

Considered: _____

WATER PERMIT NO. VR 5688-3

Phone: 489-2204

Name of Applicant: Shipwreck Inn

Post Office Address: Rt 1, Box 38A, Chester SD 57016

Amount of Water Claimed: 10 gpm 0.022 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Lake

About 2 miles North of Chester

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 7-15-92 Fee: \$15.00 Remarks Priority

date January 1, 1940

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: NE 1/4 NE 1/4 Sec 10-T105N-R51W

Land to be Irrigated: _____

				⊗	
			10		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS well log not available

pe of Map: topo PREPARED BY: Don Frye Reviewed and the Number

signed on 7-15-92 By Karen Schlaak

No. 5688-3 Hydrologic Unit 10170203
 Map No. _____ Basin Big Sioux River
 Newspaper Daily Leader, PO Box 348, Madison

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

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

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

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

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

1. Name of Applicant SHIPWRECK INN Phone No. 489-2264

Post Office Address RT 1, Box 38A CHESTER State SD Zip Code 57016
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 10 GPM (0.022 cfs)

3. Source of water supply 1 WELL

4. Location of point of diversion NE 1/4 NE 1/4 SEC 10, T105N, R51W

County LAKE

5. Counties where water will be used LAKE

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 TO RESTAURANT, LOUNGE, BATHS AND RESIDENCE

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, Ray R. Rowland 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 Ray R. Rowland

Subscribed and sworn to before me this 9th day of July 1992

my Commission expires May 12, 1996

Donna Bond
 Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5688-3

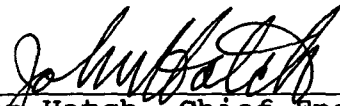
Date of Receipt of Claim July 15, 1992.

Date of Validation September 30, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5688-3 for Shipwreck Inn, Rt 1, Box 38A, Chester SD 57016 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5688-3 appropriates 10 gallons per minute (0.022 cubic feet of water per second) from one shallow well located in the NE 1/4 NE 1/4 Section 10-T105N-R51W.
2. The appropriated water is used for supplying water for a restaurant, lounge, bait shop and residence 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 annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1940.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 

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

NOV 17 1992

date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth UNKNOWN WELLOG UNAVAILABLE
- b) Casing Type CONCRETE PLASTIC Diameter 6" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material UNKNOWN
- f) Depth to Water (ground surface to water level) 15' (SAND POINT WELL)
- g) Distance to nearest existing domestic well:
- On applicants property NONE On property owned by others 200 YARDS

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 _____

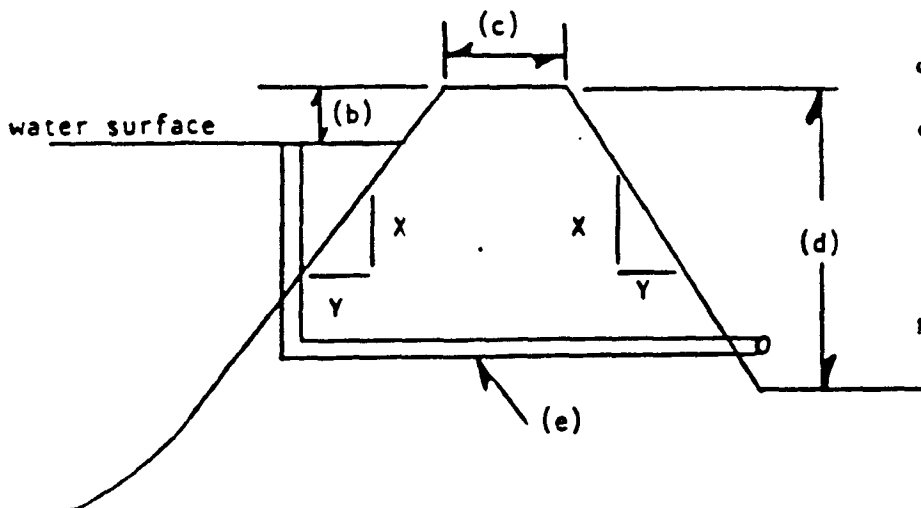
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.



**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) SHIPWRECK INN

Post Office Address Rt 1, Box 38A CHESTER SD 57016
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1940C. Date that water was first applied to beneficial use 1940D. Name of owner of original water supply system WHITE CITY (OWNER'S NAME UNAVAILABLE)E. Amount of water originally applied to beneficial use 10 GPMF. Present Use of Water - Amount of water now being used 10 GPMDate that this water was first used 1975

G. Chronological History of Water Use

1940-1953 - WHITE CITY
1953-1975 - CAMERON'S
1975-1992 - SHIPWRECK INN

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota, _____)

County of Minnehaha) ^{SS}

I, Ray R Rowland the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Ray R RowlandSubscribed and sworn to before me July 9th, 1992My Commission expires May 12, 1996

Donna Boyda
 Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

_____, 19____
(Print name)_____, 19____
(Print name)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413309

Pierre, July 15, 19 92

RECEIVED OF Shipwreck, RR 1 Box 38A, Chester, SD 57016

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

Fee for Application for Permit No. <u>5688-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	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	15 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

SHIPWRECK INN
RAY ROWLAND
RT 1 BOX 38A
CHESTER SD 57016

Dear MR. ROWLAND:

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1992

RAY ROWLAND
SHIPWRECK INN
RT 1 BOX 38A
CHESTER SD 57016

Dear MR. ROWLAND:

I am writing to follow-up on my October 24, 1991 letter regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records 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 February 21, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1992

RAY ROWLAND
SHIPWRECK INN
RT 1 BOX 38A
CHESTER SD 57016

Dear MR. ROWLAND:

I am writing to follow-up on my October 24, 1991 and January 21, 1992 letters regarding the need for a permit to appropriate water for use in your facility. Based on the information we have, we believe you need a permit. We would appreciate your earliest attention to this matter.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, except for private domestic use, a water permit is required to use water from any water source. Examples of commercial enterprises that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of institutions 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.

An existing business or institution without a required 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.

We have previously sent you 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". If you have questions, or don't believe you need a water permit, 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

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Shipwreck Inn, WP Appl. No. 5688-3

ADDRESS: Rt 1, Box 38A, Chester COUNTY: Lake

DATE: 8/26/92 TELEPHONE: 489-2204

RE: Discussion with Mr. Rowland on wastewater system

COMMENTS:

I called Mr. Ray Rowland regarding wastewater disposal system utilized by Shipwreck Inn. Mr. Rowland said the Inn utilizes 3 septic systems, two of which were constructed 8 years ago and the remaining tank was installed approximately 14 years ago. They all lead to a drain field. Mr. Rowland does not remember if they had been inspected or received dept. approval.

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

NAME:

Eric Rowland

REPORT ON VESTED RIGHT APPLICATION NO. 5688-3
for Shipwreck Inn
August 19, 1992

Vested Right Application No. 5688-3 proposes to appropriate 10 gpm (0.022 cfs) from one shallow well of unknown depth located in the NE 1/4 NE 1/4 of section 10, T105N R51W in Lake County. The water use has a claimed priority date of January 1, 1940 and is used as a commercial water supply for the restaurant, lounge, bait shop and residence.

AQUIFER - BIG SIOUX NORTHERN SKUNK CREEK (BS-NSC)

The Big Sioux Northern Skunk Creek aquifer is composed of poorly sorted sand and gravel to well sorted sand and gravel (Hansen, 1986). The aquifer is hydraulically connected to area Lakes Madison and Brant and to Skunk Creek. The aquifer extend into Moody and Minnehaha Counties to the south. The aquifer is generally unconfined although in some areas to the south and west of Brant Lake, the aquifer is confined. In the area of this application, the aquifer is unconfined and under water table conditions. Also the close proximity to Brant Lake would suggest that the water level in Brant Lake would be a control on the water level in this well. The Big Sioux Northern Skunk Creek aquifer underlies 24,700 acres and contains an estimated 70,400 acre feet of recoverable water in storage in Lake County (Hedges, 1982).

The Division of Water Rights monitors 5 observation wells completed in the Big Sioux Northern Skunk Creek aquifer within 4 miles of this application. Water levels for these wells show good response with climatic conditions, that is, rapidly rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area. Interference is not a problem.

CONCLUSIONS

1. Water is available from the Big Sioux Northern Skunk Creek Aquifer.
2. Interference is not a concern.
3. The information submitted with the application is not sufficient to determine the well construction. It appears this may be a driven sandpoint well.
4. The affidavit filed with this application indicates that water has been used for these purposes since 1940. This application can be validated as a vested right.

5. So far I have been unable to find out anything about the wastewater system.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, SD, USGS WRI 84-4209, USGS, Huron, SD, 57350.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1992, Unpublished Observation Well Records for Lake County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5688-3, Shipwreck Inn

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 Validation of Vested Water Right Application No. 5688-3, Shipwreck Inn, c/o Ray Rowland, Rt 1 Box 38A, Chester, SD 57016.

The Chief Engineer is recommending VALIDATION of Application No. 5688-3 for 10 gallons per minute because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1940, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
August 20, 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

Ray Rowland
Shipwreck Inn
Rt 1 Box 38A
Chester, SD 57016

Dear Mr. Rowland:

Your Application No. 5688-3 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Daily Leader printed at Madison, SD (Ph # 256-4555). 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 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 to validate a vested right 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. We must receive Proof of Publication before the application can be considered.

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

Daily Leader
PO Box 348
Madison, SD 57042

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5688-3 to be published twice. Please publish the notice on September 2, 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 Shipwreck Inn, Rt 1 Box 38A, Chester, SD 57016 (Ph # 489-2204).

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. The permit application cannot be considered until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application 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 2, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 5688-3 to Appropriate Water

Notice is given that Shipwreck Inn, Rt 1 Box 38A, Chester, SD 57016 has filed an application to validate a vested water right claim to appropriate 10 gallons per minute (0.022 cubic feet of water per second) from one shallow well located in the NE 1/4 NE 1/4 Section 10-T105N-R51W. The water use has a claimed priority date of January 1, 1940, and is used as a commercial water supply for the restaurant, lounge, bait shop and residence.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5688-3 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1940, 2) the use has been developed without unlawful impairment of existing rights, 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 vested water right application 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.

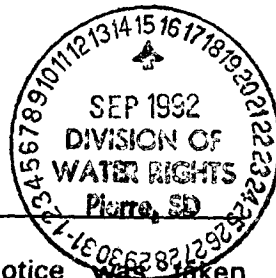
If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, September 30, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of 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-18, 46-2A-22; 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, 46-5-49; 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; 74:02:01:19 thru 74:02:01:22. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 Lake) ss.
 County _____)



I, Deanna Bergheim

certify that the attached printed Notice was taken
 from the Madison Daily 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 _____ Madison _____

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

Wednesday, Sept. 2, 92

Wednesday, Sept. 9, 92

Deanna Bergheim

(Signature)

Secretary

(Title)

Sept. 9, 1992

(Date Signed)

Cost of Printing: \$53.10

information pertaining to this application, to
 assure access to the hearing by the han-
 dicapped 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-18, 46-2A-22; 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, 46-5-49; 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; 74:02:01:19 thru 74:02:01:22.

/ ROBERT E. ROBERTS

Secretary

Department of Environment
 and Natural Resources

**NOTICE OF HEARING
 TO VALIDATE VESTED WATER RIGHT
 APPLICATION NO. 5688-3
 TO APPROPRIATE WATER**

Notice is given that Shipwreck Inn, Rt. 1,
 Box 38A, Chester, SD 57016 has filed an ap-
 plication to validate a vested water right
 claim to appropriate 10 gallons per minute
 (0.022 cubic feet of water per second) from
 one shallow well located in the NE 1/4 NE 1/4
 Section 10-T105N-R51W. The water use has
 a claimed priority date of January 1, 1940,
 and is used as a commercial water supply
 for the restaurant, lounge, bait shop and
 residence.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer recommends VALIDATION of
 Vested Water Right Application No. 5688-3
 because 1) water has been appropriated as
 described for commercial use with a priori-
 ty date of January 1, 1940, 2) the use has been
 developed without unlawful impairment of
 existing rights, 3) it is a beneficial use of
 water, and 4) it is in the public interest.
 Unless a petition is filed opposing the ap-
 plication or the applicant files a petition con-
 testing the chief engineer's recommenda-
 tion, the Water Management Board will NOT
 CONDUCT a HEARING to consider this ap-
 plication and the chief engineer will issue the
 vested water right application as recom-
 mended. Petitions filed in support of the ap-
 plication will NOT require the Board to hear
 the application.

Any person interested in opposing or sup-
 porting this application must file a written
 petition with BOTH the applicant and Chief
 Engineer. The applicant must also file a peti-
 tion if opposed to the Chief Engineer's
 recommendation. The Chief Engineer's ad-
 dress is "Water Rights Division, Foss
 Building, 523 E Capitol, Pierre SD 57501 (606
 773-3352)" and the applicant's mailing ad-
 dress 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 in-
 terest in the application, the petitioner's
 reasons for opposing or supporting the ap-
 plication, and the signature and mailing ad-
 dress of the petitioner or the petitioner's
 legal counsel, if legal counsel is obtained.

If a petition is filed opposing the applica-
 tion or the applicant files a petition con-
 testing the chief engineer's recommenda-
 tion, the Board will consider this application
 at 10:00 a.m., September 30, 1992, Floyd Mat-
 thew 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 the validation, 2)
 approve the validation with qualifications, 3)
 defer, or 4) deny validation of this applica-
 tion based on the facts presented at the
 public hearing. The September 30, 1992,
 hearing date will be automatically delayed
 for at least 28 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 pro-
 ceeding. 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 accord-
 ing to SDCL 1-26. These and other due pro-
 cess 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

Vested Right No. 5688-3
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 Shipwreck Inn holder of Vested Right No. 5688-3, bearing the priority of January 1, 1940 authorizing the diversion of 0.022 cu. ft. per second of groundwater for commercial purposes in Lake County.

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

A. Works used to divert the water:

One sandpoint well, of unknown depth, with a submersible pump producing 10 GPM.

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

120' of 1 1/4" PVC and galvanized pipe from the well to the restaurant/lounge, bait shop and residence.

C. Works used to apply water to beneficial use:

One 10 gallon pressure tank and the water distribution system.

The system is in the following condition fair. The point of diversion is located 750' south and 180' west of NE corner Sec 10, T105N, R51W.

The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial purposes.

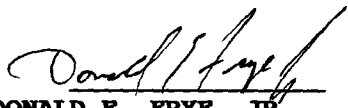
Water has been put to beneficial use to the maximum extent as follows:

Water is used in a restaurant/lounge, a bait shop and in a residence and should be issued for 0.022 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

Prepared by:
Don Frye
Natural Resources Analyst
DENR, Water Rights Division
7/7/92

ANT LAKE

Gravel Pit

TBM 4

TBM 5

TBM 6

D. J. WELL

500 ft

1609

1600

1614

1625

1677

1650

1645

1660

1670

1620

1614

1597

10

3

16

CLAY

Cre

Prepared by:
Don Frye
Natural Resources Analyst
DENR, Water Rights Division
7/7/92

ANT LAKE

Gravel Pit

TBM 4

TBM 5

TBM 6

D. J. WELL

500 ft

1609

1600

1614

1625

1677

1650

1645

1660

1670

1620

1614

1597

10

3

16

CLAYTON

CRENSHAW

Prepared by:
Don Frye
Natural Resources Analyst
DENR, Water Rights Division
7/7/92

ANT LAKE

Gravel Pit

TBM 4

TBM 5

TBM 6

D. J. WELL

500 ft

1609

1600

1614

1625

1677

1650

1645

1660

1670

1620

1614

1597

10

3

16

CLAYTON

CRENSHAW

Prepared by:
Don Frye
Natural Resources Analyst
DENR, Water Rights Division
7/7/92

ANT LAKE

Gravel Pit

TBM 4 TBM 5 TBM 6 TBM 7 TBM 8 TBM 9 TBM 10 TBM 11 TBM 12 TBM 13 TBM 14 TBM 15 TBM 16 TBM 17 TBM 18 TBM 19 TBM 20 TBM 21 TBM 22 TBM 23 TBM 24 TBM 25 TBM 26 TBM 27 TBM 28 TBM 29 TBM 30 TBM 31 TBM 32 TBM 33 TBM 34 TBM 35 TBM 36 TBM 37 TBM 38 TBM 39 TBM 40 TBM 41 TBM 42 TBM 43 TBM 44 TBM 45 TBM 46 TBM 47 TBM 48 TBM 49 TBM 50 TBM 51 TBM 52 TBM 53 TBM 54 TBM 55 TBM 56 TBM 57 TBM 58 TBM 59 TBM 60 TBM 61 TBM 62 TBM 63 TBM 64 TBM 65 TBM 66 TBM 67 TBM 68 TBM 69 TBM 70 TBM 71 TBM 72 TBM 73 TBM 74 TBM 75 TBM 76 TBM 77 TBM 78 TBM 79 TBM 80 TBM 81 TBM 82 TBM 83 TBM 84 TBM 85 TBM 86 TBM 87 TBM 88 TBM 89 TBM 90 TBM 91 TBM 92 TBM 93 TBM 94 TBM 95 TBM 96 TBM 97 TBM 98 TBM 99 TBM 100

500 ft

1:50,000

[illegible][illegible]

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5688-3

(1) Shipwreck Inn of RR 1, Box 38A, Chester, SD 57016 made Application No. 5688-3, July 15, 1992 for validation of a vested right claim to appropriate 0.022 cubic feet of water per second from groundwater (one well), Lake County, South Dakota for commercial purposes. Vested Water Right No. 5688-3 was validated September 30, 1992 with a priority date of January 1, 1940. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owner is entitled to divert 0.022 cubic feet of water second for beneficial use. The location of the diversion point is: 750'S and 180'W of the NE corner of Section 10, T105N, R51W (NE 1/4 NE 1/4).

(3) Pursuant to Section 46-5-30.1 the Shipwreck Inn of RR 1, Box 38A, Chester, SD 57016 the holder(s) and/or owners(s) of Vested Water Right No. 5688-3 is issued a license to appropriate 0.022 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1940 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 5688-3 and subject to South Dakota State Law.


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

NOV 17 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 17 1992

5688-3

Ray Rowland
Shipwreck Inn
RR 1, Box 38A
Chester, SD 57016

Dear Mr. Rowland:

Enclosed are your Validated Vested Water Right and Water License No. 5688-3. 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.

Very truly yours,

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

enclosures

Dewell, Amanda

From: Kilts, Whitney (DENR)
Sent: Thursday, February 27, 2025 10:44 AM
To: Dewell, Amanda
Subject: 5688-3 for investigation (closer to top of stack)

Again, maybe put this one near the top of the investigation stack since BS:NSC aquifer.

Drinking Water Program indicates that 5688-3 connected to rural water in 1993. Also look like it is the Shipwreck Bar & Grill now and changed ownership around 2019.



Whitney Kilts
Office of Water-Water Rights Program
 Department of Agriculture and Natural Resources
 523 E. Capitol Ave. Pierre SD, 57501
 605.773.3352
danr.sd.gov

From: Friedeman, Barbara <Barbara.Friedeman@state.sd.us>
Sent: Thursday, February 27, 2025 10:38 AM
To: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>
Subject: RE: water system information question

Shipwreck Inn was inactivated in 1993 after connecting to Big Sioux Community Water.

From: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>
Sent: Thursday, February 27, 2025 10:29 AM
To: Friedeman, Barbara <Barbara.Friedeman@state.sd.us>
Subject: water system information question

Barb,

Was the Shipwreck Inn or Shipwreck Bar & Grill in Chester SD (23925 464th Ave) ever a public water system? And if yes, when, and why were they removed from regulation as a public water system?

Thanks,



Whitney Kilts
Office of Water-Water Rights Program
 Department of Agriculture and Natural Resources
 523 E. Capitol Ave. Pierre SD, 57501
 605.773.3352
danr.sd.gov

Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, April 15, 2025 9:30 AM
To: management@theshipwreckbarandgrill.com
Subject: Shipwreck Inn_Water Right No. 5688-3

To whom it may concern:

I am reaching out today regarding South Dakota Vested Water Right No. 5688-3, which is presently held by Shipwreck Inn, c/o Ray Rowland.

Vested Water Right No. 5688-3 authorizes the withdrawal of 10 gallons of water per minute per minute from a single well located along the southeastern bank of Brandt Lake (NE ¼ NE ¼ Section 10-T105N-R51W) to provide water for commercial purposes to the Inn, restaurant, lounge, and bait shop.

The SD Drinking Water Program has indicated that in the mid-1990s, the Inn was connected to the Big Sioux Community Water System and the well was taken offline. Our Program is also of the understanding that ownership of the Inn may have changed in recent years, and we hope the new owner/manager can inform us as to the current operations of the well site.

I would request that you please review the above information and Water Rights Program file for [VWR No. 5688-3](#) and respond to this email as to the status of the well and confirm whether it is still being used.

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov

