

Considered: _____

WATER PERMIT NO. VR 5693-3

Phone: 432-6911

Name of Applicant: Schmidt's Landing

Post Office Address: RR 1, Box 182, Big Stone City SD 57216

Amount of Water Claimed: 20 gpm 0.044 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Roberts

About 6 miles NW of Big Stone City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 7-28-92 Fee: \$15 Remarks Priority

date of January 1, 1933

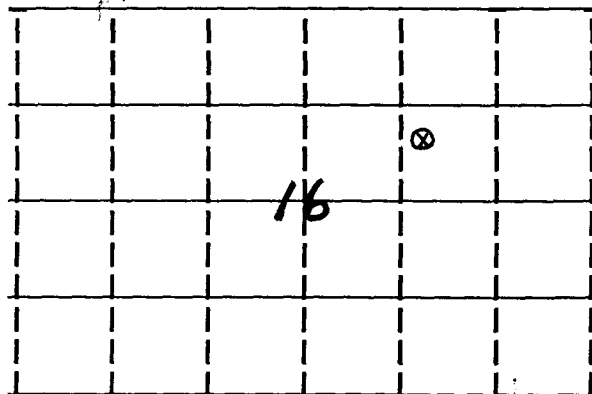
Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

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

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

Diversion Point: SE 1/4 NE 1/4 Sec 16-T122N-R47W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 140' REMARKS log not available

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

Assigned on 7-29-92 By Karen Schlaak



No. 5693-3 Hydrologic Unit 07020001
 Map No. _____ Basin Minn-Whetstone
 Newspaper Enterprise, Box 37, Wilmot

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 SCHMIDT'S LANDING Phone No. 432-6911

Post Office Address RR 1, Box 182 BIG STONE CITY State SD
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 20 GPM (0.044 cfs)

3. Source of water supply 1 WELL

4. Location of point of diversion SE 1/4 NE 1/4, SEC 16, T122N, R47W

County ROBERTS

5. Counties where water will be used ROBERTS

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

PROVIDES WATER TO A STORE, 14 UNIT MOTEL AND A 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 Grant) ss

I, EIVERA CLASSEN 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 Eivera Classen

Subscribed and sworn to before me this 27th day of July 19 92

Haven Spoth

Notary Public

Comm. Expires: 7-31-96

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5693-3

Date of Receipt of Claim July 28, 1992.

Date of Validation December 2, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5693-3 for Schmidt's Landing, RR 1, Box 182, Big Stone City SD 57216 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5693-3 appropriates 20 gallons per minute (0.044 cubic feet of water per second) from one well (Veblen Aquifer) 140 feet deep located in the SE 1/4 NE 1/4 Section 16-T122N-R47W.
2. The appropriated water is used for supplying water for Schmidt's Landing 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: May 1 - September 30.
4. The priority dates of the Vested Water Right is January 1, 1933.
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
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 12 1993
date

Supplemental Information

SCHMIDT'S LANDING

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 140' NO WELL LOG
AVAILABLE
- b) Casing Type STEEL 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 NONE On property owned by others 1 MILE

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 _____

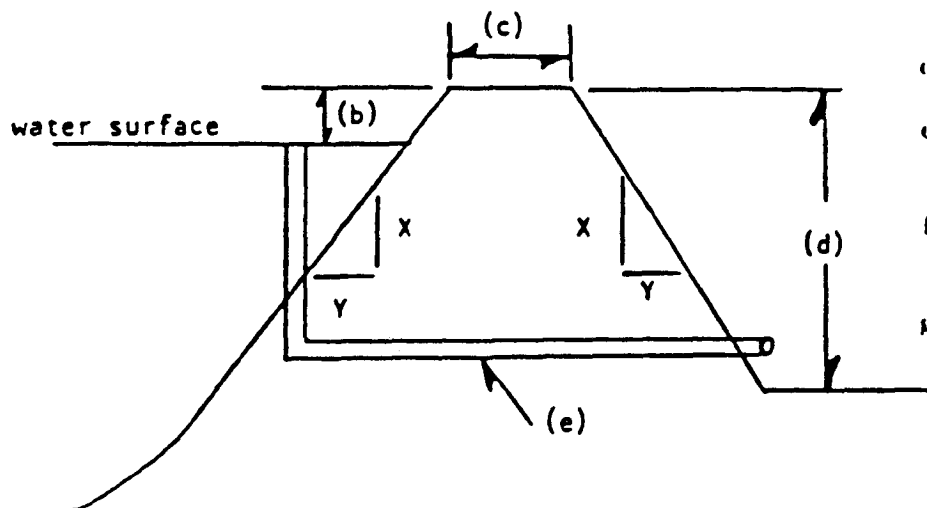
g) X & Y Slope
Upstream _____

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 of 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) SCHMIDT'S LANDING
 Post Office Address RR1, BOX 182, BIE STONE CITY SD 57216
(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 1932C. Date that water was first applied to beneficial use 1933D. Name of owner of original water supply system HERBERT SCHMIDTE. Amount of water originally applied to beneficial use 20 GPMF. Present Use of Water - Amount of water now being used 20 GPMDate that this water was first used 1933
 G. Chronological History of Water Use - ALWAYS BEEN KNOWN AND HAS DONE BUSINESS
AS SCHMIDT'S LANDING FROM 1933 TO THE PRESENT

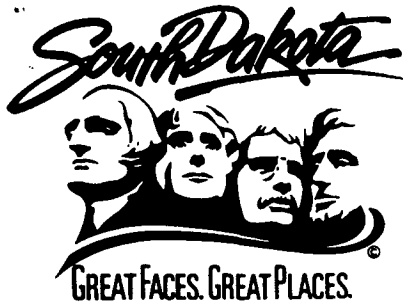
Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Grant) SS
 I, EVERA CLASSEN the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Evera ClassenSubscribed and sworn to before me July 27 1992
Loren Booth
Notary Public or other qualified officer Comm Expires: 7-31-96

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.

(Print name) 19_________
(Print name) 19____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1992

SCHMIDT'S LANDING
RT 1 BOX 182
BIG STONE CITY SD 57216

Dear SIR :

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

January 23, 1992

Elvera Classen
Schmidt's Landing
RR 1, Box 182
Big Stone City SD 57216

Dear Mrs. Classen:

This letter is in response to the phone conversation on January 22, 1992, concerning water use by Schmidt's Landing.

Enclosed are two blank Affidavits of Water Use which need to be filed as part of your application. The Affidavit is used to document when water use began and how much water was used. The questions that need to be completed, as much as possible, are highlighted on the Affidavit. If you believe the original amount of water use is comparable to today's use, then place the same number of gallons per minute in questions E. & F. A new permit as well as a vested right will be needed if today's use exceeds the amount of use in the 1930's. The new permit would be for the increase in gallons per minute.

After completing the Affidavit, sign the Affidavit in the presence of a notary public and return it to the Water Rights Division with your other application forms. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1992

SCHMIDT'S LANDING
RT 1 BOX 182
BIG STONE CITY SD 57216

Dear SIR :

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413348

Pierre, July 28, 1992

RECEIVED OF Elvera Classen, Schmidt's Landing, RR 1 Box 182, Big Stone City, SD
the following amount in fees for services rendered as provided for by law: 57216

Fee for Application for Permit No. <u>5693-3</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 Haldy
Chief Engineer

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Schmidt's Landing - VR Application No. 5693-3

ADDRESS: RR 1, Box 182, Big Stone City COUNTY: Roberts

DATE: 9/24/92 TELEPHONE: 432-6911

RE: Conversation with Mrs. Classen regarding their waste water disposal

COMMENTS:

I contacted Mrs. Classen regarding the waste water disposal system utilized at Schmidt's Landing. She stated that they installed a Nodak septic system 3 years ago at a cost of \$25,000. See attachment for a description of the Nodak system.

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 Hansen

REPORT ON APPLICATION NO. 5693-3
for Schmidt's Landing
September 23, 1992

Application No. 5693-3 proposes to validate a vested right claim to appropriate 20 gpm (0.044 cfs) from a well 140 feet deep located in the SE 1/4 NE 1/4 of section 16, T122N R47W in Roberts County. The water use has a claimed priority date of January 1, 1933 and is used as a commercial water supply for a store, 14 unit motel and a residence.

AQUIFER - VEBLEN (VEB)

The Veblen aquifer is a buried glacial outwash under confined (artesian) conditions. The aquifer is not well mapped in Roberts County and the areal extent and volume of water in storage is not known. The aquifer is well mapped Grant County to the south and is areally extensive.

The Division of Water Rights does not monitor any observation wells completed into the Veblen aquifer in this area. The closest observation well is about 5 miles southwest of this application. Water levels for this well do show response to climatic conditions, that is, rising during wet years (recharge) and declining gradually during dry years. The record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

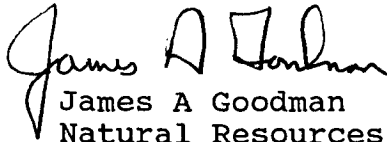
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Vested Right No. 5093-3 which obtains water from the Veblen aquifer and located about 1 mile northwest of this application. Interference is not expected to be a concern. Drawdown caused by pumping should not be significant at these pumping rates.

CONCLUSIONS

1. Water is available from the Veblen aquifer.
2. Interference is not expected to be a problem.
3. The affidavit submitted with the application indicates that water has been used for these same purposes since 1933. This application can be recognized as a Vested Right.

4. The wastewater disposal for this facility is a Nodak mound system installed three years ago.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Water Rights, 1992, Unpublished Observation Well Records for the Veblen Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5693-3, Schmidt's Landing

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. 5693-3, Schmidt's Landing, c/o Elvera Classen, RR 1 Box 182, Big Stone City, SD 57216.

The Chief Engineer is recommending VALIDATION of Application No. 5693-3 for 0.044 cfs (20 gallons per minute) because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1933, 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 cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
September 24, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 1992

Enterprise
Box 37
Wilmot, SD 57279

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5693-3 to be published twice. Please publish the notice on November 4, 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 Schmidt's Landing, RR 1 Box 182, Big Stone City, SD 57216 (Ph # 432-6911).

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
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



**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.

October 29, 1992

Elvera Classen
Schmidt's Landing
RR 1 Box 182
Big Stone City, SD 57216

Dear Ms. Classen:

Your Application No. 5693-3 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 Enterprise printed at Wilmot, SD (Ph # 938-4651). 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
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.

Instruction to Newspaper - Publish first Notice on November 4, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 5693-3 to Appropriate Water

Notice is given that Schmidt's Landing, RR 1 Box 182, Big Stone City, SD 57216 has filed an application to validate a vested water right claim to appropriate 20 gallons per minute (0.044 cubic feet of water per second) from one well (Veblen Aquifer) 140 feet deep located in the SE 1/4 NE 1/4 Section 16-T122N-R47W. The water use has a claimed priority date of January 1, 1933, and is used as a commercial water supply for Schmidt's Landing.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5693-3 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1933, 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 November 23, 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.

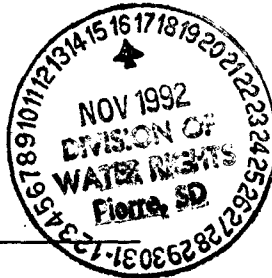
If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, 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 December 2, 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 November 23, 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 November 23, 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)
 County Roberts) ss.



I, Cheryl Rondeau

certify that the attached printed Notice was taken
 from the Wilmot Enterprise

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 Wilmot,

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

November 4, 1992

November 11, 1992

[Signature]
 (Signature)

Editor / Publisher
 (Title)

11/12/92
 (Date Signed)

Cost of Printing: *57.62

**NOTICE OF HEARING
 To Validate**

**Vested Water Right Application
 No 5693-3 to Appropriate Water**
 Notice is given that Schmidt's Land-
 ing, RR 1 Box 182, Big Stone City, SD
 57216 has filed an application to
 validate a vested water right claim
 to appropriate 20 gallons per minute
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 feet deep located in the SE1/4NE1/4
 Section 16-T122N-R47W. The water
 use has a claimed priority date of
 January 1, 1933, and is used as a
 commercial water supply for
 Schmidt's Landng.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer recommends VALIDATION
 of Vested Water Right Application
 No. 5693-3 because 1) water has
 been appropriated as described for
 commercial use with a priority date
 of January 1, 1933, 2) the use has
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 testing the chief engineer's recom-
 mendtion, the Water Mngement
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 Board to hear the application.

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 or supporting this application must
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 ommendation. The Chief Engineer's
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 Foss Building, 523 E Capitol, Pierre
 SD 57501 (605 773-3352)" and the
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 must be filed by November 23, 1992.
 The petition may be informal, but
 must include a statement describing
 the petitioner's interest in the appli-
 cation, the petitioner's reasons for
 opposing or supporting the applica-
 tion, and the signature and mailing
 address of the petitioner or the peti-
 tioner'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 a.m. December 2, 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 December 2, 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 November 23, 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 November 23, 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.

(Nov. 4 & 11, 1992)

Vested Right No. 5693-3
Water District: Minnesota-Whetstone

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 Schmidt's Landing holder of Vested Right No. 5693-3, bearing the priority of January 1, 1933 authorizing the diversion of 0.044 cu. ft. per second of groundwater for commercial purposes in Roberts County.

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

A. Works used to divert the water:

One well, 140' deep and a Teel 1 HP submersible pump rated at 20 GPM.

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

246' of 1 1/4" PVC pipe from the well to the 100 gallon buried pressure tank under the motel units and 160' 1 1/4" PVC from the buried pressure tank to the house and store.

C. Works used to apply water to beneficial use:

The plumbing systems of the 2 motel units, the store and the residence.

The system is in the following condition good. The point of diversion is located 1570' east and 750' north of the center of Sec 16, T122N, R47W.

The works are capable of diverting and conveying to the place of use 0.044 cu. ft. per second of water which is to be used for commercial purposes.

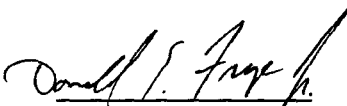
Water has been put to beneficial use to the maximum extent as follows:

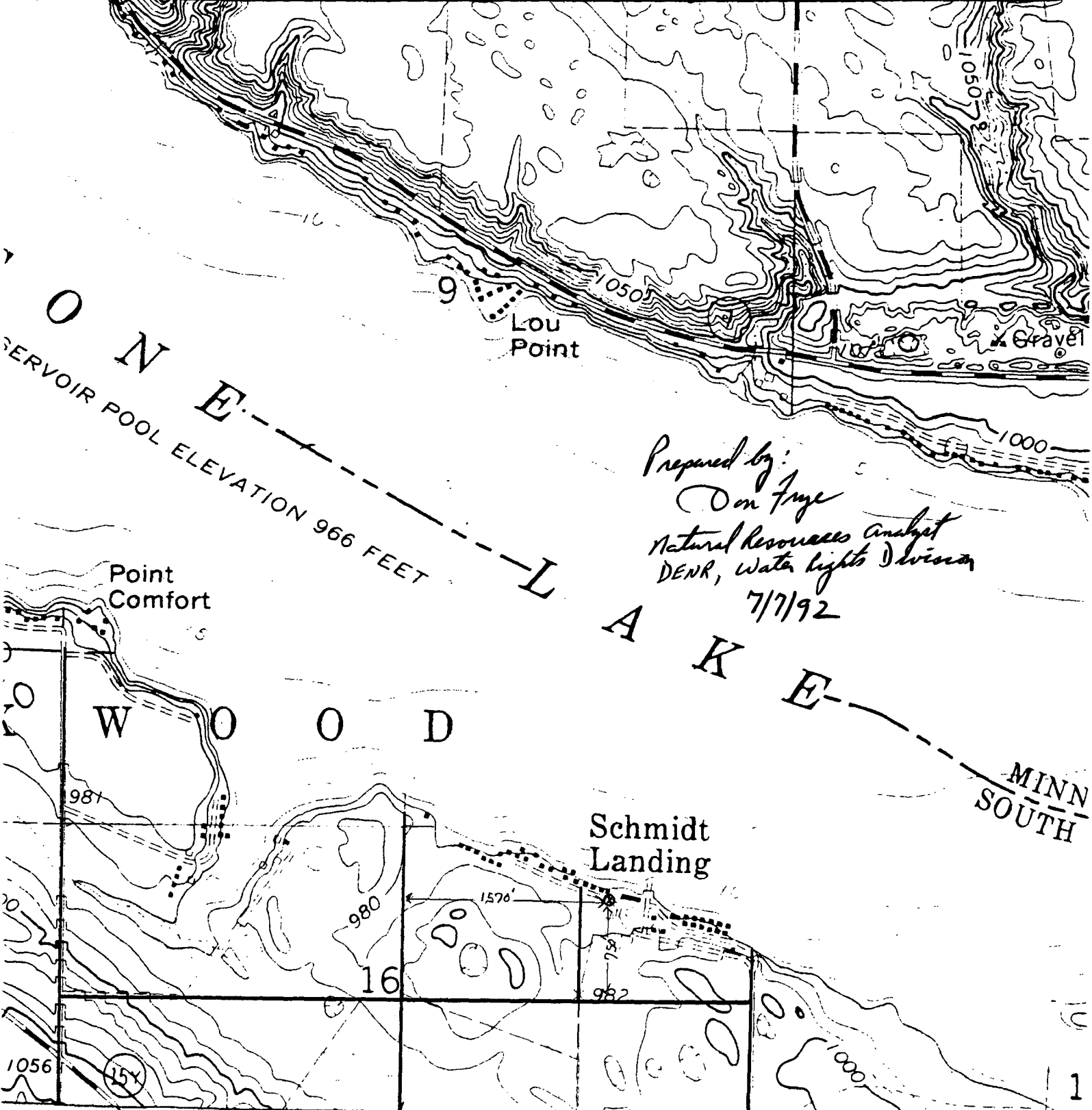
Water is used in 2 motel units, a store and a residence and should be issued for 0.044 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date Inspected: 7/7/92

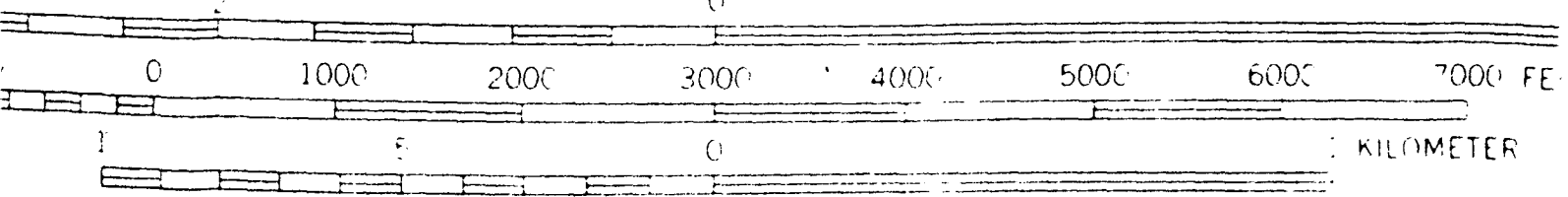

DONALD E. FRYE, JR.
Natural Resources Analyst
DENR, Water Rights Division



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

CITY 8 MI. 690 (BIG STONE LAKE SE) 6674 1 SE 692

SCALE 1:24 000



CONTOUR INTERVAL 10 FEET

DATUM IS MEAN SEA LEVEL

5693-3

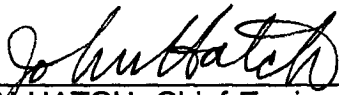
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5693-3

(1) Schmidt's Landing of RR #1 Box 182, Big Stone City, SD 57216, made Application No. 5693-3, July 28, 1992 for validation of a vested right claim to appropriate 0.044 cubic feet of water per second from groundwater (one well), Roberts County, South Dakota, for commercial purposes. Vested Water Right No. 5693-3 was validated December 2, 1992 with a priority date of January 1, 1933. 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 0.044 cubic feet of water per second for beneficial use. The location of the diversion point is: 1570 feet east and 750 feet north of the center of Section 16, T122N, R47W (SE 1/4 NE 1/4).

(3) Pursuant to Section 46-5-30.1 Schmidt's Landing of RR #1 Box 182, Big Stone City, SD 57216 the holder(s) and/or owner(s) of Vested Water Right No. 5693-3 is issued a license to appropriate 0.044 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1933 from the location specified in (2) of this license. The water is supplied to two motel units, a store and a residence for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 5693-3 and subject to South Dakota State Law.



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

MAR 12 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

5693-3

Elvera Classen
Schmidt's Landing
RR 1, Box 182
Big Stone City, SD 57216

Dear Ms. Classen:

Enclosed are your Validated Vested Water Right and Water License No. 5693-3. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 7, 2017

6658-3
5693-3

Adam Koplin
48068 SD Hwy 158
Reville SD 57259

Dear Mr. Koplin:

I am writing in follow-up to our phone conversation concerning Water Right No. 6658-3 (irrigation for golf course) and Vested Water Right No. 5693-3 (commercial use at Schmidt's Landing).

Enclosed are the following:

(Copies for your records):

- Copy of Water Right No. 6658-3, Ronald Wyatt
- Irrigation Questionnaires submitted by Mr. Wyatt for the years 2012-2015
- Copy of Vested Water Right No. 5693-3, Schmidt's Landing

(Items to complete and return to us):

- The 2017 irrigation questionnaire (yellow)
- Notice of Transfer of Ownership form for Water Right No. 6658-3
- Notice of Transfer of Ownership form for Vested Water Right No. 5693-3

Hopefully you can gather enough information from the past irrigation questionnaires to be able to fill out the 2017 form. What we are really after is how much water was used. However you can get that information on the form will be fine. No annual reporting is required for water use under the commercial water right.

With reference to the transfer of ownership forms, please complete and return them to our office with a filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

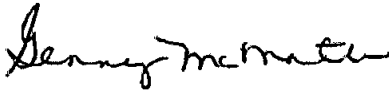
December 7, 2017

Adam Koplin

Page 2

Please do not hesitate to call me if you have questions. It's a lot of paperwork to go through and I don't mind answering questions.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive style with a large initial 'G' and a stylized 'M'.

Genny McMath

Water Rights Program

(605) 773-3352

email: genny.mcmath@state.sd.us

RECEIVED

DEC 15 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5693-3

Date: 12-12-17

I/We request that Vested Water Right No. 5693-3

formerly owned by: Schmidt's Landing

be transferred to: (name & address) SCHMIDT'S LANDING

48140 SCHMIDT'S RD. BIG STONE CITY, SD 57216

Telephone No. 701-403-9089

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

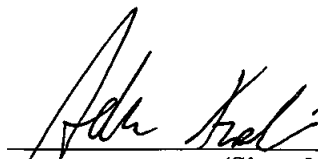
well located - SE 1/4 NE 1/4 Section 16, T122N, R47W

I/We understand that the validity of Vested Water Right No. 5693-3 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 Fifty Dollars (\$50.00) 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 ADAM KOPLIN, the new owner, certify that the above information is true and correct.



(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 18, 2017

RECEIVED OF Jennifer & Adam Koplin 48068 SD Highway 158 Revillo 57259-6200

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 5693-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08394**

By

Jeanne Goodman
Chief Engineer

JM

5693-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 27, 2017

6658-3
5693-3

Adam Koplin
48068 SD Hwy 158
Reville SD 57259

Dear Mr. Koplin:

I am writing to acknowledge receipt of transfer forms and filing fees you submitted for changing ownership on Water Right No. 6658-3 (irrigation for golf course) and Vested Water Right No. 5693-3 (commercial use at Schmidt's Landing).

The ownership changes have been completed.

- Water Right No. 6658-3 formerly held by Ronald and Donna Wyatt is now listed in the name of Dakotaraptor LLC, 48164 Casters Rd, Big Stone City SD.
- Vested Water Right No. 5693-3 for Schmidt's Landing, originally owned by Elvera Classen will still be listed in the name of Schmidt's Landing, 48140 Schmidt's Rd, Big Stone City SD with ownership of the property held by you.

Enclosed for your records are Receipt Nos. 08393 and 08394 in the amounts of \$50 each which was paid for filing the ownership changes. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



5693-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 31, 2018

Adam Koplin
Schmidt's Landing
48140 Schmidts Road
Big Stone City SD 57216

Dear Mr. Koplin:

Schmidt's Landing holds South Dakota Vested Water Right No. 5693-3 appropriating 0.044 cubic feet of water per second (20 gallons per minute) from one well located in the SE ¼ NE ¼ Section 16-T122N-R47W. The use of water is commercial purposes to supply two motel units, a store and a residence. The water right was transferred to your name on December 15, 2017. The water right is attached.

It recently came to my attention that there may be two wells that supply water for Schmidt's Landing. There is a well from the 1960's and another well that was drilled around 1992. I recognize this was long before you took ownership of Schmidt's Landing. Nonetheless, I am writing to inquire about potential water permitting for the use of water.

1. Are two wells in use at Schmidt's Landing? If so, please mark the location of both wells on the enclosed map.
2. DENR records indicate that original well depth is 140 feet. To your knowledge is that the approximate depth of both wells?
3. What is the pump capacity of each well?

If the combined use from the wells exceeds the 20 gallons per minute authorized by Vested Water Right No. 5693-3 additionally a permit will be required for the pump rate above 20 gallons per minute. Enclosed are water permit application forms if needed to increase the authorized pump rate.

Again, DENR recognizes this was a system that you acquired and likely do not have full knowledge of what went on in the past as far as developing the water supply system. DENR's goal is for Schmidt's Landing water rights to accurately reflect the system in place. Please contact me if you have questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures

Schmidt's Landing Well Locations

