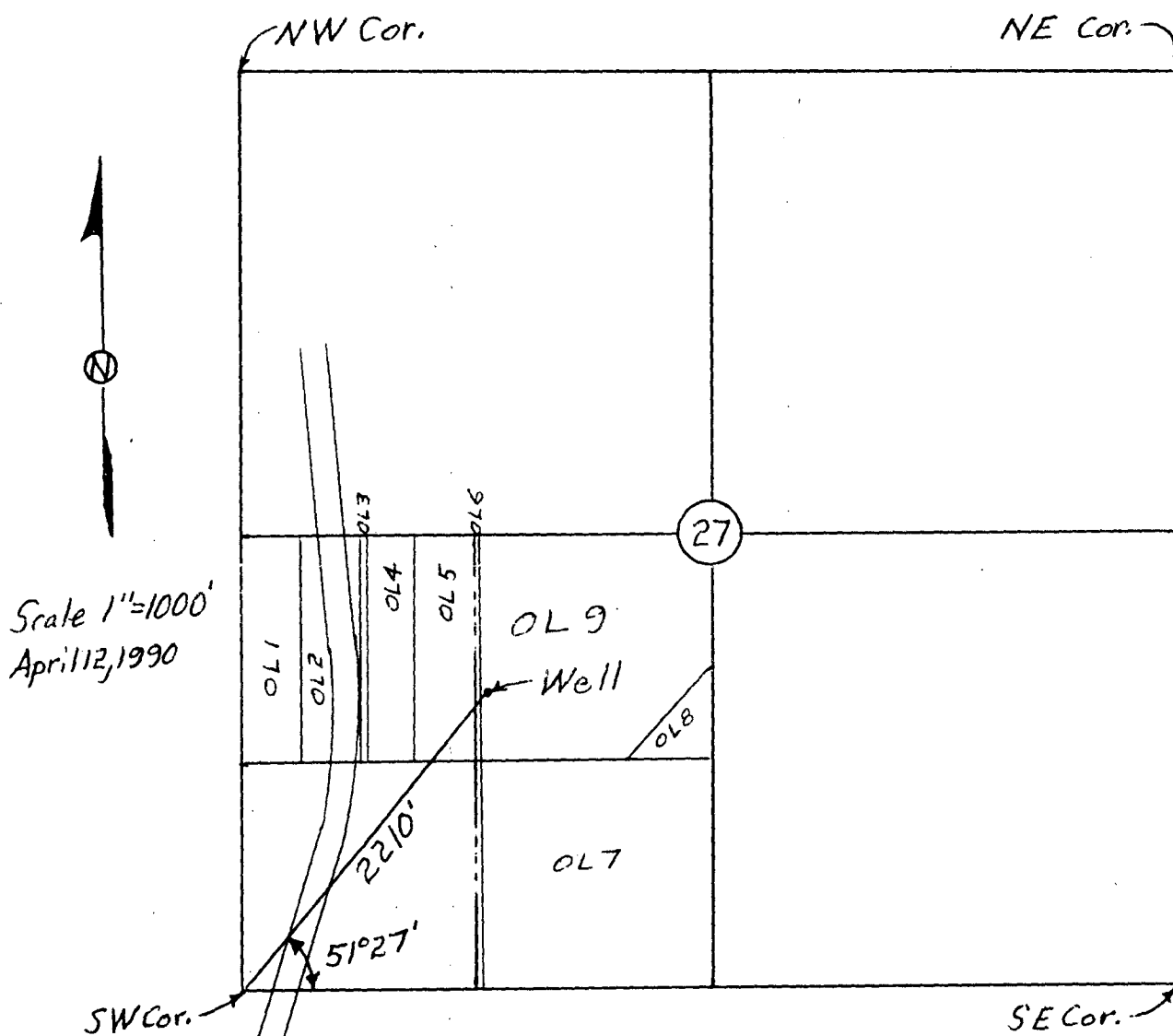
|                                                                                                                                    |       |       |
|------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>5445-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____ | 50    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                                 |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                             |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                                |       |       |
| Fee for Filing Transfer Form _____                                                                                                 |       |       |
| Fee for Filing Extension Request _____                                                                                             |       |       |
| Fee for Certified Copy of _____                                                                                                    |       |       |
| Fee for Print Copy of Map _____                                                                                                    |       |       |
| Fee for Certifying _____                                                                                                           |       |       |
| Fee for _____                                                                                                                      |       |       |
| (Any Other Work Provided by Law)                                                                                                   | Total | 50 00 |

By John Halda  
Chief Engineer

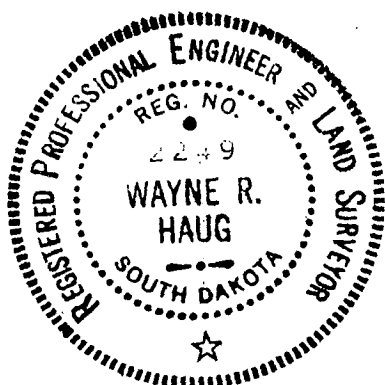
# WELL LOCATION PLAT

Pleasant Valley Corporation  
Steven Maas  
Gary, SD 57237

Located in Outlot 9 in Section 27, T115N,  
R47W of the 5th P.M., Deuel County, South Dakota.



I, Wayne R. Haug, a Registered Professional Engineer and Land Surveyor in the state of South Dakota, do hereby certify that at the request of Steven Maas, owner, I surveyed on April 12, 1990, the well location for application for well water rights and that this map is true and correct to the best of my knowledge and belief.



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

Appl. No. 5445-3

# Pleasant Valley, Inc.



Gary, South Dakota 57237  
Phone 605 272-5614



May ,7,1990

Mr. Ron Duvall  
Water Resources Engineer  
Joe Foss Bldg.  
Pierre, S.D.

Dear Mr. Ron Duvall,

Enclosed is a Water Rights application submitted on small well used to serve two cabins. These cabins are owned by David Maas and leased to Pleasant Valley, Inc. for part time lodging facilities. One of the cabins serves as a part time second residence for Mr. Maas.

I guess the right would be needed by Pleasant Valley, Inc. to use the water for commercial purposes. We are just completing the second cabin this month.

Sincerely,

  
Steven R. Maas

NAME OF PERSON OR FILE: Steven Maas

ADDRESS: \_\_\_\_\_ COUNTY Deuel

DATE: 5/10/90 TELEPHONE 272-5614

RE: Pleasant Valley, Inc.

COMMENTS:

Mr. Maas returned my phone call from the previous day.  
Items discussed:

1. Application should be in the name of Pleasant Valley, Inc.

2. Location of well is the NE<sup>4</sup>SW<sup>4</sup> Sect. 27-T115N-R47W  
as shown on Plat.

3. This well was dug by his father. His father was  
checking areas for water with a post hole digger and hit  
water sufficient for a water well. Then they called a plumber  
who cased the well and put a pump in it (18' deep).  
This was all done about a year ago. Since this well  
is ~~not~~ used for commercial purposes it is required to be drilled  
by a SD licensed well driller. I did not know the procedure  
we follow in a situation like this so I told Mr. Maas  
I would have to talk to the chief engineer and Jim Goodman and  
then I would get back to him.

*prior to having a well drilled come out*

5/11/90 Steven Maas called back to confirm the location of well in  
the NE<sup>4</sup>SW<sup>4</sup> Sect. 27-T115N-R47W

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: Eric Humlund

## Conversation or File Documentation

NAME OF PERSON OR FILE: Pleasant Valley, Inc.ADDRESS: Rt. 1 Box 256 Gary COUNTY DeuelDATE: 8/17/90 TELEPHONE 272-5614

RE: \_\_\_\_\_

## COMMENTS:

Called Steven Maas on whether <sup>the</sup> well <sup>casing</sup> had been cemented in. Mr. Maas said he had no problem doing that and will cement the well down to 5 feet in depth. He stated that the sand and gravel started at approx. 5-6 feet in depth. He is going to provide a letter when this is completed.

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: Eric Hundert

# Pleasant Valley, Inc.



Gary, South Dakota 57237  
Phone 605 272-5614

Sept. 22, 1990

Mr. Eric Gronland  
Dept. of Water  
Pierre, S.D. 57501

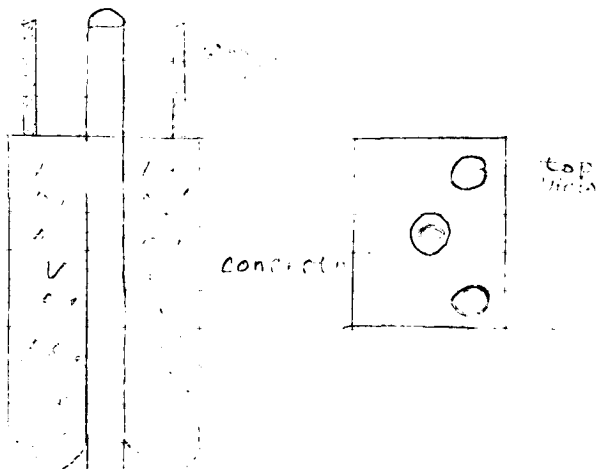
Dear Mr. Gronland,

Enclosed is a drawing of the work that we completed on the well located here. The concrete is about four feet deep around the well casing and we also put two posts in the concrete to protect the casing.

We tried to do the job as requested by your office, if you have any questions we would be glad to answer them.

Sincerely,

Steven Maas





# Water & Natural Resources

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

September 27, 1990

Mr. Steven Maas  
Pleasant Valley, Inc.  
Rt. 1 Box 256  
Gary, SD 57237

Dear Mr. Maas:

This letter is a follow-up to our August 17, 1990 conversation regarding Pleasant Valley's water permit application. During that discussion, I stated that the well casing must be cemented in accordance ARSD 74:02:04:30 (copy attached). This would entail cementing the well casing in down approximately five feet in your particular case. At that time you indicated that you would comply and send me a letter upon completion. To date, I have not heard whether you have completed this requirement.

I will await confirmation from you that this task has been carried out. Your water permit application can not be processed until the well casing has been cemented.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund  
Water Rights Division  
605 773-3352

enc.

Report On Water Permit Application No. 5445-3  
Pleasant Valley Lodge  
September 25, 1990

Application No. 5445-3 proposes to appropriate 0.02 cubic feet of water per second (9 gallons per minute) from one well 18 feet deep located in the NE 1/4 SW 1/4 Sec. 27, T115N-R47W. The water is for commercial use by Pleasant Valley, Inc., for lodging facilities.

AQUIFER: Pleistocene Unnamed (PS:U)

GEOLOGY AND AQUIFER CHARACTERISTICS:

A well log is not available for this well; therefore, the producing aquifer cannot be identified with certainty. The well used to supply water for this application is probably completed into a Pleistocene aged outwash (sand and gravel). Estimates of saturated thickness, areal extent, recoverable water in storage, and recharge are not available for this aquifer. Information Pamphlet No. 9, "The Sand And Gravel Resources in Deuel County, South Dakota", by Wayne Shroeder, SD DWNRR-Geologic Survey, identifies an area with a Fair Probability of finding sand or gravel deposits in the vicinity of this well site. However, a test hole drilled approximately 1/2 mile south west of this site did not contain sand or gravel in the upper 25 feet. A test well drilled approximately 1/2 mile north of this well site also failed to contain any sand or gravel in the upper 25 feet. The test drilling suggests the outwash is limited in areal extent.

REVIEW OF EXISTING WATER RIGHTS:

The only Water Right in the immediate vicinity of this application is Permit No. 5134-3 which belongs to Pleasant Valley Lodge. The nearest existing water permits belonging to others are approximately 2 miles from this application. There are 3 Permits, Nos. 4765-3, 2861-3 and 2980-3, located about 3 miles north of this application which are developed for irrigation.

SPECIAL CONSIDERATIONS:

Information submitted with this application and subsequent conversations with the applicant indicate that the well to be authorized by this application was dug by the well owner and was cased and plumbed by a local plumber. ARSD 74:02:01:08.01 requires that:

"when diversion is to be from a well, a log of the well or test hole signed by a licensed well driller shall be submitted to complete the application..."

If the application is regarded as complete without a signed log, it should be considered that this well was not constructed by a licensed well driller, and may not have been constructed in accordance with the SD Well Construction Standards.

In particular, South Dakota Well Construction Standard, (ARSD) 74:02:04:20 which defines an adequate well as:

"a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed, if necessary, not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed, if necessary, as near to the bottom of the aquifer as is practical, if the aquifer thickness is less than 20 feet;" and ARSD

74:02:04:30 which requires that:

"well casings for wells constructed to supply water to the public shall be pressure grouted with neat cement grout from the top of the producing aquifer to the ground surface"

During a telephone conversation with Division Engineer, Eric Gronlund, August 17, 1990, the applicant advised that the sand and gravel began 5 to 6 feet below the surface. The applicant advised in a letter dated September 22, 1990 that about four feet of concrete had been placed to grout the well casing. A variance to the well construction standards will need to be granted for this well.

#### CONCLUSIONS:

1. The data supplied in this application concerning the well is poor. However, it is likely that the well used to supply the Pleasant Valley Lodge is in the Pleistocene unnamed aquifer.
2. There is a reasonable probability unappropriated water is available for this application. This is not to imply that the geology and aquifer characteristics are such that the applicant is "guaranteed" 0.02 cfs, but rather, the water in the aquifer has not been appropriated.
3. Interference is not likely. The diversion rate for this application is not significant.
4. The Division of Water Rights does not monitor observation wells in this area.



KEN BUHLER  
Natural Resources Engineer

approved by:

JAMES A. GOODMAN, P.E.  
Natural Resources Engineer

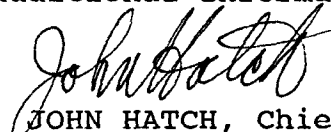
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5445-3, Pleasant Valley, Inc.

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. 5445-3, Pleasant Valley, Inc., Rt 1 Box 256, Gary SD.

The Chief Engineer is recommending APPROVAL of Application No. 5445-3 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 qualification:

Approval of Permit No. 5445-3 grants a variance to South Dakota Well Construction Standards 74:02:04:30.

See report on application for additional information.



JOHN HATCH, Chief Engineer  
October 25, 1990



# Department of Water & Natural Resources

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

October 29, 1990

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

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

Dear Mr. Maas:

Water Permit Application No. 5445-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Interstate printed at Gary SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. 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,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures



# Department of Water & Natural Resources

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

October 29, 1990

Gary Interstate  
Box 128  
Gary SD 57237

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5445-3 to be published twice. Please publish the first notice on or before November 8, 1990 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 Pleasant Valley, Inc, RR #1 Box 256, Gary SD 57237.

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,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund  
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 November 8, 1990 with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING on Application No. 5445-3 to Appropriate Water

Notice is given that Pleasant Valley, Inc., RR #1 Box 256, Gary SD 57237 has filed an application for a water permit to appropriate 0.02 cubic feet of water per second (9 gallons per minute) from one well 18 feet deep located in the NE1/4 SW1/4 Section 27-T115N-R47W. The water is for commercial use by Pleasant Valley, Inc., for lodging facilities.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5445-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposing the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 1990. 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 the petitioner's legal counsel, if legal counsel is obtained.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 am, on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 26, 1990.

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. This hearing is an adversary proceeding. Any person filing a petition opposing the application and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

# PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 ) ss.  
 County \_\_\_\_\_ )

I, Jo A. Westphal  
 certify that the attached printed Notice was taken  
 from the Gary Interstate

A newspaper which during the whole time of publication of  
 said notice herein after stated, has been and is printed and  
 published in the \_\_\_\_\_

City of Gary

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

Thursday November 1, 1990  
Thursday November 8, 1990

Jo A. Westphal  
 (Signature)  
Publisher  
 (Title)

11-13-90  
 (Date Signed)

Cost of Printing: \$51.84



## NOTICE

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The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the

application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 am, on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above hearing date will be automatically de-

layed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 26, 1990.

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 application based on the facts presented at the public hearing. This hearing is an adversary proceeding. Any person filing a petition opposing the application and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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 provided by law. Contact the Water Rights Division to request copies of information pertaining to this application to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rule 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

MAR 27 1991

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

Dear Mr. Maas:

Enclosed is Water Permit No. 5445-3 as approved by the Water Management Board authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

Permit No. 5445-3 & 5134-3

Minnesota/Whetstone 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 Pleasant Valley Inc. of Gary, SD holder of Permit No. 5445-3 & 5134-3, bearing the priority of 5/9/1990 & 10/6/1986 authorizing the diversion of 0.029 cu. ft. per second and/or the storage of 0 acre-feet of the waters of ground water for commercial purposes, in Deuel County.

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

A. Works used to divert the water:

A Monitor pump with a 4 gpm capacity and a Monitor jet pump with a 9 gpm capacity.

The system is in the following condition good. The point of diversion is located from the SW corner of Section 27-T115N-R47W: Well 1 - 1900'N 900'E, Well 2 - 1750'N 1550'E. The works are capable of diverting and conveying to the place of use 0.029 cu. ft. per second of water and/or storing 0 acre-feet of water which is to be used for commercial. Water has been put to beneficial use to the maximum extent as follows:

comprising a total of 0 acres of land and the license should be issued for 0.029 cfs and/or 0 acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none

Date 8/7/1991



Mark D. Rath  
Natural Resources Engineer II  
DENR, Water Rights Division

1. Legal location of wells: From the SW corner of Section 27-T115N-R47W, 1900'N 900'

2. Well Information: Well Drilling Firm unknown

|      |                                 |       |                                 |
|------|---------------------------------|-------|---------------------------------|
| Pump | a) make <u>Monitor</u>          | Motor | a) make <u>Linsay</u>           |
|      | b) model <u>ZA 64131</u>        |       | b) model no. <u>M61454 MZ</u>   |
|      | c) size <u>2"</u>               |       | c) horsepower rating <u>1/2</u> |
|      | d) capacity <u>4</u> GPM        |       | d) serial no.                   |
|      | e) turbine pump - no. of stages |       |                                 |
|      | f) operating PSI                |       |                                 |

## Dams and Structures

|      |                          |       |                        |
|------|--------------------------|-------|------------------------|
| Pump | a) make <u>Monitor</u>   | Motor | a) make <u>Monitor</u> |
|      | b) model <u>Jet Pump</u> |       | b) model no.           |
|      | c) size <u>2"</u>        |       | c) horsepower rating   |
|      | d) capacity <u>9</u> GPM |       | d) serial no.          |

e) turbine pump - no. of stages

f) operating PSI

3. Distribution lines or canals

a) size 3/4 inches

b) type PVC

c) length            feet

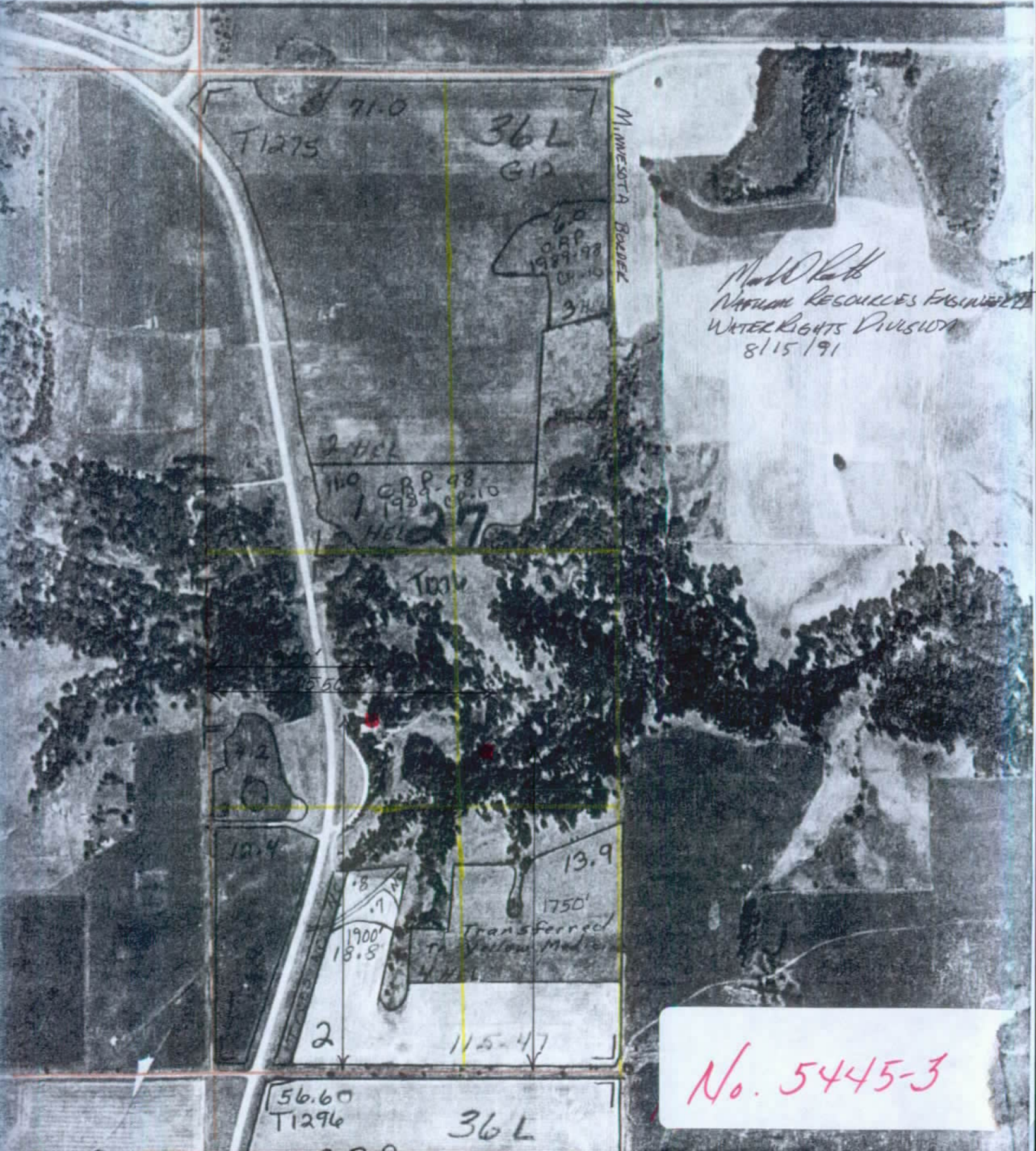
NOTE: For Permits with additional wells or changes in well locations,  
record the following for each well: pumping capacity, date  
constructed, well driller and if a well log is available.

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

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

REMARKS:

NOT TO SCALE





GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 4, 1991

5445-3

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

Dear Sirs:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5445-3 and 5134-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5134-3 will be incorporated into Water License No. 5445-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

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

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412923

Pierre, November 28, 1991

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

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

|                                                                                                                            |       |       |
|----------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                     |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5445-3</u>                | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                         |       |       |
| Fee for Filing Extension Request _____                                                                                     |       |       |
| Fee for Certified Copy of _____                                                                                            |       |       |
| Fee for Print Copy of Map _____                                                                                            |       |       |
| Fee for Certifying _____                                                                                                   |       |       |
| Fee for _____                                                                                                              |       |       |
| (Any Other Work Provided by Law)                                                                                           | Total | 50 00 |

By

John Hatch 

Chief Engineer

STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 5445-3

(1) Pleasant Valley, Inc. of RR 1, Box 256, Gary, SD 57237 made Application No. 5445-3, May 9, 1990 for a water permit to appropriate 0.02 cubic feet of water per second from groundwater, Deuel County, South Dakota for commercial purposes. Permit No. 5445-3 with a priority date of May 9, 1990 was approved December 5, 1990 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Well #1, authorized under Water Permit No. 5134-3, which carries a priority date of October 6, 1986, also supplies water to Pleasant Valley Lodge. The applicable portions of Water Permit No. 5134-3 are incorporated into this Water License No. 5445-3.

(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 0.029 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1900'N and 900'E of the SW corner (NW 1/4 SW 1/4) and Well #2 - 1750'N and 1550'E of the SW corner (NE 1/4 SW 1/4), both in Section 27, T115N, R47W.

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

(4) Pursuant to Section 46-5-30.1 Pleasant Valley, Inc. of RR 1, Box 256, Gary, SD 57237 the holder(s) and/or owner(s) of Incorporated No. 5445-3 is issued a license to appropriate water, the right to use 0.029 cubic feet of water per second from groundwater (two wells) with priority dates of October 6, 1986 (Well #1 - 0.009 cfs) and May 9, 1990 (Well #2 - 0.02 cfs) from the location specified in (2) of this license. The water is to be used for commercial purposes. This license is subject to any limitations or qualifications listed in Incorporated No. 5445-3 and subject to South Dakota State Law.

  
FEB 19 1992  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and  
Natural Resources



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

**FEB 19 1992**

5445-3

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

Dear Sirs:

Enclosed is Water License No. 5445-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412923 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5445-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures

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

January 17, 2001

## 2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

PLEASANT VALLEY INC  
RR 1 BOX 256  
GARY SD 57237

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 5445-3. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source: GROUNDWATER  
Aquifer: PLEISTOCENE SERIES  
Management Unit: UNNAMED CREEK

County: DEUEL  
Pumping Pt. Legal: SEC 27-T115N-R47W  
Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2000 water use from the above water source: 0 gallons  
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

We are using Public (Brookings Deuel Rural Water)  
in all our facilities at the present time.  
Our well is unused at the present time.  
\_\_\_\_\_  
\_\_\_\_\_

Contact Person:

Steven Maas

Telephone No:

605-272-5614

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

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: [www.state.sd.us/denr/wr](http://www.state.sd.us/denr/wr)

