

Considered: _____

WATER PERMIT NO. 5588-3

Phone: 448-2551

Name of Applicant: Duane & Anna Strand dba Roykota Resort

Post Office Address: RR 2, Box 92, Lake City SD 57247

Amount of Water Claimed: 15 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Marshall

About 2 miles S of Lake City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-27-91 Fee: \$50 Remarks _____

Corrected Application Received 10-17-91 Period of Annual Use May 1 - Oct 31

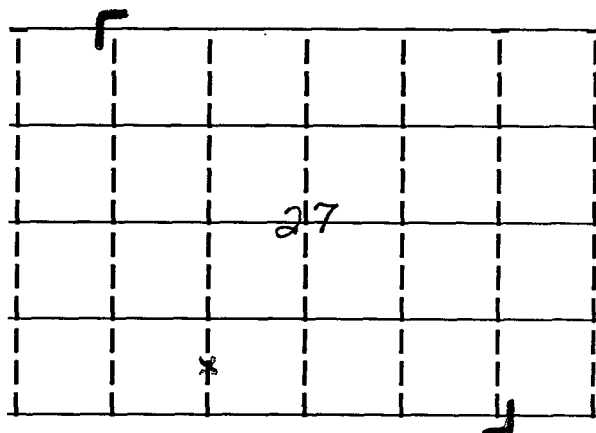
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: (Lot 9) SW 1/4 SW 1/4

Sec 27-T126N-R55W

Land to be Irrigated: NA

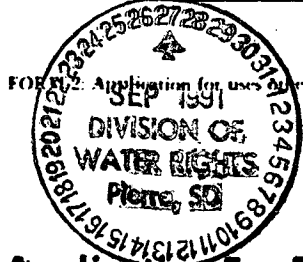


Well Log: Driller: Vrochota Well Drilling Licensed YES X NO _____

Depth of Well: 138' REMARKS _____

Type of Map: aerial PREPARED BY: Thomas J Martis Reviewed and the Number

Assigned on 10-23-91 By Karen Schlaak



FOR 22: Application for uses other than irrigation (type or print)

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 5588-3 Hydrologic Unit 10160010
Map No. _____ Basin James River
Newspaper Britton Journal, Box 69, Britton

(Wed) 57430-0069

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. _____

1. Name of Applicant Duane + Anna Strand, partners dba Roykota Resort Phone No. 482-551
Post Office Address RR 2 Box 92, Lake City State S. Dak. 57247
(Street, RR or Box) (City) (Zip Code)
2. Amount of water claimed (c.f.s) 0.033 cfs (15 GAL PER MINUTE)
3. Source of water supply Private well
4. Location of point of diversion ~~NW 1/4 SW 1/4 SW Section 27~~
~~Town 34 N Range 55 W~~
Lot 9 (S 1/2 SW 1/4) Section 27, T126N, R55W County MARSHALL
5. Counties where water will be used Marshall
6. Annual period during which water is to be used May - Oct. 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 Marshall)^{ss}

I, _____ 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.

MARLYS R. WASILK
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA
My commission expires May 31, 1998

Signed Anna Strand - Duane Strand
18th day of September 19 91
Marly R. Wasilk
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5588-3**

Date of first receipt of application September 27, 1991.

Date of return to applicant for corrections, amendments or changes
September 27, 1991.

Date of receipt of corrected application October 17, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5588-3 to Duane & Anna Strand, dba Roykota Resort, RR 2, Box 92, Lake City SD 57247 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. 5588-3 appropriates 15 gallons per minute (0.033 cubic feet of water per second) from one well (Coteau Lakes Aquifer) 138 feet deep located in (Lot 9) S 1/2 SW 1/4 Section 27-T126N-R55W.
2. The water appropriated shall be used for the purpose of supplying water to the resort and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: May 1 - October 31.
4. The date of approval of Permit No. 5588-3 is February 4, 1992.
5. The date from which applicant may claim right is September 27, 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

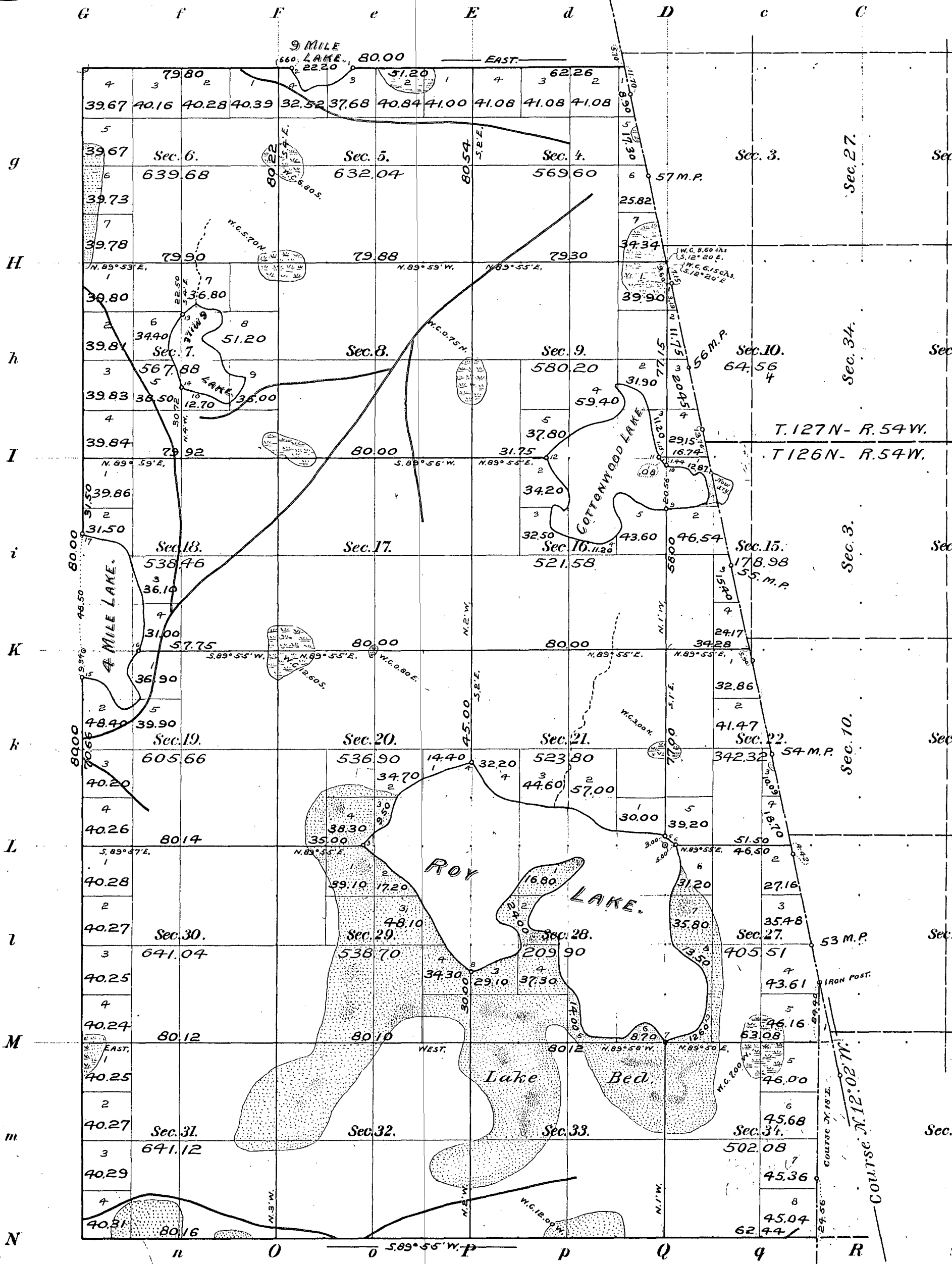
date

NOT TO SCALE





Township N^o 126 North, Range N^o 55 West. 5TH, PRINCIPAL



Area of Land Surface 11,800.01 Acres - Of Water 1,240.38 Acres - Total number of Acres 13,040.39

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. Lk.	When Surveyed	Mean Decl. E.
Township lines	Roscoe H. Watson	June 24, 1894		May 1892	
Subdivisions	" " "	" " "	29 43 64	May 9-13	11° 54' 20"
Meanders	" " "	" " "	13 36 71	" 6-14	"
Connecting lines	" " "	" " "	27 07	" "	"
Special	" " "	" " "	53 22	" "	"
Mail. Res. bly	War Department	" " "		Sept. 1883	
Encl. " "	J. H. Barrett	Aug 22 1868		July 1869	

The ab
Princ
notes of
J
H

Feb. 14, 1893

(1) WELL CONSTRUCTION

Location of well: NW 1/4 SW 1/4 SW Section 27 Township 52N Range 55W

Well owner Roy Kota Resort Lake City, S.D.
(Name) (Address)

Date well drilling completed Sept. 17, 1975 Purpose of well Domestic & Lake Resort
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-2	Black Dirt	_____
2-24	Yellow Clay	Depth to static water level <u>33</u> _____ ft.
24-110	Blue Clay	Name of producing aquifer (if known) _____
110-131	Sandy Gray Clay	Total depth of drill hole <u>138</u> _____ ft.
131-138	Coarse Yellow Sand	Depth to bottom of casing <u>133</u> _____ ft.
138-	Gray clay	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used. <u>4 inch 200 Psi Plastic well casing from 0 to 133ft.</u>
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations. <u>2 inch Plastic Ever-Flo screen -010 slot from 133 to 138ft.</u>
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Vachota Well Drilling
Name of Drilling Contractor

(2) PUMP INSTALLATION

PUMP INSTALLATION
Company name and size of pump Sta Rite HP 1

Type of pump 2 pipe Jet Capacity of installed pump 7 G.P.M.

Depth of pump placement 100 ft., Date of pump installation Sept 28, 1975

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Vrchota Well Drilling
Name of Pump Installation Contractor

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412854

Pierre, September 27, 19 91

RECEIVED OF Roykota Resort, Duane or Anna Marie Strand, RR 2, Box 92, Lake City, SD 57247

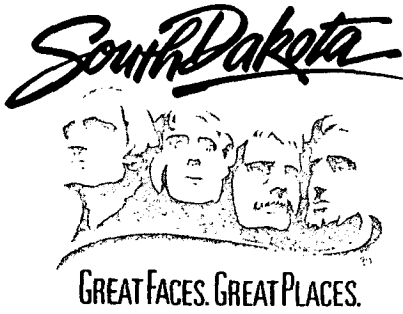
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5588-3</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 (F)

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 1991

Duane & Anna Strand
Roykota Resort
RR 2, Box 92
Lake City SD 57247

Dear Mr. & Mrs. Strand:

In regard to your water permit application received on September 27, 1991, the following information needs to be submitted and clarified in order to process your application.

1. On Item No. 2 of the application, please include the maximum diversion rate from the well in gallons per minute.
2. On Item No. 4, please indicate the quarter-quarter (40 acre parcel) section, township and range location of the well.
3. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. 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).
4. A well log signed by a South Dakota licensed well driller must accompany the application.

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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5588-3, Duane & Anna Strand

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. 5588-3, Duane & Anna Strand dba Roykota Resort, RR 2 Box 92, Lake City, SD 57247.

The Chief Engineer is recommending APPROVAL of Application No. 5588-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
December 11, 1991

REPORT ON APPLICATION NO. 5588-3
for Duane and Anna Strand
November 27, 1991

Application No. 5588-3 proposes to appropriate 15 gpm (0.033 cfs) from one well approximately 138 feet deep located in the S 1/2 SW 1/4 of section 27, T126N R55W in Marshall County. The water is for commercial use at the resort.

AQUIFER - COTEAU LAKES (COL)

The Coteau Lakes aquifer consists of a buried glacial outwash (sand and gravel) under confined (artesian) conditions at this site. The Coteau Lakes underlies 32,000 acres and contains an estimated 120,000 acre feet of recoverable water in storage in Marshall County (Hedges, 1982). According to well information submitted with the application the aquifer was encountered from a depth of 131 feet to 138 feet below land surface. The well had a static water level of 33 feet below land surface.

The Division of Water Rights monitors one observation well ML-70Q which is located in the Coteau Lakes aquifer but is approximately 4 miles southeast of this application. Water levels for this show good response to climatic conditions, that is, rising during wet years due to recharge and gradually declining during dry years. The observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

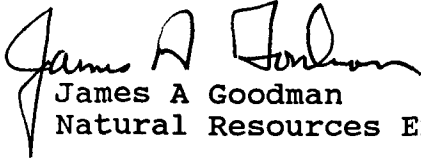
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which obtain water from the Coteau Lakes aquifer. Interference will not be a concern.

CONCLUSIONS

1. Water is available from the Coteau Lakes aquifer.
2. The Coteau Lakes aquifer is under confined (artesian) conditions. Interference is not expected to be a problem. Drawdown caused by pumping will not be significant. The requested diversion rate is small.
3. The information contained in the well completion report does not provide enough information to determine if this well is completed

in accordance with SD Well Construction Standards. This well has been in use since 1975.



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 1991

Britton Journal
Box 69
Britton, SD 57430-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5588-3 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 Duane & Anna Strand dba Roykota Resort, RR 2 Box 92, Lake City, SD 57247.

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. 5588-3 to Appropriate Water

Notice is given that Duane & Anna Strand dba Roykota Resort, RR 2 Box 92, Lake City, SD 57247 has filed an application for a water permit to appropriate 15 gallons per minute from one well (Coteau Lakes Aquifer) 138 feet deep located in (Lot 9) S 1/2 SW 1/4 Section 27-T126N-R55W. The water is for commercial use at the resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5588-3 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. 5588-3 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, 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.

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.

South Dakota

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

Duane & Anna Strand
Roykota Resort
RR 2 Box 92
Lake City SD 57247

Dear Mr. & Mrs. Strand:

Water Permit Application No. 5588-3 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 Britton Journal printed at Britton, 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

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Marshall) ss.

I, Charles J. Card

certify that the attached printed Notice was taken
from the Britton Journal

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 Britton

County of Marshall 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

Charles J. Card
(Signature)
publisher

(Title)
January 15, 1992

(Date Signed)

Cost of Printing: \$50.35

2T(Jan. 8-15)

NOTICE OF HEARING on Application No. 5588-3 to Appropriate Water

Notice is given that Duane and Anna Strand dba Roykota Resort, RR 2 Box 92, Lake City, SD 57247 has filed an application for a water permit to appropriate ~~one~~ ^{one} well (Coteau Lakes Aquifer) 138 feet deep located in (Lot 9) S 1/2 SW 1/4 Section 27-T126N-R55W. The water is for commercial use at the resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5588-3 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. 5588-3 and 2) the chief engineer's recommendation, a meeting of the Division of Water Rights office to hear this application is scheduled for February 4, 1992, 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 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.

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 46-1-12 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, 46-6-3.1, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 12 1992

Duane & Anna Strand
Roykota Resort
RR 2 Box 92
Lake City, SD 57247

Dear Mr. & Mrs. Strand:

Enclosed is Water Permit No. 5588-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

February 2, 2006

5588-3

2005 South Dakota Water Use Questionnaire

To:

DUANE & ANNA STRAND
116672 ROYKOTA DR
LAKE CITY SD 57247

Address correction requested:

DUANE & ANNA
BOX 14 - 405 WALNUT
LANGFORD, SD 57454

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5588-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: COTEAU LAKES
Management Unit: NOT APPLICABLE

County: MARSHALL
Pumping Pt. Legal: SEC 27-T126N-R55W
Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2005 water use from the above water source: _____ gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments:

WE NO LONGER RESIDE ON
116672 ROYKOTA, DR.

Contact Person: _____

Telephone No: _____

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



Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

RECEIVED
FEB 15 2006
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 16, 2006

RECEIVED

FEB 21 2006

WATER RIGHTS
PROGRAM

Duane Strand
Box 14
Langford SD 57454

Dear Mr. Strand:

Thank you for returning the 2005 SD Water Use Questionnaire. On the form, you indicated you no longer reside at the Roykota Dr. address. I am assuming you no longer own the Roykota Resort. Do you know who now owns the property? It is important to keep our records accurate.

Any information you give us such as name of owner, address, phone number, would be helpful. I have enclosed a postage paid envelope for your reply. Thank you for any help you can give us.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

RECEIVED

FEB 21 2006

WATER RIGHTS
PROGRAM

enclosure

Roykota is now owned by a ~~company~~ ^{partnership}.
Address is - Roykota Resort 116799 Roykota Dr.
Lake City, S. Dak

Tom Opsahl is the manager & lives
at the Roykota address & has the same Ph. Number

Ph Number is 605-448-2551



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2006

No. 5588-3

Roykota Resort
Tom Opsahl, Manager
116799 Roykota Dr
Lake SD 57247

Dear Mr. Opsahl:

The 2005 SD Water Use Questionnaire for Water Permit No. 5588-3 was returned by Duane Strand indicating they had sold Roykota Resort to a partnership and you were the manager. The questionnaire and a partially completed "Notice of Transfer" form for use in filing a transfer on Water Permit No. 5588-3 are enclosed. I have also enclosed a copy of the water permit for your records.

The transfer form should be completed, checked over for accuracy and signed by the new owner. Upon completion, return the form and questionnaire to our office. A filing fee of \$2.50 is required for the transfer.

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
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 3, 20 06

RECEIVED OF Roykota Resort, 116799 Roykota Dr, Lake City SD 57247

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	2	50
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 <u>4</u> <u>5588-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

By Darland Erbe
Chief Engineer gm

02328

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5588-3

Date: 2-23-06

I/We request that Water Right/Permit No. 5588-3

formerly owned by: Duane & Anna Strand

be transferred to: (name & address) ROI Inc DBA RoyKOTA Resort
116799 RoyKOTA DR LAKE CITY SD 57247

Telephone No. 605-448-2557

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

one well - (Lot 9) S 1/2 SW 1/4 Section 27-T126N-R55W

should be to

(LOT 1) RoyKOTA Subdivision

I/We understand that the validity of Water Right/Permit No. 5588-3 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.

I/We Tom Opsahl ROI Inc, the new owner, certify that the above information is true and correct.

Tom Opsahl Sec/Treas ROI Inc
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIVED
MAR - 3 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 9, 2006

5588-3

Tom Opsahl, Mgr
Roykota Resort
116799 Roykota Dr
Lake City SD 57247

Dear Mr. Opsahl:

Thank you for following up on the ownership change for Water Permit No. 5588-3. The transfer has been completed. The water permit formerly listed in the names of Duane and Anna Strand is now listed as owned by "ROI Inc", dba Roykota Resort.

I noticed on the transfer form that you made a notation concerning the location of the well and that it should be in Lot 1 of Roykota Subdivision. The permit and map describe the well as being in Lot 9 of the S ½ SW ¼ Section 27, T126N, R55W. The water use system has not yet been inspected for licensing purposes. When a staff person gets to that area, they will contact you and discuss the location of the well and what changes may or may not need to be done to the permit.

Enclosed is your Receipt No. 02329 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

Permit No. 5588-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **September 18, 2007**, made a thorough examination of the water use system constructed by **ROI Inc, dba RoyKota Resort** of **116799 RoyKota Dr., Lake City, SD 57247** holder of Permit No. **5588-3**, bearing the priority of **September 27, 1991** authorizing the diversion of **0.033** cu. ft. per second of the waters of the **Coteau Lakes Aquifer** for **Commercial** purposes, in **Marshall** County.

Inspection contact & relationship to permit holder, if applicable: **Tom Opsahl, Mgr., ⁴488-2551**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Vrchota Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **138** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **4** inches
- 2) Length **133** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Plastic Ever-Flo**
- 2) Length **5** feet
- 3) Static water level **33** feet

Pump:

- 1) Make **Grundfos Submersible**
- 2) Model
- 3) Size **½ hp**
- 4) Capacity **6** GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 924 feet north and 1896 feet east of the SW corner of Section 27-T126N-R55W
(N 45.69145, W -97.41462) (SE ¼ SW ¼) (Lot 1)

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. Water has been put to beneficial use to the maximum extent as follows:

Water from the well is used to supply water to bait tank

The license should be issued for 0.013 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

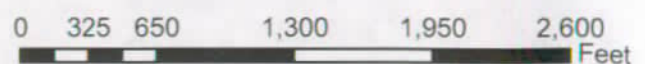
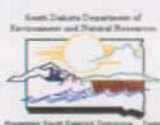
The original application to appropriate water showed the location of the diversion point to be on the ¼, ¼ section line between the SW ¼ and the SE ¼ of section 27 and also indicated the lot number to be Lot 9. In the transfer of ownership form dated March 23, 2006, one of the new owners of the property indicated the lot number should have been Lot 1. The inspection for licensing indicated the correct location to be the SE ¼ SW ¼ Section 27-T126N-R55W and Lot 1.


Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **January 7, 2008**

Water Permit No. 5588-3 and 6278-3



Approval of Location Change and/or Additional Diversion Point(s)

NAME: ROI, Inc, dba RoyKota Resort

ADDRESS: 116799 RoyKota Dr., Lake City, SD 57247

DATE: January 7, 2008

COUNTY: Marshall

TELEPHONE: 448-2551

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source for the diversion is the Coteau Lakes aquifer which is the same as was originally authorized by the permit. The applicant originally indicated the diversion point to be in Lot 9 of the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27-T126N-R55W. In the transfer of ownership form dated March 23, 2006, one of the new owners of the property indicated the lot number should have been Lot 1 and not Lot 9 of the same section. The inspection for licensing indicated the correct location to be Lot 1 of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27-T126N-R55W.

- **If irrigation, no new land is irrigated**

This permit is not for irrigation. The water is used to supply water for their bait tank.

- **Review of Existing Diversions**

There are no existing water rights/permits in this area which obtain water from the Coteau Lakes aquifer. Interference will not be a concern.

RECOMMENDED ACTION

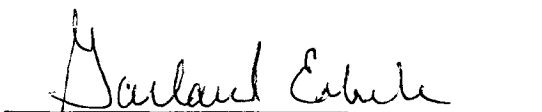
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mike DeFea, Natural Resources Project Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 29, 2008

5588-3

Tom Opsahl, Manager
Roykota Resort
116799 Roykota Dr.
Lake City SD 57247

Dear Mr. Opsahl:

On September 18, 2007 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit No. 5588-3 (commercial use) and 6278-3 (irrigation), was completed by Mike DeFea, a staff engineer with our program. Your final water right documents, the water licenses, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of each water license. A review of our records indicates the license fee for Permit No. 6278-3 was submitted with the application in August, 2001. Upon receipt of the \$50.00 fee for Permit No. 5588-3, we will complete processing the water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water rights 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.

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

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/28, 20 08

RECEIVED OF Roykota Resort 116799 Roykota Dr Lake City SD 57247

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	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. <u>5588-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

By

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUN 27 2000

5588-3
6278-3

Tom Opsahl, Manager
Roykota Resort
116799 Roykota Dr.
Lake City SD 57247

Dear Mr. Opsahl:

Enclosed are Water License Nos. 5588-3 and 6278-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed is a receipt for \$50.00 which you paid for the investigation and issuance of the Water License. Also, included is a map prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5588-3 and 6278-3, 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 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5588-3

(1) Duane & Anna Strand, dba Roykota Resort, Lake City SD made Application No. 5588-3, September 27, 1991 for a water permit to divert 0.033 cubic feet of water per second from groundwater (one well), Marshall County, South Dakota for commercial use purposes. Permit No. 5588-3, with a priority date of September 27, 1991 was approved February 4, 1992 and issued to the applicants for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

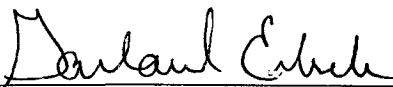
On March 3, 2006, Water Permit No. 5588-3 was transferred to ROI, Inc, dba Roykota Resort, 116799 Roykota Dr, Lake City SD 57247.

An investigation conducted for licensing purposes found the well under Water Permit No. 5588-3 was not in the lot location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5588-3 is issued a license, bearing a priority date of September 27, 1991 to appropriate 0.013 cubic feet of water per second from groundwater (one well) for commercial use purposes.

The diversion point is located: approximately 924 feet north and 1,896 feet east of the southwest corner of Section 27-T126N-R55W (Lot 1, SE ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5588-3.



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

JUN 27 2008

date

