

Considered: _____

WATER PERMIT NO. 5659-3

Phone: 339-4429

Name of Applicant: Frank Alvine

Post Office Address: 405 Harpel Drive, Sioux Falls SD 57105

Amount of Water Claimed: 0.22 ~~0.22~~ cfs 1 add'l ac-ft storage Total Acres: NA

Source of Water Supply: groundwater & runoff

Water to be used for: commercial County: Minnehaha

About 4 1/2 miles West of Sioux Falls

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 3-27-92 Fee: \$250 Remarks Add'l storage
for Permit No. 5659-3

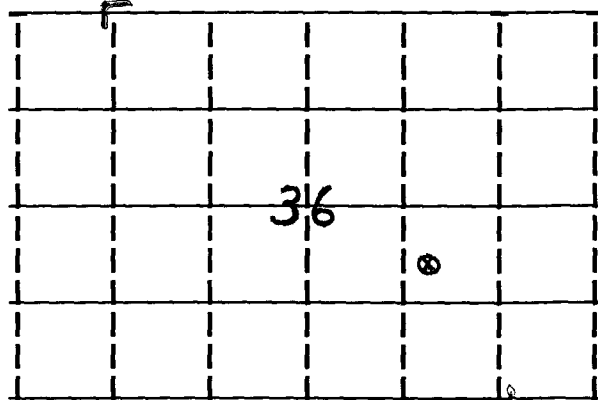
Corrected Application Received 4-27-92 Period of Annual Use May 1 - Sept 30

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

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

Diversion Point: NE 1/4 SE 1/4 Sec 36-T101N-R51W

Land to be Irrigated: _____



Well Log: Driller: Dave Putzke Well Drilling Licensed YES X NO _____

Depth of Well: 670' REMARKS _____

Type of Map: aerial PREPARED BY: Greg Johnston Reviewed and the Number

Assigned on 4-28-92 By Karen Schlaak



No. 5659-3 Hydrologic Unit 10170203
 Map No. _____ Basin Sioux River
 Newspaper Argus Leader, PO Box 5034

57117-5034

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

Use 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. 5005-3 with old priority date retained (drop use of well from 5005-3)

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☒ See Permit 5005-3, deepen existing

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____ well

☐ Construction to use water reserved by Future Use Permit No. _____

- Name of Applicant Frank Alvine Phone No. 339-4429
 Post Office Address 405 Harpel Drive Sioux Falls State SD 57105
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) 1 acre-foot / 100 GPM (for water slides and pools) 0.22 cfs
(for dugouts) 100 GPM
- Source of water supply For dugouts and 1 acre-foot-source is runoff and shallow groundwater;
For waterslides and pools-source is deep groundwater
- Location of point of diversion NE1/4 SE1/4 Section 36-T101N-R51W

County Minnehaha

5. Counties where water will be used Minnehaha

6. Annual period during which water is to be used May 1 - September 30

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)
 The well on Permit 5005-3 is no longer used for the dugouts. This application proposes to drop the well from 5005-3 and apply for an additional 1.0 acre-foot and one dugout as well as deepen the existing well to 700' and use ~~100~~ ⁷⁰⁰ GPM (estimate) from that well for pools and waterslides located at Karts West. Water use from the well and additional 1 acre-foot will take a new priority date.

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 Minnehaha) ss

I, DANIEL B STOCK 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 [Signature]

Subscribed and sworn to before me this 24th day of March 19 92

[Signature]
 Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5659-3

Date of first receipt of application March 27, 1992.

Date of return to applicant for corrections, amendments or changes April 8, 1992.

Date of receipt of corrected application April 27, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5659-3 to Frank Alvine, 405 Harpel Drive, Sioux Falls SD 57105 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. 5659-3 appropriates 0.22 cubic feet of water per second by deepening an existing well authorized by Water Permit No. 5005-3 and to construct one additional pond (1 acre-foot storage capacity). Water Permit No. 5505-3 appropriates 3.5 acre-feet annually for storage into two ponds with a 95 foot deep well being used to supplement water in the ponds. The diversion points are all located in the NE 1/4 SE 1/4 Section 36-T101N-R51W. This permit will appropriate 0.22 cubic feet of water per second by deepening the existing well to a depth of 670 feet into the (Sioux Quartzite) which is a different water source than currently authorized by Water Permit No. 5005-3. This permit also authorizes 1 additional acre-foot of storage and one additional pond (4.5 total storage capacity for the 3 ponds) located in the NE 1/4 SE 1/4 Section 36-T101N-R51W. The well water will maintain the waterslides and pools.
2. The water appropriated shall be used for the purpose of supplying water at Karts West 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 - September 30.
4. The date of approval of Permit No. 5659-3 is August 6, 1992.
5. The date from which applicant may claim right is March 27, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

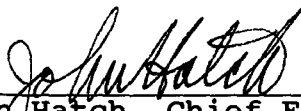
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

Water Permit No. 5059-3
Page 2

2. Water Permit No. 5005-3 and this Permit, combined, authorize total storage of 4.5 acre-feet of water in the three ponds.

WATER MANAGEMENT BOARD

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

NOV 30 1992
date

10-85

Date _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413189

Pierre, April 27, 19 92

RECEIVED OF Karts West/Valley West/Wild Water West, 809 W 10th, Ste B, Sioux Falls, SD
57104

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

Fee for Application for Permit No. <u>5659-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	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	250 00

By

Chief Engineer

John Hatch



March 9, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Frank Alvine
405 Harpel Drive
Sioux Falls, SD 57105

Dear Mr. Alvine:

On January 22, 1992 I inspected the system for Karts West to license Water Permit No. 5005-3. After speaking to Dan, I found that you were no longer supplying water to the ponds from the well and had deepened the well from 95 to 700'. In addition, you are now using an estimated 150 GPM for your water slide and pools at Water West.

Enclosed is a Water Permit application form for the water you are now using on the water slide and pool areas. You must apply for this water immediately and, if approved, you will receive a new priority date. Be certain to apply for all the water you may need for the water slides and pools at this time .

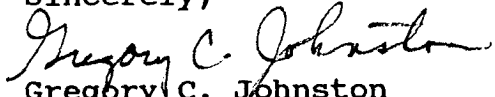
During my inspection, I estimated the water contained in the three ponds to be 4.5 acre-feet. Permit No. 5005-3 was approved for 3.5 acre-feet for the two new ponds only. You must be permitted for all three ponds and for an additional 1.0 acre-foot ($4.5 - 3.5 = 1.0$ acre-foot). Included on the Permit application are the third pond and additional 1.0 acre-foot of water. I have also enclosed a copy of the application instructions and a map of the three ponds with estimates of their acre-foot volumes. Please review the map and call me if you have questions or comments.

The filing fee will be \$250.00 for both the 1.0 acre-foot of water plus the third pond and the 150 GPM for your water slide and pools. If you will be using more than 150 GPM, for every additional 75 GPM over the 150 GPM, add \$25.00 to the total fee. Please complete the application and return with the appropriate filing fee as soon as possible.

One more item needed is the well completion report from Putzke Drilling as well as the information on the pump placed in the deepened well. The pump make, model number, no. of stages, pump capacity and pressure, motor make and model and horsepower are information you need to send.

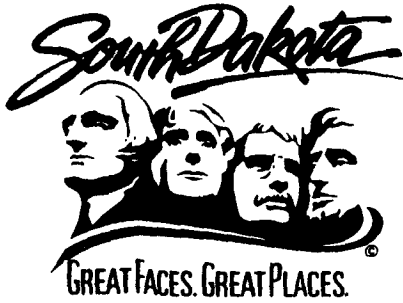
Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script, reading "Gregory C. Johnston". The signature is written in dark ink and is positioned above the printed name.

Gregory C. Johnston
Natural Resources Engineer
Water Rights Division
(605)/ 773-3352

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 1992

Frank Alvine
405 Harpel Drive
Sioux Falls SD 57105

Dear Mr. Alvine:

In regard to your water permit application received on March 27, 1992, the following information needs to be submitted in order to process your application.

1. Enclosed is your check for \$275.00. The filing fee for the amount of water you are claiming will be \$250.00, not \$275 as indicated by Greg Johnston in his letter dated March 9, 1992.
2. Please contact Putzke Well Drilling for a copy of the well completion report for the 700 foot well.

Upon receipt of the fee and the well completion report, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Report on Application No. 5659-3
Karts West
June 12, 1992

Frank Alvine, owner of Karts West, proposes to appropriate 0.22 cubic feet of water per second by deepening an existing well authorized by Water Permit No. 5005-3 and to construct one additional pond (1 acre-foot storage capacity). Water Permit No. 5005-3 appropriates 3.5 acre-feet annually for storage into two ponds with a 95 foot well being used to supplement water in the ponds. The diversion points are all located in the NE1/4 SE1/4 of Section 36-T101N-R51W. Application No. 5659-3 proposes to appropriate 0.22 cubic feet of water per second by deepening the existing well to a depth of 670 feet into the Sioux Quartzite which is a different water source than currently authorized by Water Permit No. 5005-3. This application also proposes 1 additional acre-foot of storage and one additional pond (4.5 acre-feet total storage for three ponds) located in the NE1/4 SE1/4 Section 36-T101N-R51W. The well water will maintain the waterslides and pools. The water is for commercial use at Karts West.

Aquifer - Sioux Quartzite

The Sioux Quartzite is massive and impermeable, except in areas where fractures and joints occur. The lateral and vertical extent of the fractured and jointed system is unknown; therefore, the amount of storage will not be estimated. Recharge to the Sioux Quartzite probably occurs where the fractured and jointed areas of the aquifer directly underlies the Wall Lake aquifer in the application area.

The well completion report indicates the well was drilled to 670 feet and was cased from the ground surface to the top of the aquifer (160 feet). In addition, the well was air lifted at 140 gallons per minute (gpm) and a 100 gpm pump was placed at 380 feet below the surface of the ground. The static water level was 175 feet below ground surface.

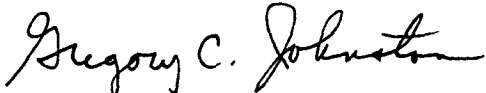
Existing Water Rights

There are no water permits within the Sioux Quartzite in the vicinity of the application area. Karts West has been utilizing the well since the summer of 1990 and there have been no complaints of interference by domestic users in the area.

The additional one acre-foot is supplied by natural water table conditions and runoff. There should be no problem with interference with existing water rights.

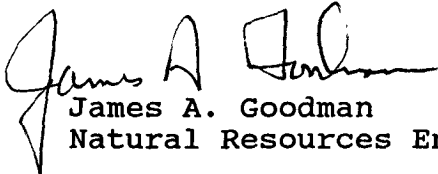
Conclusions

1. Water is available from the fractures and joints in the Sioux Quartzite.
2. Interference is not a problem - existing water rights will not be unlawfully impaired.
3. It is a beneficial use of water.
4. The well has been completed in accordance to SD Well Construction Standards.



Gregory C. Johnston
Natural Resources Engineer

Approved by:



James A. Goodman
Natural Resources Engineer IV

BIBLIOGRAPHY

Lindgren, R.J., and Niehus, C.A., Water Resources of Minnehaha County, South Dakota. U.S. Geological Survey Water Resources Investigations Report 91-4101.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5659-3, Karts West

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. 5659-3, Karts West, c/o Frank Alvine, 405 Harpel Drive, Sioux Falls, SD 57105.

The Chief Engineer is recommending APPROVAL of Application No. 5659-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 5005-3 and this Permit, combined, authorize total storage of 4.5 acre-feet of water in the three ponds.

See report on application for additional information.



JOHN HATCH, Chief Engineer
June 15, 1992



**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.

July 2, 1992

Frank Alvine
405 Harpel Drive
Sioux Falls, SD 57105

Dear Mr. Alvine:

Water Permit Application No. 5659-3 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 Argus Leader printed at Sioux Falls, SD (Ph # 331-2200). 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 1992

Argus Leader
PO Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5659-3 to be published twice. Please publish the first notice on July 10, 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 Frank Alvine, 405 Harpel Drive, Sioux Falls, SD 57105 (Ph # 339-4429).

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

Instruction to Newspaper - Publish first Notice on July 10, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5659-3 to Appropriate Water
and to Amend Water Permit No. 5005-3

Notice is given that Frank Alvine, 405 Harpel Drive, Sioux Falls, SD 57105 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (cfs) by deepening an existing well authorized by Water Permit No. 5005-3 and to construct one additional pond (1 acre-foot storage capacity). Water Permit No. 5005-3 appropriate 3.5 acre-feet annually for storage into two ponds with a 95 foot deep well being used to supplement water in the ponds. The diversion points are all located in the NE 1/4 SE 1/4 Section 36-T101N-R51W. This application proposes to appropriate 0.22 cfs by deepening the existing well to a depth of 670 feet into the (Sioux Quartzite) which is a different water source than currently authorized by Water Permit No. 5005-3. This application also proposes 1 additional acre-foot of storage and one additional pond (4.5 total storage capacity for the 3 ponds) located in the NE 1/4 SE 1/4 Section 36-T101N-R51W. The well water will maintain the waterslides and pools. The water is for commercial use at Karts West.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5659-3 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 July 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. 5659-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 6, 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 August 6, 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 August 6, 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 July 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, cross-examine witnesses according to SDCL 1-26. These and other rights may be forfeited if not exercised. Decisions of the Board may be appealed to the District Court and State Supreme Court as provided in SDCL 1-26. For more information, request copies of information from the Division of Water Rights. For a hearing by the handicapped

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 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 Minnehaha) ss.

I, M. DEVISH

certify that the attached printed Notice was taken
 from the Arqus Leader

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 Sioux Falls

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

Friday July 10, 1992

Friday July 17, 1992

 (Signature)

 (Title)

 (Date Signed)

Cost of Printing: \$138.90



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, 46-2A-20, 46-2A-21; 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.

2131 July 10, 17, 1992

NOTICE OF HEARING

on Application No. 5659-3 to
 Appropriate Water and to Amend
 Water Permit No. 5005-3

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5659-3 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.

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NOV 3 0 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Frank Alvine
405 Harpel Drive
Sioux Falls, SD 57105

Dear Mr. Alvine:

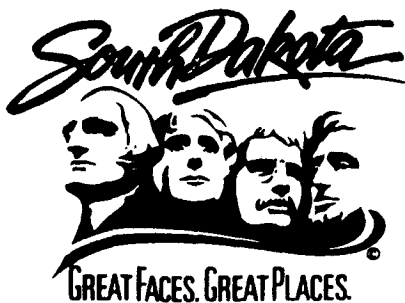
Enclosed is Water Permit No. 5659-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

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

December 9, 1992

5659-3
5005-3

Dan Stock
Wild Water West
809 W 10th Street
Sioux Falls, SD 57104

Dear Mr. Stock:

I am contacting you in regard to your telephone conversation with Karen Schlaak concerning transfer and licensing of Water Permit Nos. 5005-3 and 5659-3. You indicated the permits should be listed in the name of Wild Water West.

Enclosed are two "Notice of Transfer of Ownership" forms. Both permits will need to be transferred prior to licensing. Please check over the forms for accuracy, complete them where necessary, and then sign them in the presence of a notary. Upon completion, return the transfer forms to our office with a required filing fee of \$2.50 each.

As Karen indicated, the permits are ready to be licensed upon receipt of a \$50.00 license fee. Enclosed is a copy of our November 30, 1992 letter requesting the license fee. The letter had been sent to Mr. Alvine instead of Wild Water West. Upon licensing, the applicable portions of Water Permit No. 5005-3 will be incorporated into Water License No. 5659-3.

Please return the completed transfer forms and a total of \$55.00 (\$5.00 for the transfers and \$50.00 for licensing) as soon as you can. If you have any questions, please contact me.

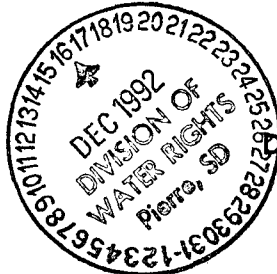
Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5659-3

Date: December 14, 1992

I/We request that Water Permit No. 5659-3

formerly owned by: Frank Alvine, 405 Harpel Drive, Sioux Falls, SD 57105

be transferred to: (name & address) WILD WATER WEST WATERPARK, LTD, 809 West 10th Street

Sioux Falls, SD 57104

(Telephone No) 605-339-2837

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

(diversion point location) NE 1/4SE 1/4 Section 36, T101N, R51W

I/We understand that the validity of Water Permit No. 5659-3 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 Minnehaha)

I/~~Mr.~~ Marilyn Alvine 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.

Marilyn Alvine
(Signed)

Subscribed and sworn to before me this 14th day of December, 19 92.

Glenda Lohse
(Notary Public)

Commission expires March 12, 1997

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1993

No. 5005-3
5659-3

Marilyn Alvine
Wild Water West Waterpark, LTD
809 West 10th Street
Sioux Falls, SD 57104

Dear Ms. Alvine:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 5005-3 and 5659-3.

Our records now show Wild Water West Waterpark, LTD as the owner of Water Permit Nos. 5005-3 and 5659-3.

Sincerely,

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

enclosure

RECEIPT

413545

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 16, 19 92

RECEIVED OF Wild Water West Waterpark, 809 W 10th St Ste B, Sioux Falls, SD 57104-3573

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 Permit No. 5659-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch / [Signature]
Chief Engineer

RECEIPT

413544

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 16, 19 92

RECEIVED OF Wild Water West Waterpark, 809 W 10th Ste B, Sioux Falls, SD 57104-3573
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>5659-3</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 Hatch
Chief Engineer

Permit No. 5659-3 (Incorporate 5005-3)

Big Sioux 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 Wild Water West Waterpark, LTD of 809 W 10th St., Sioux Falls, SD 57104 holder of Permit No. 5659-3/5005-3, bearing the priority of March 27, 1992/August 19, 1983 authorizing the diversion of 0.22 cu. ft. per second and/or the storage of 4.5 acre-feet of the waters of the Sioux Quartzite Aquifer (waterslides and pools) and surface runoff and shallow groundwater (three ponds) for commercial purposes, in Minnehaha County.

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

A. Works used to divert the water:

One well - 670' deep with 160' of 6" steel casing and no screen, Grundfos Model No. 135S-200-12 Submersible pump with motor, 3", 5 stages, 100 GPM, 30 PSI, 20 HP

B. Works used to transport water to place of use:

130' of 4" PVC

C. Works used to apply water to beneficial use:

Well supplies water to waterslides and pools at Wild Water West Waterpark and 3 ponds (supplied with water from surface runoff and shallow groundwater) containing 4.5 acre-feet of water used for a fishing pond and 2 boat ponds

The system is in the following condition excellent. The point of diversion is located 1090' West and 1815' North of the SE corner of Section 36-T101N-R51W. The works are capable of diverting and conveying to the place of use 0.22 cu. ft. per second of water and/or storing 4.5 acre-feet of water which is to be used for commercial purposes. Water has been put to beneficial use.

(Ponds are located in N 1/2 SE 1/4 Sec 36)

Applicable permit qualifications have been complied with ☒ Yes ☐ No
Exceptions to compliance are: None Date 1/22/92


Gregory C. Johnston
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5659-3

DATE January 22, 1992

Other permit(s) associated with the project 5005-3

DIVERSION POINT LEGAL LOCATION: 1090' W and 1815' N of the SE corner of Section 36-T101N-R51W

WELL INFORMATION: Well Drilling Firm Putzke Well Drilling

No. of Wells 1 Depth(s) 670

- a) Casing: 1) diameter 6 inches b) Screen: 1) type N/A
2) length 160 feet 2) length N/A feet
3) type steel c) Pump 1) make Grundfos
d) Static Water Level 175 feet 2) model 135S-200-12
e) Motor: 3) size 3 inches
1) make Grundfos 4) capacity 100 GPM
2) model No. 135S-200-12 5) turbine pump - No. of stages 5
3) horsepower rating 20 hp 6) operating pressure 30 PSI

DISTRIBUTION LINES OR CANALS:

- a) type PVC b) size 4 inches c) length 130 feet

System Type: Well supplies water to waterslides and pools at Wild Water West Waterpark.

Water to three ponds is supplied by surface runoff and shallow groundwater.

CHEMIGATION EQUIPMENT:

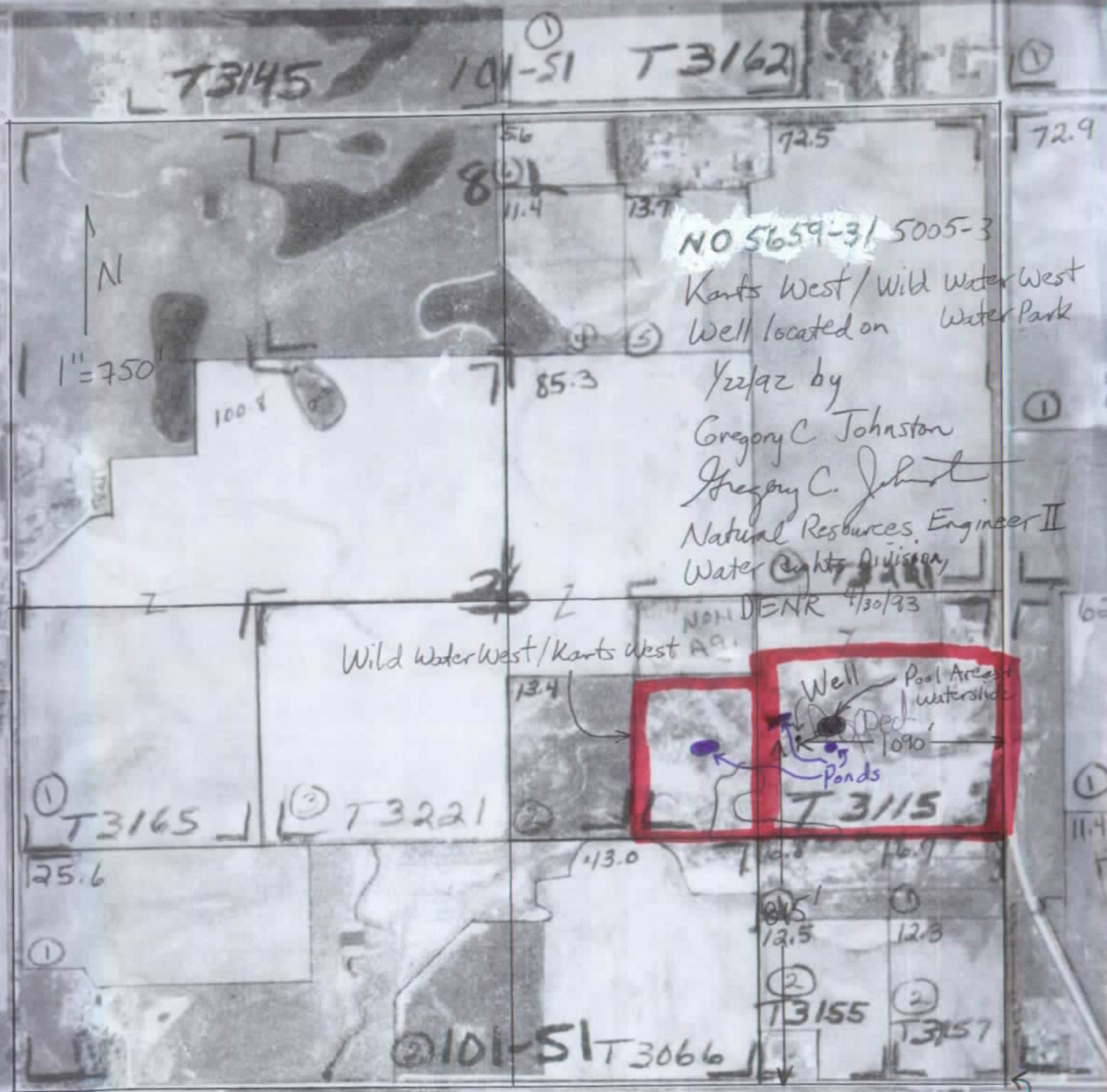
- a) does chemigate N/A (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)
b) Special qualifications to permit being abided by Y (Y/N)
c) All structures, wells and lands on map Y (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (Y/N)

Water Permit No. 5659-3 appropriates 0.22 cfs from one deep well and an additional 1.0 acre-foot of water for three ponds (4.5 acre-feet total for all three ponds). Water Permit No. 5005-3 is incorporated into Water License No. 5659-3 and appropriates 3.5 acre-feet for 2 ponds.

NOT TO SCALE



SE corner
Section 36-
T10N-
R51W

5659-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5659-3

(1) Frank Alvine, 405 Harpel Drive, Sioux Falls SD 57105 made Application No. 5659-3, March 27, 1992 for a water permit to divert 0.22 cubic feet of water per second from groundwater (one well), one acre-foot storage and one additional storage pond, Minnehaha County, South Dakota for commercial use purposes. Permit No. 5659-3, with a priority date of March 27, 1992 was approved August 6, 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 December 16, 1992, Water Permit No. 5659-3 was transferred to Wild Water West Waterpark, Ltd.

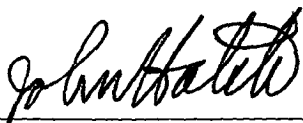
Water Permit No. 5659-3 authorizes 0.22 by deepening the existing well covered by Water Permit No. 5005-3 and authorizes on additional pond (1 acre-foot storage capacity). No. 5005-3 authorizes 3.5 acre-feet annually for storage into two ponds with a well, 95 feet deep, being used to supplement water in the ponds.

The applicable portions of Water Permit No. 5005-3 have been incorporated into this Water License No. 5659-3. A priority date of August 19, 1983 (established by No. 5005-3) is retained for 3.5 acre-feet annually for storage into two ponds. A priority date of March 27, 1992 (established by No. 5659-3) is retained for the additional 0.22 cfs from the well, one acre-foot of storage and one additional storage pond.

(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 0.22 cubic feet of water per second for beneficial use. The location of the well is 815 feet north and 1,090 feet west of the southeast corner of Section 36-T101N-R51W (NE 1/4 SE 1/4) and the 3 storage ponds are located in the N 1/2 SE 1/4. The 3 ponds have a storage capacity of 4.5 acre-feet.

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

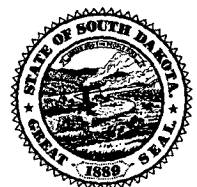
(4) Pursuant to South Dakota Water Law 46-5-30.1 Wild Water West Waterpark, Ltd., 809 West 10th St, Sioux Falls SD 57105 the holder and/or owner of Incorporated Water Permit No. 5659-3 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from groundwater (one well) and 3 storage ponds (4.5 acre-feet storage capacity) with priority dates of August 19, 1983 and March 27, 1992 from the location specified in (2) of this license for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5659-3 and subject to South Dakota State Law.



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

AUG 8 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

5659-3

Marilyn Alvine
Wild Water West Waterpark, Ltd.
809 West 10th St.
Sioux Falls, SD 57105

Dear Ms. Alvine:

Enclosed is Water License No. 5659-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413544 in the amount of \$50.00 which you paid for the investigation 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. 5659-3, 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 Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit No. 5005-3 have been incorporated into this Water License No. 5659-3.