

Considered: _____

WATER PERMIT NO. 5582-3

Phone: 637-5389

Name of Applicant: Jacks Supper Club - John Brandell

Post Office Address: RR 2, Rosholt SD 57260

Amount of Water Claimed: 6 gpm - 0.013 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Roberts

About 4 miles West of Rosholt

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-13-91 Fee: \$50 Remarks _____

Corrected Application Received 9-20-91 Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: NW 1/4 SW 1/4 Sec 17-T128N-R49W

Land to be Irrigated: _____

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 60' REMARKS no log available

Type of Map: aerial PREPARED BY: Grace Robinson, ASCS Reviewed and the Number

Assigned on 9-20-91 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 5582-3 Hydrologic Unit 09020101
Map No. _____ Basin Minnesota-Whetstone
Newspaper Rosholt Review, Box 136 (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 ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant John Brandell Jacks Supper Club Phone No. 637-5389Post Office Address RR 2 Rosholt State SD Zip Code 57260
(Street, RR or Box) (City) (State) (Zip Code)2. Amount of water claimed (c.f.s.) 6 gallons per minute (0.013 cfs)3. Source of water supply Ground water4. Location of point of diversion NW 1/4 SW 1/4 Sec 17-T128N-R49WCounty Roberts5. Counties where water will be used Roberts6. Annual period during which water is to be used Jan 1 - Dec 31

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

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

STATE OF SOUTH DAKOTA)
County of Roberts)^{ss}I, John C. Brandell 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 John C. BrandellSubscribed and sworn to before me this 11 day of September 19 917/16/96Mark Ellsworth

Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5582-3**

Date of first receipt of application September 13, 1991.

Date of return to applicant for corrections, amendments or changes
September 13, 1991.

Date of receipt of corrected application September 20, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5582-3 to Jacks Supper Club, John Brandell, RR 2, Rosholt SD 57260 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. 5582-3 appropriates 6 gallons per minute (0.013 cubic feet of water per second) from one well (Veblen Aquifer) 60 feet deep located in the NW 1/4 SW 1/4 Section 17-T128N-R49W within the former boundaries of the Sisseton Wahpeton Indian Reservation.
2. The water appropriated shall be used for the purpose of supplying water to the supper club and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5582-3 is February 4, 1992.
5. The date from which applicant may claim right is September 13, 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: _____

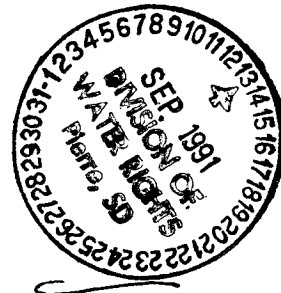
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 12 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 2" Depth 60 ft
- b) Casing Type Galvanized Diameter 2" Thickness _____
- c) Screen Type Plastic Diameter 1 1/4" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 8-10 ft
- f) Depth to Water (ground surface to water level) 30 ft
- g) Distance to nearest existing domestic well: 20 ft 100 yards
- On applicants property ~~##~~ On property owned by others Pete Holstrom

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 _____

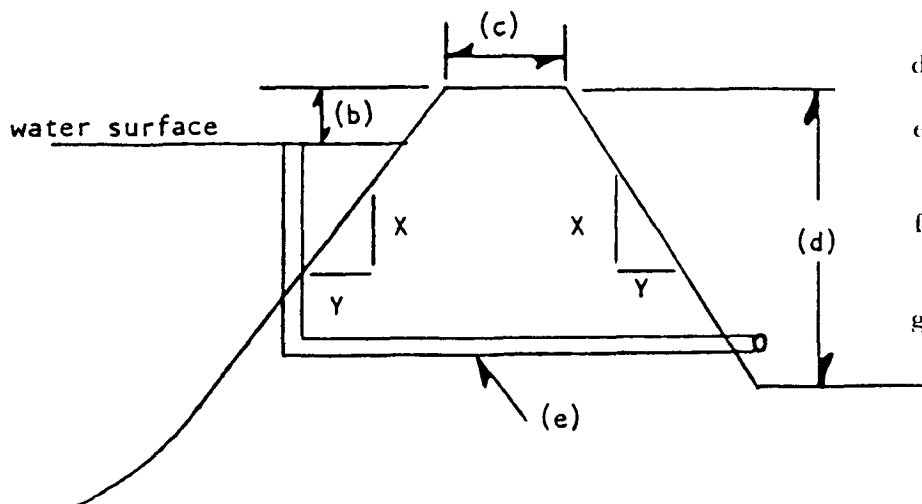
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



John Brandell
Signature of Applicant



NOT TO SCALE

133.5

George Lamm

Dace Robinson, Acting C.E.
Roberts Co. ASCS 9-18-91

T-4318

*4 to Maurice
Aval
T-4308*

113.0 HEL

1-10

*Karen Voss
Helen Johnson
Mavis Wagner
Elaine Tazelaar*

T-4305

17

*Gate Dam
Fish & Parks*

T-4318

Carl L. Larsen

128.47

T-4083

T-5164

62.8

21 HEL

1-10



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 1991

JACK'S SUPPER CLUB
JOHN BRANDELL
RR 2 BOX 35
ROSHOLT SD 57260

Dear MR. BRANDELL:

I am contacting you regarding the possibility that you need a permit to appropriate water for water use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

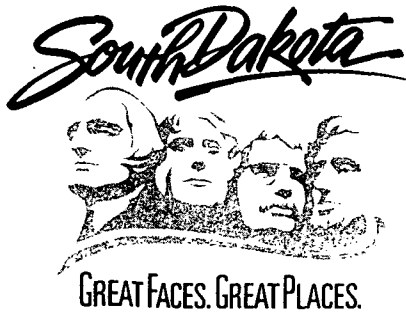
The enclosed "Summary of South Dakota Water Law and Water Right Information" provides general information regarding what uses of water need to be permitted. Water uses that require permits, such as commercial use, are listed under item 7 in the enclosed summary. Domestic water uses that do not require permits are listed under item 5. Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, you must have a water permit to use water for any purpose, except for domestic uses defined by SDCL 46-1-6(4). A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

If your water use is not permitted, then any other water user with a water permit has first priority to water even if your water use began prior to the permitted use. This is important when a limited supply of water is available and your water use is adversely affected. The permitted use will be protected, the unpermitted use is illegal and will not be protected.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by August 9, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 9, 1991

JOHN BRANDELL
JACK'S SUPPER CLUB
RR 2 BOX 35
ROSHOLT SD 57260

Dear MR. BRANDELL:

I am writing to follow-up on my July 2, 1991 letter concerning the requirement to apply for a water permit. We have not received any response from you on this matter and would appreciate your earliest reply.

Based on information we have received from the Office of Drinking Water, we believe you may need a water permit. A water permit must be obtained for any water use except for domestic uses. Water use by commercial businesses, such as campgrounds, tourist attractions, resorts, cafes, gas stations, etc. must be permitted regardless of the amount or type of water use. Schools using more than 18 gallons of water per minute must also be permitted. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by October 11, 1991.

If you need assistance completing the application forms or if you do not believe you need a water permit, please contact Don Frye at (605) 773-3352.

Thank you for your attention to this matter.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure



GREAT FACES. GREAT PLACES.
September 13, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John Brandell
Jacks Supper Club
RR 2
Rosholt SD 57260

Dear Mr. Brandell:

In regard to your water permit application received on September 13, 1991, the following information needs to be submitted and/or clarified in order to process your application.

1. On Item No. 4 of the application, please indicate the quarter-quarter (40 acre parcel) section, township and range where the well is located.
2. The map submitted with the application does not reference a government section corner or quarter corner by direction and distance. Our suggestion would be to obtain an aerial photo from the SCS or ASCS office and have someone from that office help locate the well on the aerial photo. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
3. A well log signed by a South Dakota licensed well driller must accompany the application. *Waived by Don Frye*

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

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412834

Pierre, September 13, 1991

RECEIVED OF Jack's Supper Club-Victor, RR 2, Box 35, Rosholt, SD 57260

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

Fee for Application for Permit No. <u>5582-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch (CF)
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: JOHN BRANDELL, JACK'S SUPPER CLUBADDRESS: RR2, ROSHOLT SD 57260 COUNTY ROBERTSDATE: September 16, 1991 TELEPHONE 537-4401RE: MAP NEEDED FOR APPLICATION/LACK OF WELL LOG

COMMENTS:

Mr. Brandell called and was confused about the map requirement. Karen Schlaak sent him a letter saying the map he sent was not adequate. I explained he needed to submit an aerial photo (which he already has) with the well location marked on it. I also reminded him to have the map signed by an appropriate individual such as someone at ACSS where he got his aerial photo. He also stated that he had no well log and had no idea who drilled the well or when.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Don Fry

REPORT ON APPLICATION NO. 5582-3
for Jacks Supper Club
November 8, 1991

Application No. 5582-3 proposes to appropriate 6 gpm (0.013 cfs) from one well approximately 60 feet deep located in the NW 1/4 SW 1/4 of section 17, T128N R49W within the former boundaries of the Sisseton Wahpeton Indian Reservation in Roberts County. The water is for commercial use at the supper club.

AQUIFER - VEBLEN (VEB)

The Veblen is a confined glacial outwash (sand and gravel) under predominantly artesian conditions. The Veblen underlies 431,900 acres and contains an estimated 1.295 million acre feet of recoverable water in Roberts County (Hedges, 1982). In general the aquifers in Roberts County have not been well defined. There has not been a detailed county study completed for the county.

According to information submitted with this application, this is a 2 inch diameter well completed to a depth of 60 feet and has a static water level of 30 feet below land surface. Other wells of similar construction are located in the immediate area (Well Files, 1991). It is doubtful if this well was completed in accordance with SD Well Construction Standards or if this well would be considered an adequate well by the Standards.

The Division of Water Rights does not monitor any observation wells in this immediate area. The nearest observation wells are 4 to 5 miles away from this site. These wells do show good response to climatic conditions, that is, rising during wet years due to recharge and gradually declining during dry years due to discharge (Water Rights, 1991).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are not other existing water permits/rights in this area. Interference is not expected to be a problem. The diversion rate is very small and any drawdown caused by this diversion should not be significant.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. Interference is not expected to be a problem. The diversion rate is very small and there are no other permitted users in the area.
3. With the information available, this well is apparently not constructed in accordance with SD Well Construction Standards.

Also this well would not be considered an adequate well under those same standards.



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 Roberts County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

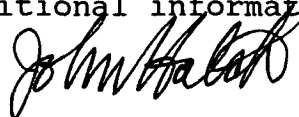
Well Files, 1991, Domestic Well Files for Roberts County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5582-3, Jacks Supper Club

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. 5582-3, Jacks Supper Club, RR 2, Rosholt, SD 57260.

The Chief Engineer is recommending APPROVAL of Application No. 5582-3 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 dark ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
November 12, 1991



GREAT FACES. GREAT PLACES.

**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.

December 30, 1991

John Brandell
Jacks Supper Club
RR 2
Rosholt, SD 57260

Dear Mr. Brandell:

Water Permit Application No. 5582-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Rosholt Review printed at Rosholt, 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 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 the application.

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.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 1991

Rosholt Review
Box 136
Rosholt, SD 57260

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5582-3 to be published twice. Please publish the first notice on January 8, 1992, 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 Jacks Supper Club, John Brandell, RR 2, Rosholt, SD 57260.

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 application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on January 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5582-3 to Appropriate Water

Notice is given that Jacks Supper Club, John Brandell, RR 2, Rosholt, SD 57260 has filed an application for a water permit to appropriate 6 gallons per minute from one well (Veblen Aquifer) 60 feet deep located in the NW 1/4 SW 1/4 Section 17-T128N-R49W within former boundaries of Sisseton Wahpeton Indian Reservation. The water is for commercial use at the supper club.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5582-3 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. 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 permit 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 January 27, 1992. 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. 5582-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 4, 1992, 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 February 4, 1992, 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 February 4, 1994, 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 January 27, 1992.

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, 2) approve with qualifications, 3) defer, or 4) deny this 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; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Roberts

I, Kathleen Cook

certify that the attached printed notice was taken
from the Rosholt Review

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

_____ of _____

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

January 8, 1992

January 15, 1992

Kathleen Cook
(Signature)

Editor

(Title)

January 15, 1992

(Date Signed)

Cost of Printing: 138 lines 10 pt. type two

Weeks @ 36.4¢ per line = \$50.23

**NOTICE OF HEARING
on Application No.
5582-3 to Appropriate
Water**

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the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 4, 1992, 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 February 4, 1992, 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 February 4, 1992 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 January 27, 1992.

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(Jan. 8 & 15, 1992)



AUG 12 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John Brandell
Jacks Supper Club
RR 2
Rosholt, SD 57260

Dear Mr. Brandell:

Enclosed is Water Permit No. 5582-3 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,

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

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

August 24, 2001

5582-3

Jill Cerol
Victor Supper Club
R2 Box 28A
Rosholt SD 57260

Dear Mr. Cerol:

On August 15, 2001, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5582-3, was completed by Mark D Rath, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law require that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license.

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

Also, enclosed is a *Notice of Transfer of Ownership* form. The form needs to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee. The check or money order for the fees (\$52.50) should be made payable to the "Water Rights Program".

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5582-3

Date: 8-30-01

I/We request that Water Permit No. 5582-3

formerly owned by: John Brandell, Jacks Supper Club

be transferred to: (name & address) Victor Supper Club

R2 Box 28A Rosholt SD 57260

Telephone No. 605-637-5389

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

one well - NW 1/4 SW 1/4 Section 17-T128N-R49W

I/We understand that the validity of Water Permit No. 5582-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Roberts)

I/We Jill Cerae 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.

Jill Cerae
(Signed)

Subscribed and sworn to before me this 30th day of August, 20 01.

Mark E. Evers
(Notary Public)



12/22/2003

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

No 416914

Pierre, September 11, 2001

RECEIVED OF Jill Cerall, Victor Supper Club, R 2 Box 28A, Rosholt, SD 57260
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5582-3</u>	50	00
Fee for Filing Transfer Form <u>5582-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	52 50

By Darland Erbele
Chief Engineer *gme*

Permit No. 5582-3
Minnesota Whetstone River - Water District

Contact Person & Address: Jill Cerol, Victor Supper Club, R2 Box 28A Rosholt SD

Report Of Examination Of Works

On, August 15, 2001, I made a thorough examination of the water use system constructed by the Victor Supper Club of R2 Box 28A, Rosholt SD holder of Permit No. 5582-3, bearing the priority of September 13, 1991 authorizing the diversion of 0.013 cu. ft. per second of the waters of ground water Veblen Aquifer for commercial purposes, in Roberts County.

The system is in the following condition good. The point of diversion is located from the SE corner of Section 17 T128N-R49W, Res: 340 feet east and 1985 feet north with a longitude of -96.83255 and a latitude of 45.86960. The works are capable of diverting and conveying to the place of use 0.013 cu. ft. per second of water which is to be used for commercial use at a supper club. Water has been put to beneficial use and the license should be issued for 0.013 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 N.A.
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>unknown</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>60</u> feet | 4) Well log is available <u>no</u> |

Casing:

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

Screen:

- | | |
|--------------------------------------|-------------------------|
| 1) Type <u>?</u> | 2) Length <u>?</u> feet |
| 3) Static water level <u>30</u> feet | |

Pump\ Motor:

- | | |
|---------------------------------|--------------------------|
| 1) Pump Make <u>submersible</u> | 2) Capacity <u>6</u> gpm |
|---------------------------------|--------------------------|

Distribution System:

1) Type pvc 2) Size 3/4" inches 3) Length 50 feet

COMMENTS: Jack's Supper Club was sold to the Ceroll's and is now the victor Supper Club.



Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

8-21-01

Date



Mark D. Rath

Mark D. Rath
SD DENR
8-21-01

0.5 Miles

0

0.5



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5582-3

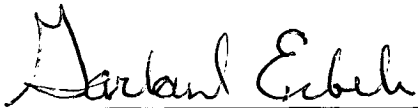
(1) John Brandell, Jacks Supper Club, Rosholt SD 57260 made Application No. 5582-3, September 13, 1991 for a water permit to divert 0.013 cubic feet of water per second from groundwater (one well), Roberts County, South Dakota for commercial purposes. Permit No. 5582-3, with a priority date of September 13, 1991 was approved February 4, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On September 11, 2001, Water Permit No. 5582-3 was transferred to the Victor Supper Club.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.013 cubic feet of water per second for beneficial use. The location of the diversion point is (RES) 340 feet east and 1,985 feet north of the southeast corner of Section 17-T128N-R49W (NW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to supply water to the supper club.

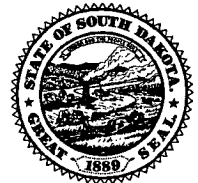
(4) Pursuant to South Dakota Water Law 46-5-30.1 Victor Supper Club, R 2 Box 28A, Rosholt SD 57260 the holder and/or owner of Water Right No. 5582-3 is issued a license to appropriate water, the right to use 0.013 cubic feet of water per second from groundwater with a priority date of September 13, 1991 from the location specified in (2) of this license for commercial purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5582-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 24 2001

date





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www.state.sd.us/denr

SEP 24 2001

5582-3

Victor Supper Club
R 2 Box 28A
Rosholt, SD 57260

Dear Sir:

Enclosed is Water License No. 5582-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416914 in the amount of \$52.50 which you paid for the investigation and issuance of the Water License and for filing the ownership change.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5582-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

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