

Considered: _____

WATER PERMIT NO. 5594-3

Phone: 605 796-4211

Name of Applicant: Paul Plagmann

Post Office Address: RR 2, Box 395, Woonsocket SD 57385-9156

Amount of Water Claimed: 5 gpm (0.011 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Sanborn

About 6 miles S, 3W of Woonsocket

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 11-7-91 Fee: \$50 Remarks _____

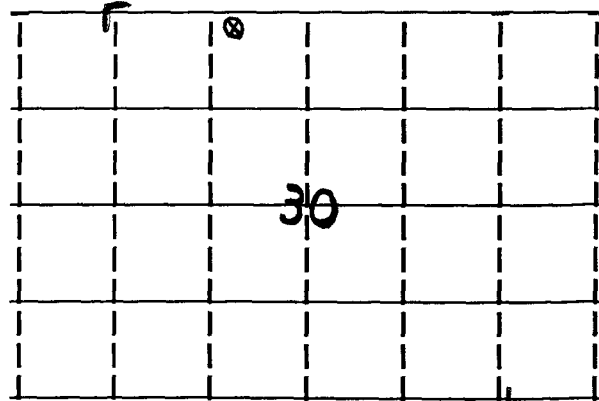
Corrected Application Received 11-21-91 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 NW 1/4 Sec 30-T106N-R62W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 163' REMARKS _____

Type of Map: aerial PREPARED BY: Gordon Ferguson, ASCS Reviewed and the Number

Assigned on 11-21-91 By Karen Schlaak



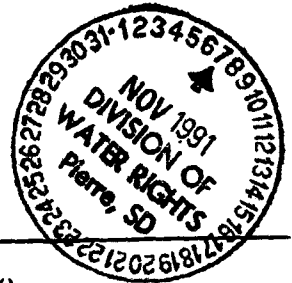
No. 5594-3 Hydrologic Unit 10160011
 Map No. _____ Basin James River
 Newspaper Woonsocket News, Box 218 57385

(Thurs)

Application For Permit To Appropriate Water Within The State Of South Dakota

Check ☒ Use of water Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

- Name of Applicant Paul Plagmann Phone No. 796-4211
 Post Office Address RR2 Box 395 Woonsocket State So. Dak Zip Code 57385-9156
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s.) 5 gal. per minute (0.011 cfs)
- Source of water supply Well
- Location of point of diversion 106 N Range 62 West Section 30
~~106 N Range 62 West Section 30~~
~~NE 1/4~~ ~~NW 1/4~~ NE 1/4 NW 1/4
Section 30-T106N-R62W County Sanborn
- Counties where water will be used Sanborn
- Annual period during which water is to be used January 1 - December 1
- 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 Sanborn)^{ss}

I, Paul Plagmann 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

Subscribed and sworn to before me this 4th day of November 19 91

Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5594-3**

Date of first receipt of application November 7, 1991.

Date of return to applicant for corrections, amendments or changes
November 12, 1991.

Date of receipt of corrected application November 21, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5594-3 to Paul Plagmann, RR 2, Box 395, Woonsocket SD 57385-9156 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. 5594-3 appropriates 5 gallons per minute (0.011 cubic feet of water per second) from one existing well (Niobrara Formation) 163 feet deep located in the NE 1/4 NW 1/4 Section 30-T106N-R62W.
2. The water appropriated shall be used for the purpose of supplying water to the Twin Lake 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: January 1 - December 31.
4. The date of approval of Permit No. 5594-3 is January 22, 1992.
5. The date from which applicant may claim right is November 7, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

FEB 28 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 163'
- b) Casing Type _____ Diameter _____ Thickness _____
- 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) 16'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

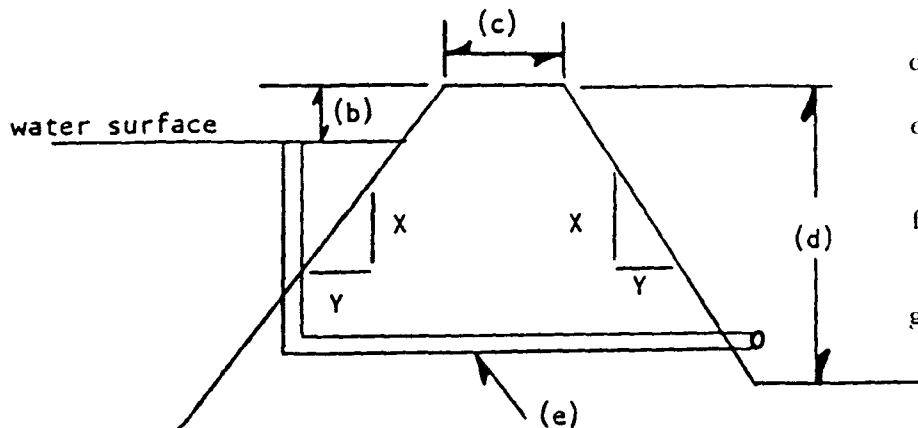
2. Dugout Information Estimates

- 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 _____

Paul P. Kappman
Signature of Applicant

Table 2.-Record of selected wells and test holes -- continued.

SANBORN COUNTY -- continued.															
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
106-62 28babab2	C. Ballard	1925	145	2	Kn-c	Cy	S	...	...	9-30-59	1,295	...	...	...	
28cddc	E. Sorvaag	1916	430	3	Kg	F0.5m	S	52	2,860	9-30-59	...	137	105	8.0	Flow reported 5 gpm in 1926.
29aaad1	A. Larson	b1917	160	4	Kn-c	Cy	S	52	...	9-30-59	1,298	...	...	...	Water level measured 12.1 feet below land surface.
29aaad2	A. Larson	a1952	180	4	Kn-c	J	D.S	...	2,970	9-30-59	1,298	51	404	8.0	Water level reported 6 feet below land surface in 1952.
29bbab2	N. Howard	1959	144	2 1/2, 1 1/2	Kn-c	Cy	D.S	...	...	11-1-59	1,312	...	...	...	Water level reported 17 feet below land surface.
29daaa	Twin Lake School	b1927	a145	2 1/2	Kn-c	Cy	D	53	1,940	9-30-59	...	137	183	8.1	
29ddcc	A. Vetter	a1930	140	...	Kn-c	Cy	D	...	...	9-30-59	1,307	...	...	...	
30abab1	A. Budde	1952	148	2 1/2	Kn-c	J	D.S	...	2,030	11-1-59	1,316	137	158	7.3	Water level reported 7 feet below land surface in 1952.
30abab2	A. Budde	1948	148	2 1/2, 1 1/2	Kn-c	Cy	D.S	...	2,000	11-1-59	1,316	205	149	7.6	Water level reported 31 feet below land surface in 1948.
30babb	G. Jarabek	1959	163	3.2	Kn-c	Cy	D	...	2,080	11-1-59	1,317	154	149	7.6	See log. Water level reported 16 feet below land surface on March 11, 1959.
30bbcb	SDGFP	1959	945	2 7/8	Kd3	F50.0m	PS	62	2,460	4-14-61	1,319	1,310	85	6.9	See log and chemical analysis. Maintains lake level. Water level measured 41.77 feet above land surface on April 14, 1961.
30bd	SDGFP	a1930	760	8.6	Kd2	F50e	PS	...	...	11-1-59	1,314	...	...	...	Maintains lake level.
31cccc	SDGS	1961	140	...	...	...	T	...	...	10-27-61	1,328	...	...	...	See log. Water level measured 16.2 feet below land surface.

SANBORN COUNTY

Well 106-62-24ccd
 Drilled 1950, G

Elevation 1,308 feet

<u>Geologic unit</u>	<u>Material</u>	<u>Depth below land surface (feet)</u>
Qu	Clay, sand, and blue clay.....	0-127
Kn	Chalkstone.....	127-165

Well 106-62-30babb
 Drilled 1959, G

Elevation 1,317 feet

Qu	Clay.....	0-156
Kn	Chalkrock and sandy shale	156-163

Remarks: Water level 16 feet below land surface; drawdown of 2 feet while pumping 5 gpm.

Test hole 106-62-31cccc
 Drilled 1961, B

Elevation 1,328 feet

Qu	Clay, buff, silty.....	0- 20
	Clay, gray, silty and sandy	20- 70
	Sand, coarse grained	70- 72
	Clay, gray, very silty, appears to be alluvium	72-122
Kn	Clay, light-gray (N7), strongly calcareous, foraminiferal; some typically speckled chalk; sand and gravel cavings.....	122-140



Donlin S. Bergman CEO Donlin Co. ASCS

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412902

Pierre, November 8, 1991

RECEIVED OF Twin Lakes Resort, RR 2, Box 395, Woonsocket, SD 57385-0156

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

Fee for Application for Permit No. <u>5594-3</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 (Signature)

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

October 25, 1991

TWIN LAKES RESORT
PAUL PLAGMANN
RR 3 BOX 105
WOONSOCKET SD 57385

Dear MR. PLAGMANN:

I am contacting you regarding the possibility that you may need a permit to appropriate water for 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.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. 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.

An existing business without a water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

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 November 29, 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

South Dakota

GREAT FACES. GREAT PLACES.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 12, 1991

Paul Plagmann
RR 2, Box 395
Woonsocket SD 57385-9156

Dear Mr. Plagmann:

In regard to your water permit application received on November 7, 1991, the following information needs to be clarified in order to process your application.

1. Item No. 4 of the application states the point of diversion (well location) is the NW 1/4 NW 1/4 Section 30-T106N-R62W. The location as marked on the aerial photo is the NE 1/4 NW 1/4 Section 30-T106N-R62W. Which location is correct?
2. Please complete Item No. 6 stating the annual period of use. If the well is used the entire year, please state January 1 - December 1. If it is only used for a portion of the year, please state those months.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 5594-3
for Paul Plagmann
December 10, 1991

Application No. 5594-3 proposes to appropriate 5 gpm (0.011 cfs) from one well approximately 163 feet deep located in the NE 1/4 NW 1/4 of section 30, T106N R62W in Sanborn County. The water is used for commercial use at the Twin Lake Resort.

AQUIFER - NIOBRARA FORMATION (NBRR)

The Niobrara Formation consists of a gray speckled calcareous clay-shale or marl (Steece, 1965) which can be a prolific aquifer where fractures or solution openings have increased porosity and permeability. The Niobrara Formation underlies 530 square miles and is generally under confined (artesian) conditions in Sanborn County. The Niobrara is hydraulically connected to glacial outwash where the outwash overlies the Niobrara and potentially to the Codell Sandstone which directly underlies the Niobrara.

Information submitted with this application is not sufficient to evaluate the source of water for this application. The data indicates that ground water is being obtained from either the Niobrara or Codell but data from other well logs in this immediate area indicate that the Niobrara Formation is the most probable source (Well Files, 1991). The Division of Water Rights does monitor Niobrara observation wells in Sanborn and Aurora Counties. The nearest well is SA-79B which is located about 8 miles north of this application. Water levels for this well do not fluctuate significantly; however, the water levels do appear to respond to climatic conditions. The water level record indicates that the formation 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 from the Niobrara Formation. Interference will not be a problem.

CONCLUSIONS

1. Water is available from the Niobrara Formation.
2. The aquifer is under artesian conditions. Interference will not be a concern.

3. There is not enough information to determine if this well has been completed in accordance with SD Well Construction 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.

Steece, F.V., Geology and Ground-Water Supplies in Sanborn County, SD, Bulletin 17, SD DENR, SDGS, Vermillion, SD, 57069.

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

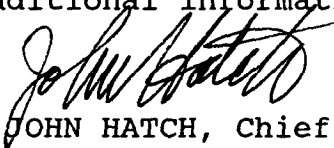
Water Rights, 1991, Observation Well Records for Sanborn County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5594-3, Paul Plagmann

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. 5594-3, Paul Plagmann, RR 2, Box 395, Woonsocket, SD 57385-9156.

The Chief Engineer is recommending APPROVAL of Application No. 5594-3 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.


JOHN HATCH, Chief Engineer
December 13, 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 16, 1991

Paul Plagmann
RR 2 Box 395
Woonsocket, SD 57385-9156

Dear Mr. Plagmann:

Water Permit Application No. 5594-3 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 Woonsocket News printed at Woonsocket, 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 16, 1991

Woonsocket News
Box 218
Woonsocket, SD 57385

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5594-3 to be published twice. Please publish the first notice on December 26, 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 Paul Plagmann, RR 2 Box 395, Woonsocket, SD 57385-9156.

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

No. _____ TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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 December 26, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5594-3 to Appropriate Water

Notice is given that Paul Plagmann, RR 2 Box 395, Woonsocket, SD 57385-9156 has filed an application for a water permit to appropriate 5 gallons per minute (0.011 cubic feet of water per second) from one existing well (Niobrara Formation) 163 feet deep located in the NE 1/4 NW 1/4 Section 30-T106N-R62W. The water is for commercial use at the Twin Lake Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5594-3 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 13, 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. 5594-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 22, 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 January 22, 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 January 22, 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 13, 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 Sanborn) ss.

I, Gerald W. Klaas

certify that the attached printed Notice was
 from the Woonsocket 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 Woonsocket News

City of Woonsocket

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

December 26, 1991

January 2, 1992

Gerald W. Klaas
 (Signature)

Printer
 (Title)

1/2/92
 (Date Signed)

Cost of Printing: \$61.30



NOTICE OF HEARING on Application No. 5594-3 to Appropriate Water

Notice is given that Paul Plagmann, RR 2 Box 395, Woonsocket, SD 57385-9156 has filed an application for a water permit to appropriate 5 gallons per minute (0.011 cubic feet of water per second) from one existing well (Niobrara Formation) 163 feet deep located in the NE 1/4 NW 1/4 Section 30-T106N-R62W. The water is for commercial use at the Twin Lake Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5594-3 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 13, 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. 5594-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 22, 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 January 22, 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 January 22, 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 13, 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 qualification, 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. W14-21



FEB 28 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Paul Plagmann
RR 2 Box 395
Woonsocket, SD 57385-9156

Dear Mr. Plagmann:

Enclosed is Water Permit No. 5594-3 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 cursive script, appearing to read "John Hatch".

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

enclosures

Permit No. 5594-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Paul Plagmann of RR 2 Box 395 Woonsocket, SD 57385 holder of Permit No. 5594-3, bearing the priority of November 7, 1991 authorizing the diversion of .011 cu. ft. per second of the waters of groundwater for commercial purposes, in Sanborn County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
Uses a 5 gpm submersible monitor pump with a 1 hp motor
- B. Works used to transport water to place of use:
10 feet of 1 1/4 inches of PVC piping
- C. Works used to apply water to beneficial use:
NA

The system is in the following condition good. The point of diversion is located 1420' east and 265' south of the NW corner Section 30-T106N-R62W. The works are capable of diverting and conveying to the place of use .011 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

NA
comprising a total of NA acres of land and the license should be issued for .011 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are:

Date: 6/9/1992

Norma C. Job
Norma C. Job
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5594-3

DATE: 6-9-1992

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: NE 1/4 NW 1/4 Section 30-T106N-R62W

WELL INFORMATION:

- 1) Well Drilling Firm: Possible Hinker Drilling
- 2) No. of Wells 1
- 3) Depth(s) 163 feet
- 4) Well log is available N
- 5) Comment:

Casing:

- 1) Diameter 3.2 inches
- 2) Length 163 feet
- 3) Type steel

Screen:

- 1) Type
- 2) Length feet
- 3) Static water level 16 feet

Pump: Submersible

- 1) Make monitor pump
- 2) Model
- 3) Size
- 4) Capacity 5 GPM

Motor:

- 1) Make
- 2) Model No.
- 3) Horsepower rating 1 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 1 1/4 inches
- 3) Length 10 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

NOT TO SCALE



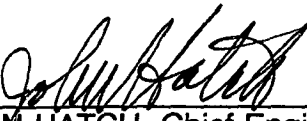
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5594-3

(1) Paul Plagmann, of RR #2 Box 395, Woonsocket, SD 57385-9156 made Application No. 5594-3, November 7, 1991 for a water permit to appropriate 0.011 cubic feet of water per second (cfs) from groundwater (one well), Sanborn County, South Dakota for commercial purposes. Permit No. 5594-3, with a priority date of November 7, 1991 was approved January 22, 1992 and issued to the applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant 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 0.011 cubic feet of water per second for beneficial use. The location of the diversion point is 1420'E and 265'S of the NW corner Section 30, T106N, R62W (NE 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Plagmann of RR #2 Box 395, Woonsocket, SD 57385-9156 the holder(s) and/or owner(s) of Water Permit No. 5594-3 is issued a license to appropriate water, the right to use 0.011 cubic feet of water per second from groundwater (one well) with a priority date of November 7, 1991 from the location specified in (2) of this license. The water is utilized by Twin Lakes Resort for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5594-3 and subject to South Dakota State Law.



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

MAR 17 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 1992

5594-3

Paul Plagmann
RR 2, Box 395
Woonsocket, SD 57385

Dear Mr. Plagmann:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5594-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number.
This will insure proper handling of the fee.

RECEIPT

413585

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, January 6, 19 93

RECEIVED OF Paul Plagmann, Twin Lakes Resort, RR 2 Box 395, Woonsocket, SD 57385

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>5594-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Klatch
Chief Engineer



MAR 17 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5594-3

Paul Plagmann
RR 2, Box 395
Woonsocket, SD 57385-9156

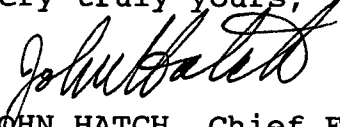
Dear Mr. Plagmann:

Enclosed is Water License No. 5594-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413585 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 5594-3, 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.

Very truly yours,


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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 1995

5594-3

Joan Elstran
Twin Lakes Resort
RR #2 Box 395
Woonsocket, SD 57385

Dear Ms. Elstran:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 5594-3.

Please review the form and complete where necessary. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

SD Water Law 46-5-30.3 requires that any sale, grant, lease conveyance or other transfer of a permit or license to appropriate water be filed with the Chief Engineer within 90 days.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5594-3

Date: _____

I\We request that Water Right No. 5594-3

formerly owned by: Paul Plagmann, RR #2 Box 395, Woonsocket, SD 57385-9156

be transferred to: (name & address) Gerald V. + Joan M. Elstrom, RR2, Box 395,
Woonsocket, SD 57385 (Telephone No) 605-796-4211

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

(diversion point location) NE 1/4 NW 1/4 Section 30, T106N, R62W

I\We understand that the validity of Water Right No. 5594-3 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 at the Division of Water Rights, 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)

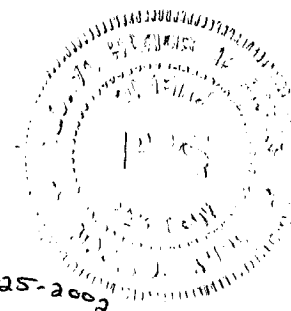
County of Davison)

I\We Joan Elstrom 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.

Joan M. Elstrom
(Signed)

Subscribed and sworn to before me this 23rd day of January, 19 95.

Cory Gerdson
(Notary Public)
my commission expires 1-25-2002



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

414385

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 25, 19 95

RECEIVED OF Gerald V. Ilstran, RR 2 Box 395, Woonsocket, SD 57385-9156

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. _____		
Fee for Filing Transfer Form <u>Water Right No. 5594-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 1995

No. 5594-3

Gerald V. and Joan M. Elstran
RR 2, Box 395
Woonsocket, SD 57385

Dear Mr. and Ms. Elstran:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 5594-3.

Our records now show you as the owner of Water Right No. 5594-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1998

5594-3

Joan Elstran
Twin Lakes Resort
115 Twin Lakes Rd
Woonsocket, SD 57385

Dear Ms. Elstran:

I am contacting you in follow-up to our January 20th telephone conversation in which you indicated you were selling the resort. Enclosed, as we discussed, is a copy of the water right and a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 5594-3.

When the sale is finalized, please give the materials to the new owner(s). They are the ones that will need to sign the transfer form. A \$2.50 filing fee is required for filing an ownership change.

Thank you Joan for calling about the pending sale of the resort. If you would, please let the buyers know that they can call me if they have any questions.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2001

No. 5594-3

Shawn or Kathy Peterson
Twin Lake Resort
115 Twin Lake Rd
Woonsocket SD 57385

Dear Mr. & Mrs. Peterson:

As stated in our phone conversation, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 5594-3 and a copy of the water right. The 2000 South Dakota Water Use Questionnaire is also enclosed.

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
Water Rights Program
605 773-3352

enclosures