

Considered: _____

WATER PERMIT NO. 5569-3

Phone: 605-947-4490

Name of Applicant: Bud's Resort

Post Office Address: RR 1, Box 83, Waubay SD 57273

Amount of Water Claimed: 8 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Day

About 7 miles north of Waubay

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 7-26-91 Fee: \$50.00 Remarks _____

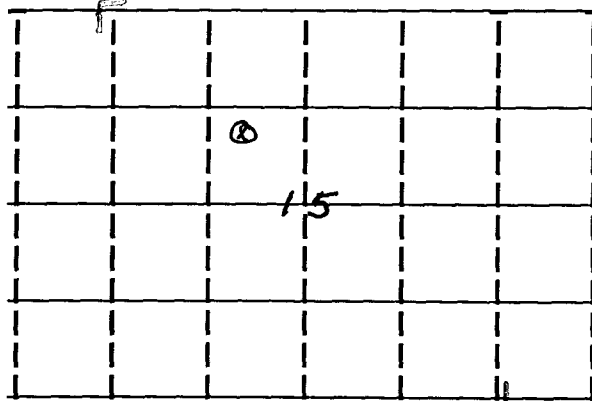
Corrected Application Received _____ Period of Annual Use May 1 - Oct 31

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

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

Diversion Point: SE 1/4 NW 1/4 Sec 15-T123N-R53W

Land to be Irrigated: NA



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 22' REMARKS no well log available - well dug by

Feldmeyer and his father

Type of Map: aerial PREPARED BY: Gayle Nelson, PA Reviewed and the Number

Assigned on 8-2-91 By Karen Schlaak

No. 5569-3 Hydrologic Unit 10160010
 Map No. _____ Basin James River
 Newspaper Waubay Clipper, 546 Main St

(Mon)

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. _____

- Name of Applicant Bud's Resort Phone No. 947-4190
 Post Office Address RRI Box 83 Waubay State SD Zip Code 57273
(Street, RR or Box) (city)
- Amount of water claimed (c.f.s) Approx 8 gals per minute (0.017 cfs)
- Source of water supply 1 1/4" sand point draw in ground 22 feet.
- Location of point of diversion In the southwest corner of shower house building located on lot #2 of sub 101-2 of Hermanns subdivision of lot 1 in Sec 15 Twp. 123 N R. 53 County Day.
(SE 1/4 NW 1/4)
- Counties where water will be used Day.
- Annual period during which water is to be used 6 months (May 1 - Oct 31)
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)
 County of _____ ss

I, Dennis Feldmeyer the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Dennis FeldmeyerSubscribed and sworn to before me this 25th day of July 19 91

JUDY HELWIG, Notary Public
 Day County, So. Dak.
 My Commission Expires 12-31-98

Notary Public (or other qualified officer)

WATER PERMIT

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

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

Date of first receipt of application _____, 19____.

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

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

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

1. The date from which applicant may claim right is _____, 19____.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.
5. The water appropriated shall be used for the purpose of _____

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for _____ on or before _____, 19____; said water to be used during the following described annual period: _____

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

**SOUTH DAKOTA
WATER PERMIT No. 5569-3**

Date of first receipt of application July 26, 1991.

Date of return to applicant for corrections, amendments or changes July 30, 1991.

Date of receipt of corrected application August 2, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5569-3 to Bud's Resort, Dennis Feldmeyer, RR 1, Box 83, Waubay SD 57273 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. 5569-3 appropriates 8 gallons per minute from one well (Coteau Lakes Aquifer) 22 feet deep located in the SE 1/4 NW 1/4 (Lot 1) Section 15-T123N-R53W.
2. The water appropriated shall be used for the purpose of supplying water to the Resort 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: May 1 - October 31.
4. The date of approval of Permit No. 5569-3 is October 15, 1991.
5. The date from which applicant may claim right is July 26, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

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

FEB 21 1992

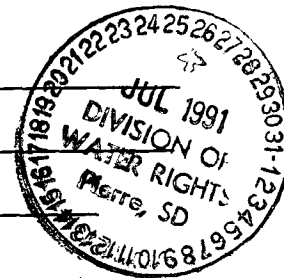
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 1 1/2" Depth 22 feet.
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type sand point Diameter 1 1/2" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 16-18 feet.
- g) Distance to nearest existing domestic well: 135 ft.
- On applicants property yes On property owned by others yes.



2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

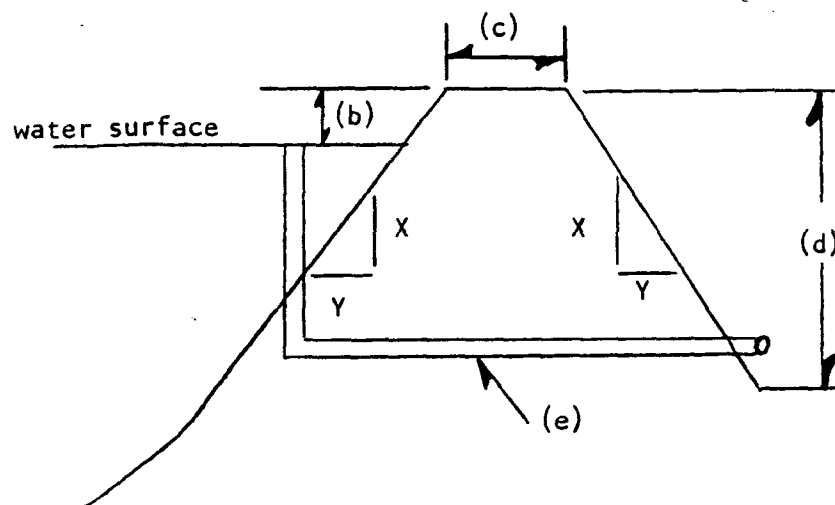
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Dennis Feldmeyer
Signature of Applicant

1991

DAY COUNTY A.S.D. OFFICE

P.O. Box 150

WEBSTER, SOUTH DAKOTA 57274

NOT TO SCALE

Gayle Nelson PA

*Oneida
Swim
Lake*

Shower house

15



123

22.2
T2947
1989
CEP
1

1-170C
J18

T33510
St. of SD

69.0
J18
T2968

1-170C
T33510

Abells

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412774

Pierre, August 2, 1991

RECEIVED OF Bud's Resort, Rt 1, Box 83, Waubay SD 57273

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

Fee for Application for Permit No. 5569-3 to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)		
Total	50	00

By

John Hatcher
Chief Engineer

KS



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1991

Bud's Resort
Dennis Feldmeyer
RR 1, Box 83
Waubay SD 57273

Dear Mr. Feldmeyer:

In regard to your water permit and vested right applications received on July 26, 1991, the following information needs to be clarified in order to process the applications.

1. On Item No. 2 of the applications, please include the maximum diversion rate in gallons per minute from each of the wells.
2. On Items B & C of the Affidavit of Water Use, would it be possible to determine a more specific date for when the wells were constructed and water put to beneficial use. You stated on a note attached with the Affidavit of Water Use that your parents owned the resort since 1951. Possibly this would be a more accurate date.
3. A well log signed by a South Dakota licensed well driller must accompany the application. If well log is not available for the more recent well, please indicate this.

We are returning the \$80.00 filing fee which you submitted. The two applications for vested rights can be combined on one form. Therefore, the filing fee will be \$15.00 for the vested right application and \$50.00 for the new permit application for a total of \$65.00.

Upon receipt of the above, further processing of your applications will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

This is all that
I can tell you about
the vested wells. My
parents owned the Resort
from 1951 until 1976
When I purchased it, ~~at~~
at that time.

My parents took
possession of resort
on Oct 1, 1951 I took
possession Oct 1, 1976

There is no well logs
available as ~~my~~ my
father and I both have
put the wells in and maintained
them ourselves.

REPORT ON APPLICATION NOS. 5569-3 AND 5570-3
for Bud's Resort
August 29, 1991

Water Permit application No. 5569-3 is to appropriate 8 gpm from one well approximately 22 feet deep located in the SE 1/4 NW 1/4 of section 15, T123N R53W within the former boundaries of the Sisseton Wahpeton Indian Reservation. Application No. 5570-3 is a Vested Right claim appropriating 12 gpm from two wells approximately 22 feet deep located in the SE 1/4 NW 1/4 of section 15, T123N R53W. Both applications are in Day County.

AQUIFER - COTEAU LAKES (COL)

The Coteau Lakes is a glacial outwash (sand and gravel) under predominantly unconfined (water table conditions). The Coteau Lakes underlies 58,200 acres and contains an estimated 130,910+ acre feet of recoverable water in storage in Day County alone (Hedges, 1982). The aquifer extends into Roberts and Codington Counties. The Coteau Lakes aquifer is hydraulically connected to some area lakes and these applications are on the shore of Enemy Swim Lake.

The Division of Water Rights monitors one observation well, DA-78D, located about 6 miles south of this application which is completed into the Coteau Lakes aquifer. Water levels for this well show good response to climatic conditions, that is, rising during wet years (recharge) and declining gradually during dry years. The record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights in this area. The diversion rates are small and interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Coteau Lakes aquifer.
2. Interference is not a problem.
3. These are all sandpoint wells and not constructed in accordance with SD Well Construction Standards for a public water supply. At a minimum these wells should be sampled frequently to determine if the water is safe for human consumption.
4. The affidavit submitted with Vested Right Claim 5570-3 indicates these two wells have been in use since October of 1951 and can claim that date for priority.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

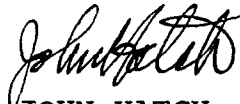
Water Rights, 1991, Observation Well Records for the Coteau Lakes Aquifer in Day County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5569-3, Bud's Resort

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5569-3, Bud's Resort, RR 1, Box 83, Waubay, SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 5569-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written above the printed name.

JOHN HATCH, Chief Engineer
September 4, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

September 5, 1991

Dennis Feldmeyer
Bud's Resort
RR 1 Box 83
Waubay, SD 57273

Dear Mr. Feldmeyer:

Water Permit Application No. 5569-3 and Vested Right Application No. 5570-3 for commercial use have 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 Waubay Clipper printed at Waubay, SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

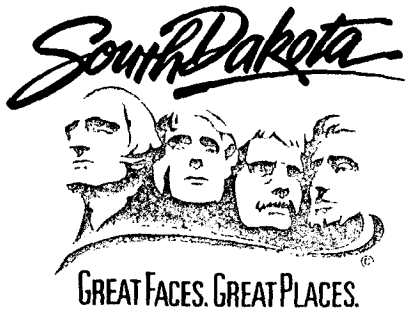
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on these applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



September 5, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Waubay Clipper
546 Main St
Waubay, SD 57273

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Water Permit Application No. 5569-3 and Vested Right Application No. 5570-3 to be published twice. Please publish the first notice on September 16, 1991, 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 Bud's Resort, RR 1, Box 83, Waubay, SD 57273.

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. No action may be taken on the permit applications until proof of publication has been received.

Sincerely,

Eric Gronlund
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 September 16, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5569-3 to Appropriate Water
and to Validate Vested Water Right Application No. 5570-3

Notice is given that Bud's Resort, RR 1 Box 83, Waubay, SD 57273 has filed applications for a water permit and to validate a vested water right claim.

Water Permit Application No. 5569-3 is to appropriate 8 gallons per minute (gpm) from one well (Coteau Lakes Aquifer) 22 feet deep located in the SE 1/4 NW 1/4 (Lot 1) Section 15-T123N-R53W. The water is used for a commercial water supply at the Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5569-3 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.

Vested Right Application No. 5570-3 is to validate a vested right claim to appropriate 12 gpm from two wells (Coteau Lakes Aquifer) 22 and 15 feet deep located in the SE 1/4 NW 1/4 (Lot 1) Section 15-T123N-R53W. The water use has a claimed priority date of October 1, 1951, and is used as a commercial water supply at the Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5570-3 because 1) water has been appropriated as described for commercial use with a priority date of October 1, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. 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 October 3, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 5569-3 and 5570-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for October 15, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If these applications are opposed or the recommendation is contested, the October 15, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The October 15, 1991, 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 applications. The request for an automatic delay must be filed by October 3, 1991.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3)

defer, or 4) deny these applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition 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 the applications or to assure access to the hearing by the handicapped.

These applications are 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, 46-2A-18; 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; 46-5-49, 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; 74:02:01:19 thru 74:02:01:22.

I, Carol Weyh, of said county and state being duly sworn, on oath save that she is a reader of the Waubay Clipper, a weekly newspaper published in Waubay of said County of Day, and of her personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least 100 copies weekly; and has been published within said County of Day on successive weeks next prior to the publication of the notice of hearing; and was and is printed wholly or in part in an office at said place of publication; that the notice of

Bud's Resort Hearing

185 lines - 11 ems

a printed copy of which is attached was printed and published in said newspaper at least once each week, for 2 weeks, on the day of each week on which said newspaper was published, to-wit:

Sept. 16, 1991

Sept. 23, 1991

That the full amount of the fees for the publication of the notice is \$ 85.49

Carol Weyh

Subscribed and sworn to before me this 30th

September 19 91

L. J. M. M.
Notary

**Notice of Hearing
on Application
No. 5569-3 to
Appropriate Water
and to Validate Vested
Water Right Application
No. 5570-3**

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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.

Vested Right Application No. 5570-3 is to validate a vested right claim to appropriate 12 gpm from two wells (Coteau Lakes Aquifer) 22 and 15 feet deep located in the SE 1/4

NW 1/4 (Lot 1) Section 15-T123N-R53W. The water use has a claimed priority date of October 1, 1951, and is used as a commercial water supply at the Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5570-3 because:

1. water has been appropriated as described for commercial use with a priority date of October 1, 1951;
2. the use has been developed without unlawful impairment of existing rights;
3. it is a beneficial use of water; and
4. it is in the public interest.

Unless a petition is filing opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT A HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. 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 October 3, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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2. the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for October 15, 1991, at 9:00 AM, in Room 413, Joe Foss Building, 523 Capitol, Pierre, SD.

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1. approve;
2. approve with qualifications;
3. defer;
4. deny these applications based on the facts presented at the public hearing.

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ERIC GRÖNLUND
NATURAL RESOURCES
ENGINEER
(Publish Sept. 16 & 23, 1991)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 21 1992

Dennis Feldmeyer
Bud's Resort
RR 1 Box 83
Waubay, SD 57273

Dear Mr. Feldmeyer:

Enclosed is Water Permit No. 5569-3 authorizing construction of your water diversion system and beneficial use of the water, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2001

Bud's Resort
Dennis Feldmeyer
RR1, Box 83
Waubay SD 57273

Dear Dennis:

I did some checking when I got back to the office about the well you are using for bait. You need a water permit for that. I am enclosing a copy of rule 74:02:01:03 uses of water which require permits. I am also enclosing water permit application forms for the bait well and a map showing the locations of the three wells that you are using. If I have made any mistakes in the location of these wells, please make the corrections the map and send it back to me.

I am enclosing the water test information that you requested. If you have any questions on these tests or when you decide to do the water testing, please contact Judene Holan with the Drinking Water Program at (605) 773-4201.

If you have any questions, feel free to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer

Enclosures (9)

Cc: Judene Holan (Letter only)

74:02:01:03. Uses of water which require permits. Water permits or water rights are required for all beneficial uses of water except vested right claims, water distribution systems, or other common distribution systems and public recreation areas diverting 18 gallons per minute or less, and reasonable domestic use. A water permit or right is required for any water source to be pumped or a well allowed to flow in excess of reasonable domestic use. Commercial use, even less than 18 gallons per minute, requires a water permit.

A water permit is not required to construct a dam or dugout on either a dry draw as defined by SDCL 46-1-6(8) or a nonnavigable watercourse if it stores 25 acre-feet or less of water.

A water permit is required to construct a dam across a navigable watercourse for any purpose. A water permit is required to construct a dam or dugout on either a dry draw or nonnavigable watercourse if it stores more than 25 acre-feet of water.

Source: SL 1975, ch 16, § 1; transferred from § 52:01:01:03, effective July 1, 1979; 9 SDR 96, effective January 30, 1983; 10 SDR 27, effective September 26, 1983; 13 SDR 49, effective October 27, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 15 SDR 158, effective April 23, 1989; 17 SDR 103, effective January 22, 1991; 20 SDR 53, effective October 20, 1993.

General Authority: SDCL 46-2-5.

Law Implemented: SDCL 46-1-5, 46-1-6(3), 46-1-6(7), 46-1-6(13), 46-2-9, 46-2-11, 46-4-1, 46-4-1.1, 46-5-1, 46-5-1.1, 46-5-2, 46-5-3, 46-5-8, 46-5-9, 46-5-10.



Well used for cabins

Well used for bait

Well used for shower house

Stacy J Johnson 10-26-01
Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program

Section 15 T123N-R53W





MAY 31 2002

Bud's Resort
Dennis Feldmeyer
RR 1 Box 83
Waubay SD 57273

Dear Mr. Feldmeyer:

Enclosed are Water Permit and License No. 6284-3 and Reissued Vested Right No. 5570-3. These are the final water right documents completing your process of obtaining Water Rights.

The well authorized by No. 5569-3 has been incorporated into No. 6284-3 as explained on the license. No. 5570-3 is being reissued to reflect actual water use.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by these water rights, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

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5569-3
5570-3
6284-3