

Considered: _____

WATER PERMIT NO. VR 5572-3

Phone: 605 227-0654

Name of Applicant: Dennis J Pelkofer (Elm Lake Resort)

Post Office Address: 615 N Lincoln, Aberdeen SD 57401

Amount of Water Claimed: 20 gpm (0.044 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Brown

About 5 miles N. 8W of Frederick

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 8-9-91 Fee: \$15.00 Remarks _____

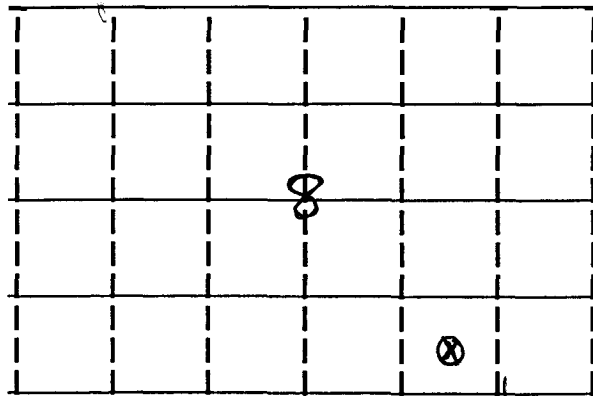
Corrected Application Received _____ Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: SE 1/4 SE 1/4 Sec 8-T128N-R65W

Land to be Irrigated: _____



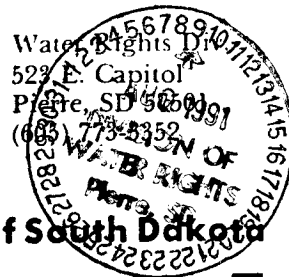
Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 30' REMARKS well log not available

Type of Map: aerial PREPARED BY: Loren K Schaller, ASCS Reviewed and the Number

Assigned on 8-12-91 _____ By Karen Schlaak

No. 5572-3 Hydrologic Unit 10160004
 Map No. _____ Basin James River
 Newspaper Brown Co News & Herald Independent
Box 557, Frederick 57441 (Wed)



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 ☐ well established prior to 1940
☐ 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 DENNIS J. PEIKISER (ELM LANE RESORT) Phone No. 605-229-0654
 Post Office Address 615 North LINCOLN - ABERDEEN SD State S.D 57401
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s) 0.044 20 gals per min
- Source of water supply ground water
- Location of point of diversion S 1/2 of SE 1/4 EAST OF RIVER
(see attached ASCS map) (SE 1/4 SE 1/4 Sec 8-T128N-R65W)
 County BROWN
- Counties where water will be used BROWN
- Annual period during which water is to be used JAN - 1 to Dec 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)

N/A

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 BROWN)^{SS}

I, DENNIS J. PEIKISER (Dennis Peikiser) 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 J. Peikiser

Subscribed and sworn to before me this 6th day of August 1991

My Commission Expires 9.24.95

Shirley K. Miller

Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5572-3

Date of Receipt of Claim August 9, 1991.

Date of Validation October 15, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5572-3 for Dennis J Pelkofer (Elm Lake Resort), 615 North Lincoln, Aberdeen SD 57401 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5572-3 appropriates 20 gallons per minute (0.044 cubic feet of water per second) from one well 30 feet deep located in the SE 1/4 SE 1/4 Section 8-T128N-R65W.
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 use.
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 January 1, 1940.
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

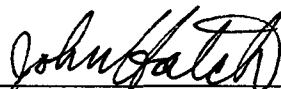
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5572-3

(1) Dennis J. Pelkofer DBA Elm Lake Resort of 615 North Lincoln, Aberdeen, SD 57401 made Application No. 5572-3, August 9, 1991 for validation of a vested right claim to appropriate 0.044 cubic feet of water per second (20 gallons per minute) from groundwater (one well), Brown County, South Dakota for commercial purposes. Vested Water Right No. 5572-3 was validated October 15, 1991 with a priority date of January 1, 1940. 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 0.044 cubic feet of water per second (20 gallons per minute) for beneficial use. The location of the diversion point is in the SE 1/4 SE 1/4 Section 8, T128N, R65W

(3) Pursuant to Section 46-5-30.1 Dennis J. Pelkofer DBA Elm Lake Resort of 615 North Lincoln, Aberdeen, SD 57401 the holder(s) and/or owner(s) of Vested Water Right No. 5572-3 is issued a license to appropriate 0.044 cubic feet of water per second (20 gallons per minute) from groundwater (one well) with a priority date of January 1, 1940 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. 5572-3 and subject to South Dakota State Law.



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

FEB 28 1992

Supplemental Information

(type or print in ink)



1. Well Information ~~Proposed construction~~ NO WELL 105 AVAILABLE

- a) Drill Hole Diameter 36" Depth 30'
- b) Casing Type Cement Diameter 36' Thickness 1 3/4 to 2"
- c) Screen Type _____ Diameter _____ 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) 15'
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others 1/4 mile

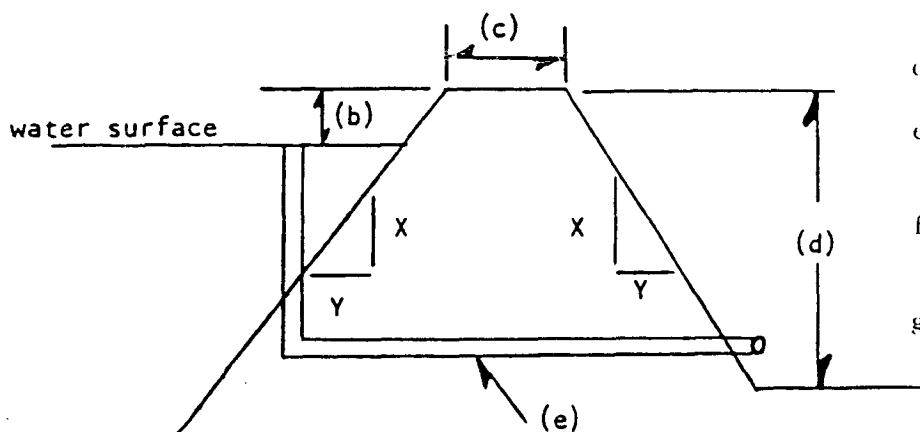
2. Dugout Information Estimates

- 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 J. Belcher
Signature of Applicant

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 and 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 J PEIKOSER (FOR ELM LAKE RESORT

(Mailing Address)
Post Office Address 615 NO LINCOLN AVE SD 57401
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1939C. Date that water was first applied to beneficial use 1940D. Name of owner of original water supply system NORMAN SEIZEE. Amount of water originally applied to beneficial use 20 gal per minF. Present Use of Water - Amount of water now being used 20 gal per minDate that this water was first used 1940

G. Chronological History of Water Use

List of Owners of PROPERTY (well)NORMAN SEIZED.C. SMITHJohn MajorDennis Peikoser

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

State of South Dakota)

County of BROWN) SS

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

Signed Dennis J. PeikoserSubscribed and sworn to before me August 6, 1991My Commission Expires 9.24.95

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.

Larry Lorenzen 8/5 1991
(Print name)

Ken Mickey 8/5 1991
(Print name)

B-1

4-10370

HIGHLY
ERODIBLE
PLANT

HIGHLY
ERODIBLE
LAYER

T10370

HIGHLY
ERODIBLE
LAYER

T-4595

T-4569

LOCATED WATER VALVE
APPROXIMATELY AT LOCATION
OF "X". UNABLE TO DETERMINE
IF A WORKING WELL.

Loren K. Schaller
County Executive Director
Brown County ASCS Office

7-30-91

4

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412788

Pierre, August 12, 19 91

RECEIVED OF Dennis J. Pelkofer, 615 N. Lincoln, Aberdeen, SD 57401

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

Fee for Application for Permit No. <u>5572-3</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 Jahn Hatch 
Chief Engineer

REPORT ON APPLICATION NO. 5572-3
for Dennis J Pelkofer, Elm Lake Resort
August 29, 1991

Vested Right Application No. 5572-3 proposes to appropriate 20 gpm from one well approximately 30 feet deep located in the SE 1/4 SE 1/4 of section 8, T128N R65W in Brown County. The water use has a claimed priority of January 1, 1940 and is used as a commercial water supply for the Elm Lake Resort.

AQUIFER - PIERRE SHALE (PIRR) OR PLIESTOCENE UNKNOWN (PS-U)

There is no well log filed with this application so geologic data is not available. However, a nearby log indicates that the Pierre shale is the most likely formation this well is completed into. Ground water is obtained from fractures in the shale which is probably hydraulically connected to Elm Lake.

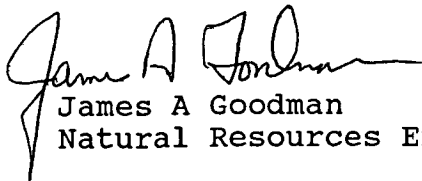
The Division of Water Rights does not monitor any observation wells in this area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights in this area.

CONCLUSIONS

1. Water is available from the Pierre shale in this area. This is an existing well and has been in use for this purpose for many years.
2. Very little information on well construction is available, however, it appears that this well is cased with concrete tile. This well would not meet SD Well Construction Standards for public water supply wells.
3. The affidavit filed with this application indicates this well has been used since 1940.



James A Goodman
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5572-3, Elm Lake Resort

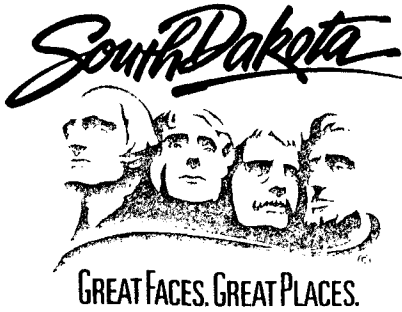
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 5572-3, Elm Lake Resort, c/o Dennis J. Pelkofer, 615 N Lincoln, Aberdeen, SD 57401.

The Chief Engineer is recommending VALIDATION of Application No. 5572-3 for 20 gallons per minute because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1940, 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 J Pelkofer
Elm Lake Resort
615 N Lincoln
Aberdeen, SD 57401

Dear Mr. Pelkofer:

Your Application No. 5572-3 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Brown County News & Hecla Independent printed at Frederick, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice 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 to validate a vested right 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.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 1991

Brown County News & Hecla Independent
Box 557
Frederick, SD 57441

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5572-3 to be published twice. Please publish the notice on or before September 18, 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 Dennis J Pelkofer (Elm Lake Resort), 615 North Lincoln, Aberdeen, SD 57401.

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 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: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Validate A Vested Right Application 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 18, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 5572-3 to Appropriate Water

Notice is given that Dennis J Pelkofer (Elm Lake Resort), 615 North Lincoln, Aberdeen, SD 57401 has filed an application to validate a vested water right claim to appropriate 20 gallons per minute from one well 30 feet deep located in the SE 1/4 SE 1/4 Section 8-T128N-R65W. The water use has a claimed priority date of January 1, 1940, and is used as a commercial water supply for the Elm Lake Resort.

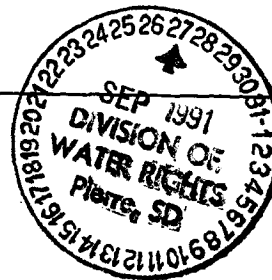
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5572-3 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1940, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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 opposed to 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 October 7, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 5572-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 15, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is 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 application. The request for an automatic delay must be filed by October 7, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application 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 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, 46-2A-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.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Connie Sue Groop

certify that the attached printed Notice was taken
from the Brown County News

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 Fredrick

_____ of _____

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

September 18, 1991

September 25, 1991

Connie Sue Groop
(Signature)

Publisher
(Title)

9/26/91
(Date Signed)

Cost of Printing: \$56.24

Validating vested water rights at Elm Lake Resort

NOTICE OF HEARING To Validate Vested Water Right Application No. 5572-3 to Appropriate Water

Notice is given that Dennis J. Pelkofer (Elm Lake Resort), 615 North Lincoln, Aberdeen, SD 57401 has filed an application to validate a vested water right claim to appropriate 20 gallons per minute from one well 30 feet deep located in the SE 1/4 SE 1/4 Section 8-T128N-R65W. The water use has a claimed priority date of January 1, 1940, and is used as a commercial water supply for the Elm Lake Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5572-3 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1940, 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 application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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 opposed to 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 October 7, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 5572-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 15, 1991, at 9:00 a.m. in Room 413, Joe Foss

Building, 523 E. Capitol, Pierre, SD. If this application is 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 application. The request for an automatic delay must be filed by October 7, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The

Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application 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 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, 46-2A-18; 46-5-1 thru 46-5-4, 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.

9-18 & 9-25

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 28 1992

5572-3

Dennis J. Pelkofer
DBA Elm Lake Resort
615 North Lincoln
Aberdeen, SD 57401

Dear Pelkofer:

Enclosed are your Validated Vested Water Right and Water License No. 5572-3. 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

5572-3

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Elm Lake Resort
~~Dennis Pelkofer~~
~~1508 Merton St~~
~~Aberdeen SD 57401~~

Address correction requested:

~~ELM LAKE RESORT~~
PAUL MONROE
37594 102ND ST
FORBES, ND 58439

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 5572-3. 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

County: BROWN

Aquifer: PIERRE SHALE

Pumping Pt. Legal: SEC 08-T128N-R65W

Management Unit: NOT APPLICABLE

Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2000 water use from the above water source: 150,000 gallons
 2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

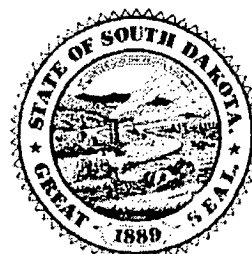
Contact Person:

PAUL MONROE

Telephone No:

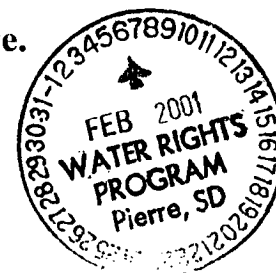
605-358-8511

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2001

No. 5572-3

Elm Lake Resort
c/o Paul Monroe
37594 102nd St
Forbes ND 58439

Dear Mr. Monroe:

Thank you for returning the 2000 SD Water Use Questionnaire. The form indicates a change of ownership has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 5572-3. The water right is currently listed in the name of Dennis Pelkofer.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 27, 2001

5572-3

Paul Monroe
Elm Lake Resort
37594 102nd St
Forbes, ND 58439

Dear Mr. Monroe:

On February 8, 2001, we contacted you regarding ownership of Vested Water Right No. 5572-3, currently listed in the name of Dennis J Pelkofer, dba Elm Lake Resort. The vested water right authorizes diversion of ground water for commercial purposes. Our February letter included a "Notice of Transfer of Ownership" form for use in filing the ownership change. To date, we have not heard from you concerning the ownership change.

In the event you no longer have the original transfer of ownership form, I am including an additional one. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires that any sale, grant, lease, conveyance or other transfer of a Water Permit to appropriate water be filed with our program within ninety days. If an ownership change has not occurred and we have misunderstood the information on the water use questionnaire, please let us know. I have enclosed a copy of the vested right for your review.

Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(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

August 3, 2001

5572-3

Paul Monroe
Elm Lake Resort
37594 102nd St
Forbes, ND 58439

Dear Mr. Monroe:

On February 8th and April 27th, we contacted you regarding ownership of Vested Water Right No. 5572-3, currently listed in the name of Dennis J Pelkofer, dba Elm Lake Resort. The vested water right authorizes diversion of ground water for commercial purposes. To date, we have not heard from you concerning the ownership change.

In the event you no longer have the original transfer of ownership form, I am including an additional one. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires that any sale, grant, lease, conveyance or other transfer of a Water Permit to appropriate water be filed with our program within ninety days. **If an ownership change has not occurred and we have misunderstood the information on the water use questionnaire, please let us know.**

Thank you in advance for your help.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 5572-3

Date: 8/30/01

I/We request that Vested Water Right No. 5572-3

formerly owned by: Dennis J Pelkofer dba Elm Lake Resort, 615 N Lincoln, Aberdeen, SD 57401

be transferred to: (name & address) PAUL M. MONROE dba ELM LAKE RESORT, 37594 103RD ST,
SO. FORBES, SD 58439 Telephone No. 605-358-8511

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

diversion point location: SE 1/4 SE 1/4 Section 8, T128N, R65W

I/We understand that the validity of Vested Water Right No. 5572-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Brown)

I/We Paul M Monroe being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Paul M Monroe
(Signature of new owner)

Subscribed and sworn to before me this 30th day of August, 2001.

CANDACE MIDDLESTEAD
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires FEB. 6, 2004

Candace Middlestead
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416909

Pierre, September 4, 2001

RECEIVED OF Paul Monroe, DBA Elm Lake Resort, 37594 102nd St., Forbes ND 58439-9113
the following amount in fees for services rendered as provided for by law: (Dennis J. Pelkofner)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 557203

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Harland Erbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 4, 2001

5572-3

Paul M Monroe
37594 102nd St
Forbes, ND 58439-9113

Dear Mr. Monroe:

Thank you for following up on the ownership change for Vested Water Right No. 5572-3. The transfer has been completed. The vested right formerly listed in the name of Dennis J Pelkofer (dba Elm Lake Resort) is now listed as "Paul M Monroe, dba Elm Lake Resort."

Enclosed is your Receipt No. 416909 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure