

Considered: _____

WATER PERMIT NO. 5686-3

Phone: 336-3668

Name of Applicant: Suburban Motel

Post Office Address: 3308 East 10th, Sioux Falls SD 57103

Amount of Water Claimed: 18 gpm (0.04 cfs) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use County: Minnehaha

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 7-8-92 Fee: \$50 Remarks _____

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

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

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

Diversion Point: SE 1/4 SW 1/4 Sec 14-T101N-R49W

Land to be Irrigated: _____

			14		
		5			

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 250' REMARKS well log not available

Type of Map: plat PREPARED BY: Don Frye Reviewed and the Number

Assigned on 7-13-92 By Karen Schlaak



No. 5686-3 Hydrologic Unit 10170203
 Map No. _____ Basin Big Sioux River
 Newspaper The Argus Leader, PO Box 5034

331-2000

57117-5034

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. _____ 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 SUBURBAN MOTEL Phone No. 336-3668

Post Office Address 3308 EAST 10TH SIOUX FALLS State SD Zip Code 57103
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 18 GPM (0.04 cfs)

3. Source of water supply well

4. Location of point of diversion SE 1/4 SW 1/4 SEC 14, T101N R49W

County MINNEHAHA

5. Counties where water will be used MINNEHAHA

6. Annual period during which water is to be used JANUARY 1 TO DECEMBER 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)

PROVIDES WATER FOR LIVING QUARTERS AND 18 MOTEL ROOMS

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, DALE J. KOCKX

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

Dale J. Kockx

Subscribed and sworn to before me this 7th day of July 1992

Angela M. Gubler
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5686-3**

Date of first receipt of application July 8, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5686-3 to Suburban Motel, 3308 East 10th, Sioux Falls SD 57103 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. 5686-3 appropriates 18 gallons per minute (0.04 cubic feet of water per second) from one well (Sioux Quartzite) 250 feet deep located in the SE 1/4 SW 1/4 Section 14-T101N-R49W.
2. The water appropriated shall be used for the purpose of supplying water to the motel 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. 5686-3 is September 30, 1992.
5. The date from which applicant may claim right is July 8, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: _____

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

NOV 13 1992

date

Supplemental Information

(type or print in ink)

Well Driller's Log unavailable

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" Depth 250'
- 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) _____
- g) Distance to nearest existing domestic well:

On applicants property N/A On property owned by others UNKNOWN - ALL NEIGHBORS ON CITY WATER

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 _____

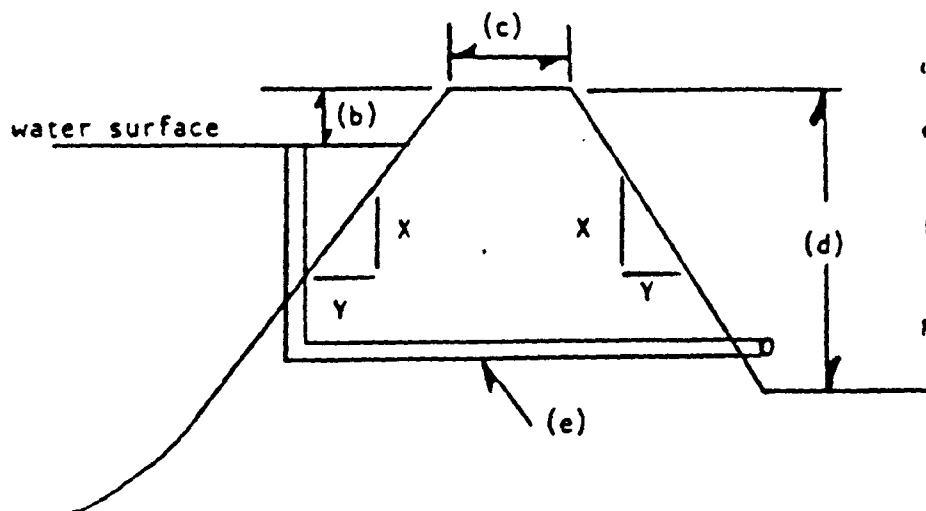
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413289

Pierre, July 9, 19 92

RECEIVED OF Suburban Motel, 3308 E 10th Street, Sioux Falls, SD 57103

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

Fee for Application for Permit No. <u>5686-3</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 H. Holt
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 11, 1992

Dale Kockx
Suburban Motel
3308 East 10th
Sioux Falls SD 57103

Dear Mr. Kockx:

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, bars, clubs, 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 July 10, 1992. 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

REPORT ON APPLICATION NO. 5686-3
for the Suburban Motel
August 17, 1992

Application No. 5686-3 proposes to appropriate 18 gpm (0.04 cfs) from one well approximately 250 feet deep located in the SE 1/4 SW 1/4 of section 14, T101N R49W in Minnehaha County. The water is for commercial use at the motel.

AQUIFER - SIOUX QUARTZITE (SOUX)

The Sioux Quartzite is a locally well-fractured and jointed crystalline rock which underlies the entire Minnehaha County (Lindgren, 1992). The yield of water to wells is generally relatively low and depends upon the extent of fracturing and jointing present. The aquifer is generally confined except for the outcrop areas and is under artesian conditions. There is no estimate for the amount of water in storage or for recharge to the aquifer. This aquifer is widely used in Minnehaha County to supply domestic water. There is no well information available to determine how the well is constructed or what formations were penetrated.

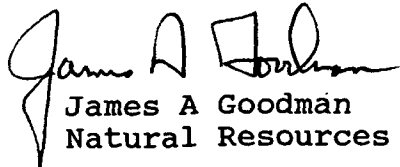
The Division of Water Rights does not measure any observation wells completed into the Sioux Quartzite in this area. The Minnehaha County Study indicates that the water levels in the Sioux Quartzite do respond to climatic conditions, that is, gradually rising during wet years and then, gradually declining during dry years.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other permits/rights for water from the Sioux Quartzite in this immediate area. The nearest permit is located about 1 mile northeast of this application and may be obtaining water from a different source. Interference is not expected to be a problem. This well has been in use for many years with no apparent problem.

CONCLUSIONS

1. Water is available from the Sioux Quartzite.
2. Interference is not expected to be a concern.
3. The motel is connected to the Sioux Falls Sanitary Sewer system.
4. There is no information available to determine how this well is constructed. The owner did not know who the driller was or even for sure how deep the well is. The depth was estimated by the pump installer.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, USGS WRI 91-4101, USGS, Huron, SD, 57350.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5686-3, Suburban Motel

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. 5686-3, Suburban Motel, c/o Dale J. Kockx, 3308 East 10th, Sioux Falls, SD 57103.

The Chief Engineer is recommending APPROVAL of Application No. 5686-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 qualification:

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.

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 18, 1992



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.

August 26, 1992

Dale J. Kockx
Suburban Motel
3308 E 10th
Sioux Falls, SD 57103

Dear Mr. Kockx:

Water Permit Application No. 5686-3 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 # 331-2000). 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.



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 26, 1992

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5686-3 to be published twice. Please publish the first notice on September 3, 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 Suburban Motel, 3308 E 10th, Sioux Falls, SD 57103 (Ph # 336-3668).

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

Date _____

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

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 September 3, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5686-3 to Appropriate Water

Notice is given that Suburban Motel, 3308 East 10th, Sioux Falls, SD 57103 has filed an application for a water permit to appropriate 18 gallons per minute (0.04 cubic feet of water per second) from one well (Sioux Quartzite) 250 feet deep located in the SE 1/4 SW 1/4 Section 14-T101N-R49W. The water is for commercial use at the motel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5686-3 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 September 21, 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, September 30, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The September 30, 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 September 21, 1992.

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 Eric Gronlund by September 21, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, }
COUNTY OF MINNEHAHA } SS.

M. DEVISH

.....being duly sworn, says: That the Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota, by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 3 day of September, 19 92

Thursday, the 10 day of September, 19 92

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

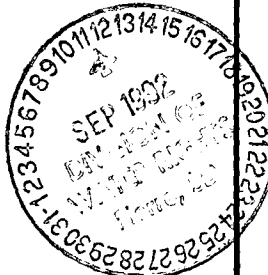
_____, the _____ day of _____, 19____,

and that \$110.42 was charged for publishing the same including a \$2.00 affidavit fee.

M. Devish

Subscribed and sworn to before me September 19 92

Nancy A. Buchley
Notary Public, South Dakota



NOTICE OF HEARING
on Application No. 5686-3
to Appropriate Water

Notice is given that Suburban Motel, 3308 East 10th, Sioux Falls, SD 57103 has filed an application for a water permit to appropriate 18 gallons per minute (0.04 cubic feet of water per second) from one well (Sioux Quartzite) 250 feet deep located in the SE 1/4 SW 1/4 Section 14-T101N-R49W. The water is for commercial use at the motel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5686-3 because 1) unappropriated water is available, 2) existing rights will not be unreasonably 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.

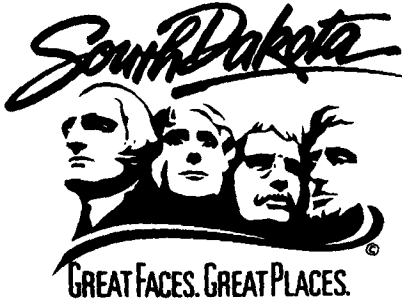
Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 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 September 21, 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, September 30, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The September 30, 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 September 21, 1992.

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 Eric Gronlund by September 21, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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.

Robert E. Roberts, Secretary
Department of Environment and
Natural Resources
Sept. 3, 10, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 13 1992

Dale J. Kockx
Suburban Motel
3308 East 10th
Sioux Falls, SD 57103

Dear Mr. Kockx:

Enclosed is Water Permit No. 5686-3 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

RECEIPT

413516

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 23, 19 92

RECEIVED OF Suburban Motel, 3308 E 10th St, Sioux Falls, SD 57003

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>5636-3</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. 5686-3
Water District: Big Sioux River

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

I have this day made a thorough examination of the water use system constructed by The Suburban Motel holder of Permit No. 5686-3, bearing the priority of July 8, 1992 authorizing the diversion of 0.040 cu. ft. per second of groundwater 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, 250' deep and a submersible Goulds pump, Model 10 EJ, rated at 18 GPM.

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

95' of 1 1/2" PVC pipe from the well to the motel's pressure tank.

C. Works used to apply water to beneficial use:

Distribution pipes to the office, living quarters and each motel room.

The system is in the following condition good. The point of diversion is located 780' west and 1450' south of the center of Sec 14, T101N, R49W.

The works are capable of diverting and conveying to the place of use 0.040 cu. ft. per second of water which is to be used for commercial purposes.

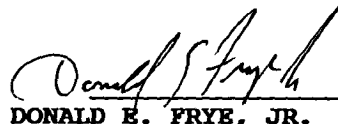
Water has been put to beneficial use to the maximum extent as follows:

Water is used in 18 motel rooms and in the living quarters of the manager and should be issued for 0.040 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date Inspected: 7/8/92

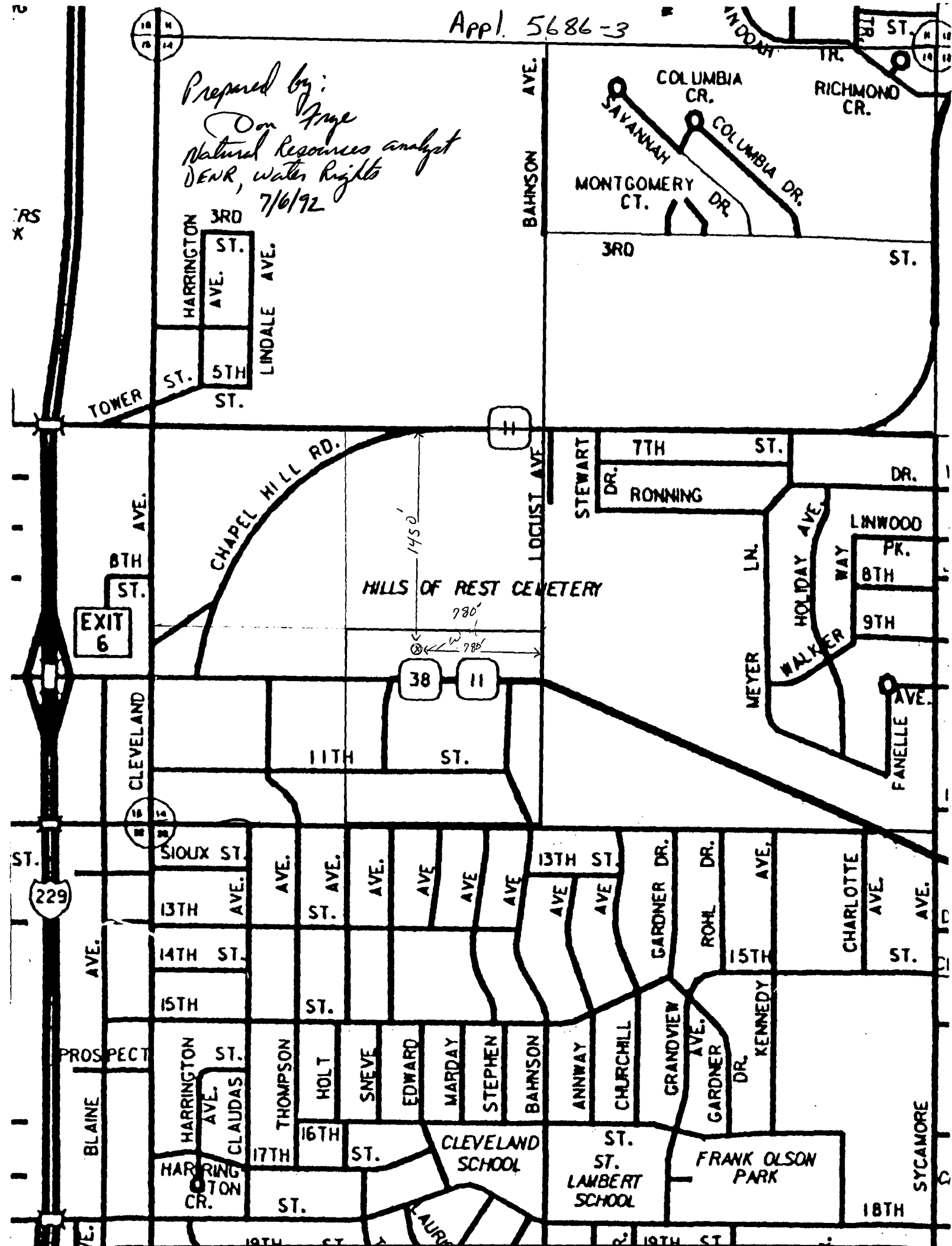


DONALD E. FRYE, JR.

Natural Resources Analyst
DENR, Water Rights Division

App. 5686-3

Prepared by:
Don Trice
Natural Resources analyst
DENR, Water Rights
7/6/92



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5686-3

(1) Suburban Motel, of 3308 East 10th, Sioux Falls, SD 57103 made Application No. 5686-3, July 8, 1992 for a water permit to appropriate 0.04 cubic feet of water per second from groundwater (one well), Minnehaha County, South Dakota for commercial purposes. Permit No. 5686-3, with a priority date of July 8, 1992 was approved September 30, 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 0.04 cubic feet of water per second for beneficial use. The location of the diversion point is 780 feet west and 1450 feet south of the center of Section 14, T101N, R49W (SE 1/4 SW 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 Suburban Motel of 3308 East 10th Street, Sioux Falls, SD 57103 the holder(s) and/or owner(s) of Water Permit No. 5686-3 is issued a license to appropriate water, the right to use 0.04 cubic feet of water per second from groundwater (one well) with a priority date of July 8, 1992 from the location specified in (2) of this license. The water is to be utilized for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5686-3 and subject to South Dakota State Law.



MAR 17 1993

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

5686-3

Dale Kockx
Suburban Motel
3308 East 10th
Sioux Falls, SD 57103

Dear Mr. Kockx:

Enclosed is Water License No. 5686-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413516 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. 5686-3, 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

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

SUBURBAN MOTEL
DALE KOCKX, 3308 E 10TH
SIOUX FALLS SD 57103

Address correction requested:

*Please note
below.*

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5686-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: MINNEHAHA

Aquifer: SIOUX QUARTZITE

Pumping Pt. Legal: SEC 14-T101N-R49W

Management Unit: NOT APPLICABLE

Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: _____ gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

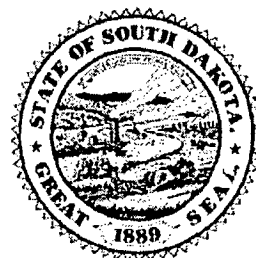
*We sold the Motel in 3-1-95 to
Rajesh B. Gupta - Please contact
them for information - same address
as above. Thank you.*

Dale F. Kockx

Contact Person: _____

Telephone No: _____

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



Thank you for completing the 2000 water use questionnaire.

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



transfer sent 2/16/01



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 2001

No. 5686-3

Suburban Motel
Rajesh Bhaskta
3308 E 10th
Sioux Falls SD 57103

Dear Mr. Bhaskta:

Recent correspondence with Dale Kockx indicates that the Suburban Motel was sold to you several years ago. For your information, I have enclosed a copy of Water Right No. 5686-3. Also, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 5686-3. The water right is currently listed in the name of Dale Kockx.

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 27, 2001

5686-3

Rajesh Bhakta
Suburban Motel
3308 E 10th
Sioux Falls, SD 57103

Dear Mr. Bhakta:

On February 16, 2001, we contacted you regarding ownership of Water Right No. 5686-3, currently listed in the name of Dale Kockx dba Suburban Motel. The water right authorizes diversion of ground water for commercial purposes. Our February letter included a copy of the water right and a "Notice of Transfer of Ownership" form for use in filing the ownership change. To date, we have not heard from you concerning the ownership change.

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

It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires that any sale, grant, lease, conveyance or other transfer of a Water Permit to appropriate water be filed with our program within ninety days.

If you have any questions, please contact me. Thank you in advance for your help.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2003

No. 5686-3

Rajesh Bhakta
Suburban Motel
3308 E 10th
Sioux Falls SD 57103

Dear Mr. Bhakta:

A review of our files indicates that on February 16, 2001 and April 27, 2001 letters were sent to you regarding the ownership of Water Right No. 5686-3. Our files indicate this water right is currently listed in the name of Dale Kockx dba Suburban Motel. To date, we have not received a response from you.

Enclosed is another partially completed *Notice of Transfer of Ownership* form. Please review and complete the form, making any necessary corrections or additions. The form should be signed by the present owner and returned to our office with a required filing fee of \$2.50. The check or money order can be made payable to the "Water Rights Program".

If this well is no longer being utilized for commercial purposes or if you are no longer the owner, please let us know.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
APR - 4 2003
WATER RIGHTS
PROGRAM

No. 5686-3

Date: _____

I/We request that Water Right/Permit No. 5686-3

formerly owned by: Dale Kockx dba Suburban Motel

be transferred to: (name & address) CLAYMINN LLC

dba SUBURBAN MOTEL

Telephone No. 6053363668

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

1 well located in SE 1/4 SW 1/4 Section 14-T101N-R49W

✓

I/We understand that the validity of Water Right/Permit No. 5686-3 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 RIKESH, the new owner, certify that the above information is true and correct.

PATEL



(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.

Rikesh Patel

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 4, 20 09

RECEIVED OF Claymore LLC, Suburban Motel, 3308 E 10th St., Sioux Falls SD 57103

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>5086-3</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. 000712

By

Darlene Eide
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 2003

5686-3

Rikesh Patel
Clayminn LLC
dba Suburban Motel
3308 E 10th St
Sioux Falls SD 57103

Dear Mr. Patel:

Thank you for following up on the ownership change for Water Right No. 5686-3. The transfer has been completed. The water right formerly listed in the name of Dale Kockx, dba Suburban Motel, is now listed in the name of Clayminn LLC.

Enclosed is your Receipt No. 000712 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