

Considered: _____

WATER PERMIT NO. 5706-3

Phone: 577-9616

Name of Applicant: Long Lake Cafe and Bar

Post Office Address: PO Box 624, Long Lake SD 57547

Amount of Water Claimed: 6 gpm 0.013 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: McPherson

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 8-31-92 Fee: \$50 Remarks _____

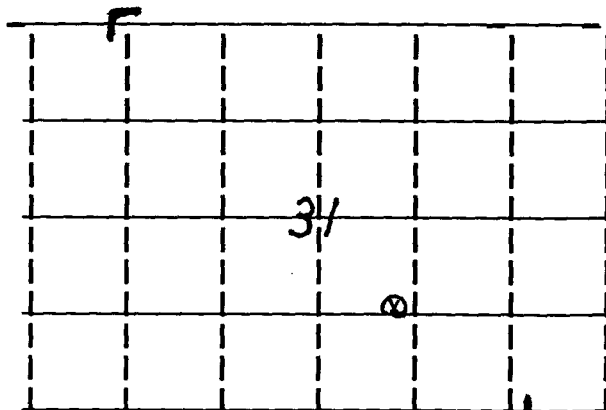
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: ^WNE 1/4 SE 1/4 Sec 31-T128N-R69W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 42' REMARKS well log not available

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

Assigned on 8-31-92 By Karen Schlaak



No. 5706-3 Hydrologic Unit 10130106
 Map No. _____ Basin Missouri River
 Newspaper McPherson Co. Herald, Box 170

Leola

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 retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant LONG LAKE CAFE AND BAR Phone No. 577-9616Post Office Address PO BOX 624 LONG LAKE State SD Zip Code 57547
(Street, RR or Box) (City)2. Amount of water claimed (c.f.s.) 6 GPM (0.013 cfs)3. Source of water supply 1 WELL4. Location of point of diversion W 1/4 SEC 31, T128N, R69WCounty McPHERSON5. Counties where water will be used McPHERSON6. 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 A CAFE AND A BAR

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 McPherson ssI, Todd A. Lechner 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 X Todd A. LechnerSubscribed and sworn to before me this 28 day of August 19 92Meser
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5706-3**

Date of first receipt of application August 31, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5706-3 to Long Lake Cafe and Bar, PO Box 624, Long Lake SD 57547 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. 5706-3 appropriates 6 gallons per minute (0.013 cubic feet of water per second) from one well (Spring Creek McPherson Aquifer) less than 42 feet deep located in the NW 1/4 SE 1/4 Section 31-T128N-R69W.
2. The water appropriated shall be used for the purpose of supplying water to the cafe and bar 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. 5706-3 is December 22, 1992.
5. The date from which applicant may claim right is August 31, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

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

MAR 17 1993

date

Supplemental Information

Long Lake Cape + Bar

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 4" Depth 42' NO WELL LOG AVAILABLE
- b) Casing Type steel Diameter 4" 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 50 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 _____

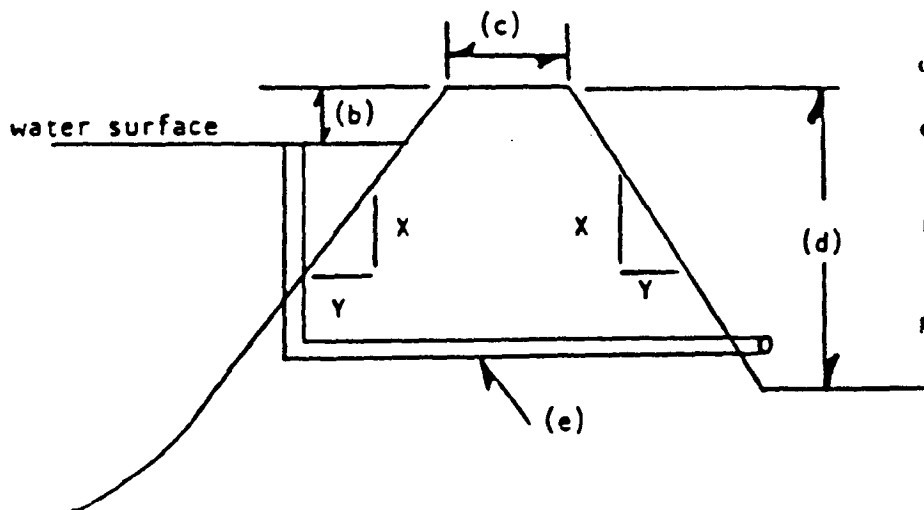
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 23, 1991

LONG LAKE CAFE AND BAR
GLENN FISHER
BOX 636
LONG LAKE SD 57547

Dear MR. FISHER:

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

The enclosed "Summary of South Dakota Water Law and Water Right Information" provides general information regarding what uses of water need to be permitted. Water uses that require permits, such as commercial use, are listed under item 7 in the enclosed summary. Domestic water uses that do not require permits are listed under item 5. Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, you must have a water permit to use water for any purpose, except for domestic uses defined by SDCL 46-1-6(4). 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.

If your water use is not permitted, then any other water user with a water permit has first priority to water even if your water use began prior to the permitted use. This is important when a limited supply of water is available and your water use is adversely affected. The permitted use will be protected, the unpermitted use is illegal and will not be protected.

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 August 30, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1991

LONG LAKE CAFE AND BAR
GLENN FISHER
BOX 636
LONG LAKE SD 57547

Dear MR. FISHER:

I am writing to follow-up on my July 23, 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, 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

February 12, 1992

LONG LAKE CAFE AND BAR
LONG LAKE SD 57547

Dear SIR :

I am writing to follow-up on my July 23, 1991 and October 29, 1991 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 DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 1992

Todd Lechner
Long Lake Cafe and Bar
Long Lake SD 57547

Dear Mr. Lechner:

I am enclosing two copies of the Form 2B, Affidavit of Water Use so you can claim a vested water right. As I said on the phone, feel free to call me at (605) 773-3352 if you need assistance in filling out the application forms.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Frye".

DON FRYE, Natural Resources Analyst
Division of Water Rights



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1992

Todd Lechner
Long Lake Cafe and Bar
P.O. Box 624
Long Lake SD 57457

Dear Mr. Lechner:

I am writing this letter as a follow-up to the visit I made to your business on July 9, 1992. At that time, I was under the impression you were going to complete the application I left you, but I have not heard from you.

I would appreciate your attention to this matter. If you need further assistance, please feel free to call me at 605-773-3352.

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division

RECEIPT

413399

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 31, 19 92

RECEIVED OF Long Lake Bar & Cafe, PO Box 624, Long Lake, SD 57457

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

Fee for Application for Permit No. <u>5706-3</u> 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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

REPORT ON APPLICATION NO. 5706-3
for Long Lake Cafe and Bar
October 13, 1992

Application No. 5706-3 proposes to appropriate 6 gpm (0.013 cfs) from one well approximately 42 feet deep located in the NW 1/4 SE 1/4 of section 31, T128N R69W in McPherson County. The water is used for commercial purposes at the cafe and bar.

AQUIFER - SPRING CREEK MCPHERSON (SC-M)

The Spring Creek McPherson is a shallow unconfined glacial outwash (sand and gravel) under water table conditions. The aquifer underlies 101,200 acres and contains an estimated 307,000 acre feet of recoverable water in storage in McPherson County (Hedges, 1928). Ground water movement is from east to west and the aquifer extends into Campbell County to the west and into North Dakota to the north.

The Division of Water Rights monitors an observation well MP-71D completed in the Spring Creek McPherson aquifer located about 3/4 mile north of this application. Water levels for this well respond to climatic conditions, that is, rising water levels during wet years due to recharge 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).

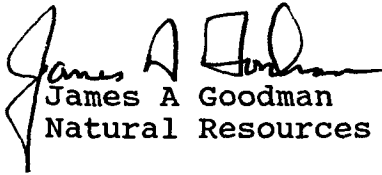
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which obtain water from the Spring Creek McPherson aquifer. Interference is not expected to be a problem.

CONCLUSIONS

1. Water is available from the Spring Creek McPherson aquifer.
2. Interference is not expected to be a problem. The pumping rate for this application is very small.
3. No well log is available for this application. It can not be determined if this well is constructed in accordance with SD Well Construction Standards.

4. The method of wastewater disposal is unknown for this facility.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., et al, 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 McPherson County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5706-3, Long Lake Cafe and Bar

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. 5706-3, Long Lake Cafe and Bar, c/o Todd Lechner, PO Box 624, Long Lake, SD 57457.

The Chief Engineer is recommending APPROVAL of Application No. 5706-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
October 26, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

October 29, 1992

Todd Lechner
Long Lake Cafe and Bar
PO Box 624
Long Lake, SD 57457

Dear Mr. Lechner:

Water Permit Application No. 5706-3 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 McPherson Co. Herald printed at Leola, SD (Ph # 439-3131). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1992

McPherson Co. Herald
Box 170
Leola, SD 57456

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5706-3 to be published twice. Please publish the first 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 Long Lake Cafe and Bar, PO Box 624, Long Lake, SD 57547 (Ph # 577-9616).

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

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

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 on Application No. 5706-3 to Appropriate Water

Notice is given that Long Lake Cafe and Bar, PO Box 624, Long Lake, SD 57547 has filed an application for a water permit to appropriate 6 gallons per minute (0.013 cubic feet of water per second) from one well (Spring Creek McPherson Aquifer) 42 feet deep located in the NW 1/4 SE 1/4 Section 31-T128N-R69W. The water is for commercial use at the cafe and bar.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5706-3 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 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, 2) approve with qualifications, 3) defer, or 4) deny 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-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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McPherson) ss.

I, Mary Hoffman

certify that the attached printed Notice was taken
from the McPherson County Herald

A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the McPherson County
Herald of Leola

County of McPherson 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

Mary Hoffman
(Signature)
Editor-Publisher
(Title)
November 6, 1992
(Date Signed)

Cost of Printing: 31.13 1st wk
24.90 2nd wk
56.03

NOTICE

NOTICE OF HEARING
On Application No. 5706-3
to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5706-3 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 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 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, 2) approve with qualifications, 3) defer, or 4) deny 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

(over)

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 the 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-20, 46-2A-21; 46-5-1 thru 46-5-11, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

Todd Lechner
Long Lake Cafe and Bar
P.O. Box 624
Long Lake, SD 57547

Dear Mr. Lechner:

I am writing in response to a call I received from the McPherson Co. Herald regarding the notice of hearing for the Long Lake Cafe and Bar's water permit application. I was informed that you have failed to make payment for the publishing of this notice. The reason given for non-payment is that you didn't ask to have a water permit.

State statutes require commercial users of water to obtain a water permit. The process of bringing your business into compliance with the South Dakota's water rights laws began in 1991 with correspondence to Glenn Fisher. The business has previously operated without a water permit and had no legal right to the use of water. In South Dakota water is the property of the people of the state and the use of water for any purpose other than domestic (household) use requires a water permit.

In August 1992 you applied for the necessary water permit and a notice of hearing was drafted and sent to the local newspaper for public notice as specified by South Dakota Codified Law 46-2A-4. At that time you were instructed to contact the newspaper to authorize publication of the notice and to arrange for payment. A copy of this letter is enclosed. You authorized publication and subsequently the permit was approved and is in the process of being issued.

Please make the \$56.03 payment to the newspaper for the service they provided. I should make you aware of the inspection and licensing fee that is going to be required as part of final procurement of your water right. A \$50 inspection and licensing fee will be requested after an inspection of the water permit is completed.

Please feel free to contact me with any questions you may have.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

cc: McPherson Co. Herald, Box 170, Leola, SD 57456

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Long Lake Cafe and Bar Water Permit No. 5706-3

ADDRESS: _____ COUNTY: _____

DATE: 2/3/93 TELEPHONE: 577-9616

RE: Discussion with Todd Lechner

COMMENTS:

Mr. Lechner called regarding my January 29, 1993 letter to him on his responsibility to pay for the publication of the notice of hearing. He explained that he had not authorized publication and in fact that he did not receive my October 29, 1992 letter until after the paper had already published the notice of hearing. We also said the well depth was not correctly published. He said the well was less than the 42 feet published. This depth was what was documented by Don Frye on his application and subsequently was put down on the application as 42 feet. Mr. Lechner stated the well was probably only 33 feet deep. I said that although the depth is slightly different, the fact that it was located in the Spring Creek McPherson Aquifer is the important factor and that the permit would still be valid.

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 Greenland



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

Todd Lechner
Long Lake Cafe and Bar
PO Box 624
Long Lake, SD 57547

Dear Mr. Lechner:

Enclosed is Water Permit No. 5706-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 1993

SECOND NOTICE

Permit No: 5706-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Todd Lechner
Long Lake Cafe and Bar
P.O. Box 624
Long Lake, SD 57547

Dear Mr. Lechner:

On March 17, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 5706-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,


for John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5706-3

4a. Article Number

P 318 052 527

Todd Lechner
Long Lake Cafe and Bar
P.O. Box 624
Long Lake, SD 57547

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

6-3-93

Todd Lechner C.L. L

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Thank you for using Return Receipt Service.

RECEIPT

413836

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, July 23, 19 93

RECEIVED OF Alan Franka, The Border Club, PO Box 713, Long Lake, SD 57457

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>5706-3</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

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 8, 1993

No. 5706-3

Al Franka
The Border Club
Long Lake, SD 57457

Dear Mr. Franka:

I am contacting you with regard to ownership of Water Permit No. 5706-3 currently listed in the name of Long Lake Cafe & Bar. It is our understanding that the permit should now be listed in your name. In order to change ownership of Water Permit No. 5706-3, you will need to file a "Notice of Transfer."

Enclosed is a partially completed "Notice of Transfer of Ownership". Please complete and sign in the presence of a notary. Upon completion, return the form to our office with a 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.

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5706-3, has been completed. Your final water right document, the Water License, can now be issued. Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid.

Upon receipt of the \$52.50 fee from you, we will begin processing your Water License.

If you have any questions, please contact our office.

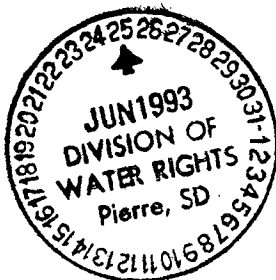
Sincerely,


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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5706-3

Date: 6-23-93

I/We request that Water Permit No. 5706-3

formerly owned by: Long Lake Cafe and Bar

be transferred to: (name & address) Border Club Long Lake So Dak.
57457 (Telephone No) (605) 577-9616

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

(diversion point) NW 1/4 SE 1/4 Section 31, T128N, R69W

I/We understand that the validity of Water Permit No. 5706-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Mepher son)

I/We Alan Fisher being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Alan Fisher
(Signed)

Subscribed and sworn to before me this 23rd day of June, 19 93.

Merle Meyer
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 29, 1993

Alan Franka
Border Club
Long Lake, SD 57457-0713

Dear Mr. Franka:

This will acknowledge receipt of your "Notice of Transfer of Ownership" filed for Water Permit No. 5706-3. The form was completed properly, however it can not be filed for record without a \$2.50 filing fee as required by Statute.

As discussed in our letter dated June 8, 1993, the inspection of the water use system was completed for licensing purposes. The final water right document, the water license, can now be issued. Prior to issuance of the license, Statutes require that we assess a \$50.00 fee. SDCL 46-5-30.1 states that a permit holder may not divert water until the fee is paid.

Upon receipt of the \$52.50, the transfer of ownership and the water license will be processed. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413837

Pierre, _____, July 23, 19 93

RECEIVED OF Alan Franka, The Border Club, PO Box 713, Long Lake, SD 57457

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5706-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hald
Chief Engineer

Permit No. 5706-3
Water District: Missouri 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 Longlake Cafe holder of Permit No. 5706-3, bearing the priority of August 31, 1992 authorizing the diversion of 0.013 cu. ft. per second of groundwater for commercial purposes in McPherson County.

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

A. Works used to divert the water:

One well, 42' deep, a Jacuzzi jet pump, model SRP2, serial no. 91020149 and a Magnetic electric 1/2 HP motor, model D56C, serial no. 8-164387-21 which produces 6 GPM.

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

One 30 gallon pressure tank and a system of 1 1/4" galvanized pipe that connects to the plumbing system of two adjoining buildings.

C. Works used to apply water to beneficial use:

The plumbing systems of the adjoining buildings which house a bar and a cafe.

The system is in the following condition fair. The point of diversion is located 1130' east and 1250' south of the center of Sec 31, T128N, R69W.

The works are capable of diverting and conveying to the place of use 0.013 cu. ft. per second of water which is to be used for commercial purposes.

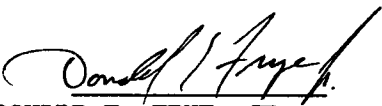
Water has been put to beneficial use to the maximum extent as follows:

Water is used in a bar and a cafe and should be issued for 0.013 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

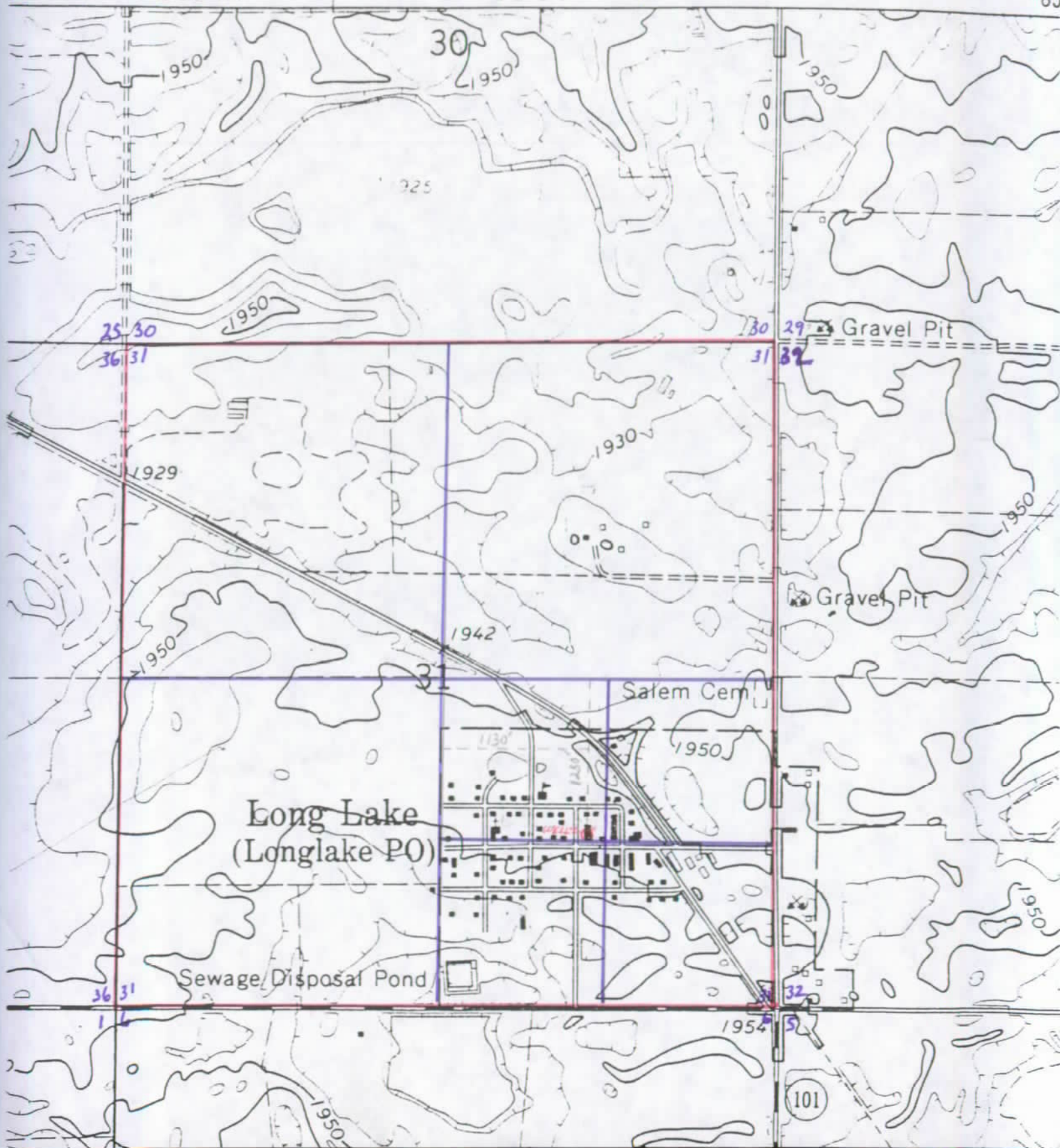
Date Inspected: 7/9/92


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

Appl. No. 5706-3

12'30" 484

485



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5706-3

(1) Long Lake Bar and Cafe of PO Box 624, Long Lake, SD 57457 made Application No. 5706-3, August 31, 1992 for a water permit to appropriate 0.013 cubic feet of water per second from groundwater (one well), McPherson County, South Dakota for commercial purposes. Permit No. 5706-3, with a priority date of August 31, 1992 was approved December 22, 1992 and issued to the applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On June 25, 1993, Water Permit No. 5706-3 was transferred to the Border Club.

(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 0.013 cubic feet of water per second for beneficial use. The location of the diversion point is 1,130 feet east and 1,250 feet south of the center of Section 31, T128N, R69W (NW¼ SE¼).

(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 the Border Club of PO Box 713, Long Lake, SD 57457-0713 the holder(s) and/or owner(s) of Water Permit No. 5706-3 is issued a license to appropriate water, the right to use 0.013 cubic feet of water per second from groundwater (one well) with a priority date of August 31, 1992 from the location specified in (2) of this license. The water appropriated is used for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5706-3 and subject to South Dakota State Law.



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

MAR 14 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

5706-3

Alan Franka
The Border Club
P.O. Box 713
Long Lake, SD 57457-0713

Dear Mr. Franka:

Enclosed is Water License No. 5706-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 413836 and 413837 in the amount of \$50.00 and \$2.50 which you paid for the transfer, 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. , 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

gm
enclosures