

Considered: _____

WATER PERMIT NO. VR 5570-3

Phone: 605-947-4490

Name of Applicant: Bud's Resort

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

Amount of Water Claimed: 12 gpm Total Acres: NA

Source of Water Supply: groundwater (2 wells)

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: \$15.00 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

		8		
		15		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 22' & 15' REMARKS _____

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

Assigned on 8-2-91 By Karen Schlaak

5570-3

Mail to: Water Rights Div.

523 E. Capitol
Pierre, SD 57501
(605) 773-3352

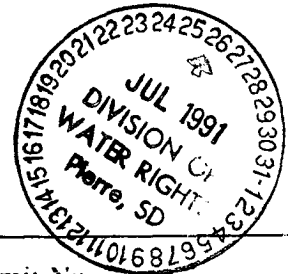
No. ~~5570-3~~ Hydrologic Unit 10160010
 Map No. _____ Basin James River
 Newspaper Waubay Clipper, 546 Main St

(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 ☐

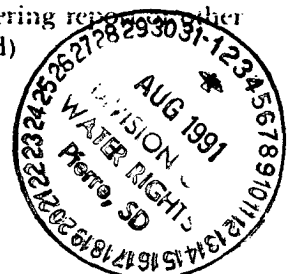
☐ Amend Permit No. _____ with old priority date retained

Change 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. 947-4490
 Post Office Address RR1 Box 83 Waubay State S.D. 57273
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s.) Approx 5 gals per minute 12gpm from 2 wells CO. 026 cfs
2 wells
- Source of water supply 1 1/4" sand point drive in the ground. Approx 15'
- Location of point of diversion In southwest corner of basement of building
known as R&B building on lot #1 of sub lot 2 of Homestead
Subdivision lot 1 in section 15 in township 123N 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 12 months Jan 1 - Dec 31
- Give a brief description of proposed project. When available include any preliminary engineering 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 _____)

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

Signed

Dennis Feldmeyer
25th day of July 1991

Subscribed and sworn to before me this

JUDY HELWIG, Notary Public
 Day County, So. Dak.
 My Commission Expires 2-19-92

Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5570-3

Date of Receipt of Claim July 26, 1991.

Date of Validation October 15, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5570-3 for Bud's Resort, RR 1, Box 83, Waubay SD 57273 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5570-3 authorizes 12 gallons per minute 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.
2. The appropriated water is used for 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 annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is October 1, 1991.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

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

FEB 28 1992

_____ date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5570-3

- (1) Bud's Resort of RR 1, Box 83, Waubay, SD 57273 made Application No. 5570-3, July 26, 1991 for validation of a vested right claim to appropriate 0.026 cubic feet of water per second (12 gallons per minute) from groundwater (two wells), Day County, South Dakota for commercial purposes. Vested Water Right No. 5570-3 was validated October 15, 1991 with a priority date of October 1, 1951. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.
- (2) The applicant is entitled to divert 0.026 cubic feet of water per second (12 gallons per minute) for beneficial use. The location of the diversion points are SE 1/4 NW 1/4 Section 15, T123N, R53W
- (3) Pursuant to Section 46-5-30.1 Bud's Resort of RR 1, Box 83, Waubay, SD 57273 the holder(s) and/or owner(s) of Vested Water Right No. 5570-3 is issued a license to appropriate 0.026 cubic feet of water per second (12 gallons per minute) from groundwater (two wells) with a priority date of October 1, 1951 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 5570-3 and subject to South Dakota State Law.



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

FEB 28 1992

REISSUED

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5570-3

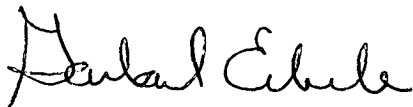
(1) Bud's Resort, RR 1 Box 83, Waubay SD 57273 was issued Vested Right Water License No. 5570-3, for validation of a vested right claim to appropriate 0.026 cubic feet of water per second (12 gallons per minute) from groundwater (two wells), Day County, South Dakota, for commercial purposes. Vested Water Right No. 5570-3 was validated October 15, 1991 with a priority date of October 1, 1951. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Right No. 5570-3 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on an October 17, 2001 investigation of the system. One well is now being used for domestic purposes only.

Water License No. 6284-3 authorizes 0.027 cubic feet of water per second (12 gallons per minute) from two wells with priority dates of July 26, 1991 and December 10, 2001.

(2) It is certified that the vested right owner is entitled to divert 0.021 cubic feet of water per second for beneficial use. The location of the diversion point is: 2,017 feet east and 3,520 feet north from the southwest corner of Section 15-T123N-R53W (SE 1/4 NW 1/4).

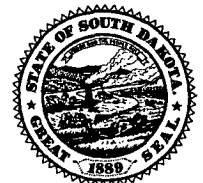
(3) Pursuant to Section 46-5-30.1 Bud's Resort, RR 1 Box 83, Waubay SD 57273 the holder and/or owner of Vested Water Right No. 5570-3 is reissued a license to appropriate 0.021 cubic feet of water per second from groundwater (one well) with a priority date of October 1, 1951 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 5570-3 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 31 2002

date



Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 1 1/4" Depth 22 feet.
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type Sandpoint Diameter 1 1/4" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 16-18 ft.
- g) Distance to nearest existing domestic well: 90 feet.
- On applicants property no 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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

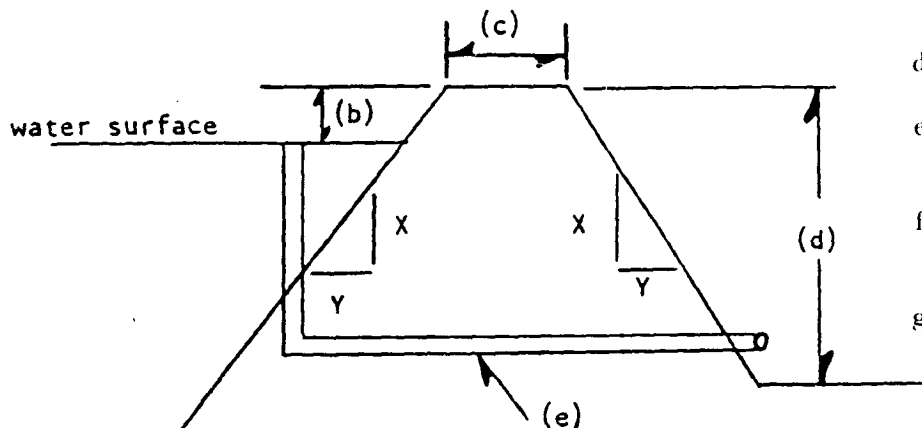
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Dennis Feldmeyer
Signature of Applicant

1991

DAY COUNTY A.S.C.S. OFFICE
P.O. Box 150
WEBSTER, SOUTH DAKOTA 57274

NOT TO SCALE

Gayle Nielson PA
Appl. No 55703

*Enner
Swim
Lake*

-cabins

15



123

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T2947
1989
CEP
1

1-170C
J18

T33510
St. of S.D.

69.0
J18
T2968

1-170C
T33510

Abells 5570-3

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 1 1/4" Depth 15 feet
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type sand point Diameter 1 1/4" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 10-12 ft.
- g) Distance to nearest existing domestic well: Approx 870 feet
- On applicants property no 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) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

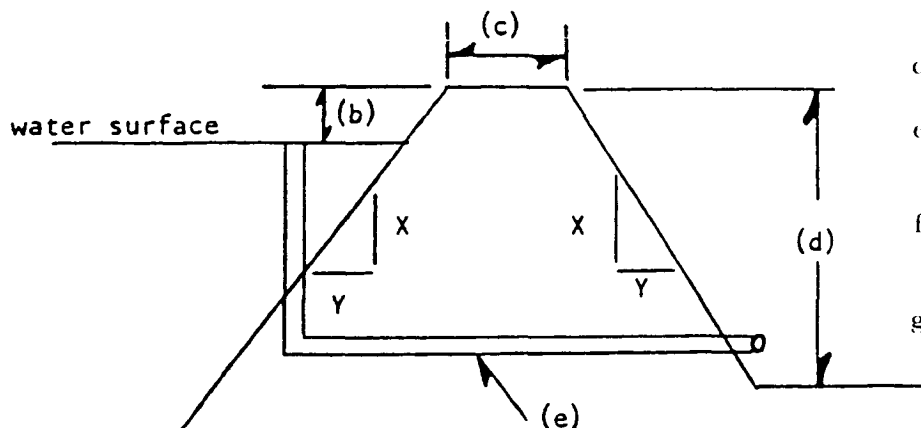
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Rennis Feldmeyer
Signature of Applicant

1991

DAY COUNTY A.S.C.S. OFFICE
P.O. Box 150
WEBSTER, SOUTH DAKOTA 57274

NOT TO SCALE

Appl. No.
5570-3

Conen
Swim
Lake

Private Use

15



123

22.2
T2947
1989
CCP
1

1-170C
J18
T33510
St. of S.D.

69.0
J18
T2968

1-170C
T33510

abells

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, ~~and~~
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 ~~was~~ my
father and I both have
put the wells in and maintained
them ourselves.

Affidavit of Water Use

No. _____

(Type or Print in Ink)

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



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

Name of Applicant (Same as Form 2) Dennis Feldmeyer DBA Birds Resort.

Post Office Address RR1 Box 31 Waubay S.D.
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____

B. Date of start of construction of water supply system Before 1955 (Oct 1 1951)
Where Book Page

C. Date that water was first applied to beneficial use Before 1955 (Oct 1 1951)

D. Name of owner of original water supply system Merton O. Feldmeyer

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used _____

Date that this water was first used Sometime ~~later~~ prior to 1955

G. Chronological History of Water Use

This water has been used in cattle operations along with Robin rentals for consumption by public.

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



State of South Dakota)

County of Day.) ss

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

Signed Dennis Feldmeyer

Subscribed and sworn to before me on July 25th, 19 91

Cindy Hilwig
Notary Public or other qualified officer

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

(Print name) 19____

(Print name) 19____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412775

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. <u>5570-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By John Hatch
Chief Engineer

KS

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.

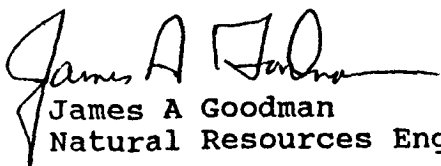
The Division of Water Rights monitors one observation well, DA-78D, located about 6 miles south of this application which is completed into the Coteau Lakes aquifer. Water levels for this well show good response to climatic conditions, that is, rising during wet years (recharge) and declining gradually 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 VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5570-3, 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 Validation of Vested Water Right Application No. 5570-3, Bud's Resort, RR 1, Box 83, Waubay, SD 57273.

The Chief Engineer is recommending VALIDATION of Application No. 5570-3 for 12 gallons per minute because 1) water has been appropriated as described for irrigation use with a priority date of October 1, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

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.

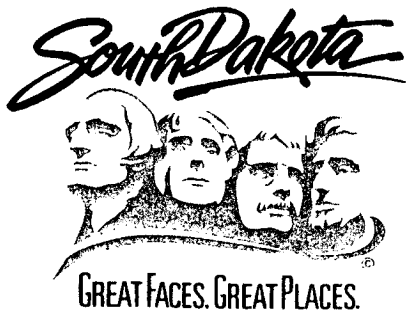
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur 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
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.

that she is a reader of the Waubay Clipper, a weekly newspaper and published in Waubay of said County of Day, and personal knowledge of all the facts herein stated; that said newspaper has a bona-fide circulation of at least 100 copies weekly; and has been published within said County of Day successive weeks next prior to the publication of the notice; 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 Waubay of said County of Day, and 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 this notice is \$ 85.49

Carol Weyh

Subscribed and sworn to before me this 30th
September 19 91

[Signature]

Notary

**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 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.

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 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;
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.

The 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.

**ERIC GRONLUND
NATURAL RESOURCES
ENGINEER**

(Publish Sept. 16 & 23, 1991)

South Dakota

GREAT FACES. GREAT PLACES.

FEB 28 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5570-3

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

Dear Sirs:

Enclosed are your Validated Vested Water Right and Water License No. 5570-3. 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.

Very truly yours,



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

enclosures

Permit No. 5570-3
James River - Water District

Other permit/license(s) associated with project: none

Contact Person & Address: Dennis Feldmeyer RR1 Box 83, Waubay SD 57273

Report Of Examination Of Works

On, October 17, 2001, I made a thorough examination of the water use system constructed by Bud's Resort of RR1 Box 83, Waubay SD 57273 holder of Permit No. 5570-3, bearing the priority of October 1, 1951, authorizing the diversion of 0.026 cu. ft. per second the waters of three Coteau Lakes Aquifer wells for commercial purposes, in Day County.

The system is in the following condition good. The point of diversion is located Water Right No. 5570-3 Well: from the SW corner of Section 15 T123N-R53W it is 2017 feet east and 3520 feet north with a longitude of -97.280119 and a latitude of 45.437467. The works are capable of diverting and conveying to the place of use 0.021 cu. ft. per second of water that is to be used for commercial purposes. The license should be issued for 0.021 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 4) Exceptions to compliance are: none

Diversion Point Information: Water Permit No. 5570-3

- | | |
|--|------------------------------------|
| 1) Well Drilling Firm: <u>Wells dug by Dennis Feldmeyer and his father</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>22</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|-----------------------------------|-------------------------------|
| 1) Diameter <u>unknown</u> inches | 2) Length <u>unknown</u> feet |
| 3) Type <u>unknown</u> | |

Screen:

- | | |
|---|-------------------------------|
| 1) Type <u>Sand point</u> | 2) Length <u>unknown</u> feet |
| 3) Static water level <u>16-18</u> feet | |

Pump\ Motor:

- | | |
|-----------------------------------|---|
| 1) Pump Make <u>Simer</u> | 2) Pump Model <u>Convertible pump 2805E</u> |
| 3) Capacity <u>9.4</u> GPM | 4) Motor Make <u>Franklin</u> |
| 5) Motor Model No. <u>unknown</u> | 6) Horsepower rating <u>0.5</u> hp |

Distribution System:

1) Type Copper pipe 2) Size unknown inches 3) Length 100 feet

COMMENTS: Water Right No. 5570-3 had two wells that were being used by Bud's Resort. One of the wells is now used for domestic purposes and it is under 18 gallons per minute (gpm). Bud's Resort has a well that it is using for bait. I have sent them the water permit application information. We should have that information back from them sometime during November 2001.

Stacy J. Johnson

Stacy J. Johnson

Natural Resources Project Engineer
DENR, Water Rights Program

12-6-01

Date



Water Right No. 5570-3 Well

From the SW corner it is 2017 feet east and 3520 feet north

Water Permit No. 5569-3 Well

From the SW corner it is 2127 feet east and 3593 feet north

Stacy J Johnson 10-31-01
Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program

Section 15 T123N-R53W





MAY 31 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5569-3
5570-3
6284-3

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