

Exhibit 1

Considered: _____

WATER PERMIT NO. 5730-3

Phone: _____

Name of Applicant: Fisher Grove Country Club

Post Office Address: P.O. Box 22, Redfield, SD 57469

Amount of Water Claimed: .11cfs Total Acres: 47.5

Source of Water Supply: groundwater

Water to be used for: irrigation County: Spink

About 2 miles west of Frankfort

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 6/29/92 Fee: \$150 Remarks water to be discharged into the James River and withdrawn downstream

Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 12/12/92 APPROVED/CONDITIONAL (Circle one)

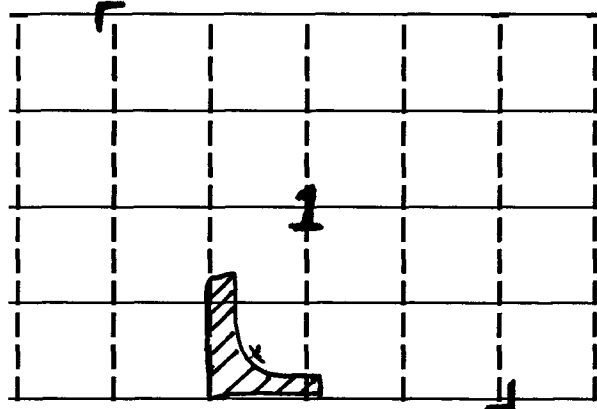
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SE1/4 SW1/4 Section 1, T116N,

R63W

Land to be Irrigated: E1/2 SW1/4 Section 1, T116N

R63W



Well Log: Driller: Pullman Licensed YES X NO _____

Depth of Well: 100 feet REMARKS _____

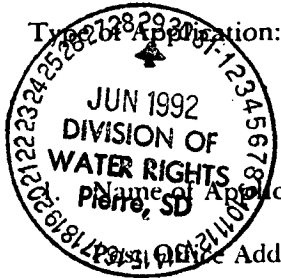
Type of Map: ASCS Aerial PREPARED BY: Elmer Ward Reviewed and the Number

Assigned on 12/9/92 By Eric Gronlund

(See instructions)

No. 5730-3 Hydrologic Unit 10160006
Basin James River
Newspaper Redfield Press, Box 440, Redfield

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water



- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Name of Applicant Fisher Grove Country Club Phone No. 472-9914
- Office Address P.O. Box 22 Redfield, State S.D. 57469
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 50gpm (0.11cfs) Well Total acres irrigated 47.5
3. Source of Water supply Ground
4. Location of point of diversion 1915' east and 916' north of SW corner of S1 116 63.
And 2225' north and 1350' East of SW corner of S1 116 63.
SE 1/4 SW 1/4 Section 1-T116N-R63W County Spink
5. Counties where water will be used Spink
6. Annual period during which water is to be used April/thru October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SE 1/4 of SW 1/4 S1 116 63	29.5 30.2
SW 1/4 of SE 1/4 S1 116 63	10.5 14.8
NE 1/4 SW 1/4 " " "	2.5

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: (Specify) Sprinklers
9. Crops to be Irrigated: Grass
10. Give a description of proposed project. (Attach sheet if more space is needed) (300gpm)

We would like to discharge well water into James River and pump an equal amount from the river for irrigation. This will allow us to pump a larger quantity than a well might produce at one time and also avoid costly renovation to our existing irrigation system because of the location of wells in relation to our system. FGCC currently has a permit for irrigation from the James River.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Spink) ss

I, Tom Bouw, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Tom Bouw, Asst Sec/Treas

Subscribed and sworn to before me this 25th day of June 1992

Joan Marlette
(Notary Public)
EXPIRES: 1/2/94

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 3/4" Depth 65'
- b) Casing Type PVC Diameter 5" Thickness 200#
- c) Screen Type 200# PVC Diameter 5" Thickness 200#
- d) Gravel Pack Thickness 2" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 40'
- f) Depth to Water (ground surface to water level) 22'
- g) Distance to nearest existing domestic well:
- On applicants property none On property owned by others 1435'

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 _____

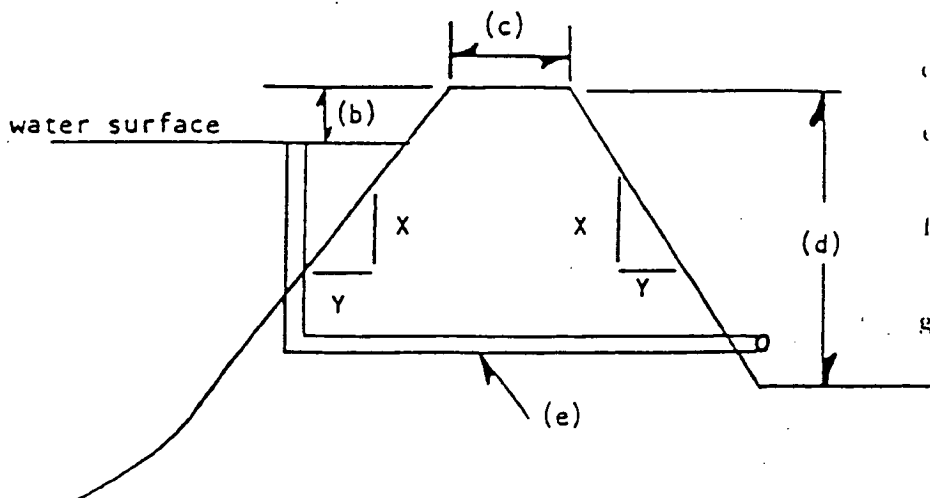
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 5730-3 FOR IRRIGATION

Water Permit No. 5730-3 is reissued to reflect Water Management Board action taken October 1, 1998, to remove the previous qualification No. 5 regarding the requirements to obtain a surface water discharge permit.

The Water Management Board approved Water Permit Application No. 5730-3 on March 3, 1993 for Fisher Grove Country Club, PO Box 22, Redfield SD 57469 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. 5730-3 appropriates 0.11 cubic feet of water per second (cfs) from one well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ to irrigate 47.5 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; all in Section 1-T116N-R63W. Water Right No. 1421-3 appropriates 0.67 cfs from the James River at a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1-T116N-R63W for irrigation of the same acreage. The permit authorizes discharge of water from the well at 0.11 cfs into the James River and then divert water at the James River pump station at a rate of 0.67 cfs for irrigation of the golf course. The amount of water pumped from the river during the 24-hour period is not to exceed the amount supplied by the well during the period. The country club proposes to utilize the well only during those periods when shut-off orders have been issued for the James River. When flows are sufficient and shut-off orders have not been issued, the country club will divert from the river as authorized by Water Right No. 1421-2. The intent of the permit is to allow the golf course to be irrigated during periods of low flow when the James River shut-off orders have been issued.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is December 12, 1992.
4. Water is to be put to beneficial use on or before March 3, 2002.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. During periods when water from the well is being discharged into the James River, the amount of water diverted at the James River pump station during a 24 hour period may not exceed the amount of water that is discharged from the well to the James River less five percent during the same period.
2. This permit authorizes discharge of water from the well to the James River only during periods when shut-off orders have been issued for this stretch of the James River.
3. A meter with a readily assessable read out must be installed at both the well site and the James River pumping station. When well water is pumped into the James River, daily records must be kept for the meters and reported with the annual irrigation water use questionnaire.

(continued)

Reissued

Water Permit No. 5730-3

Fisher Grove Country Club

Page 2

4. A meter with a readily assessable read out must be installed at both the well site and the James River pumping station. When well water is pumped into the James River, daily records must be kept for the meters and reported with the annual irrigation water use questionnaire.
5. This permit is subject to the discharge of water from the well to the James River being located downstream of the diversion of water at the existing James River pump station.
6. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
7. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: _____

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

NOV 10 1998

date



SOUTH DAKOTA WATER PERMIT NO. 5730-3 FOR IRRIGATION

Date of first receipt of application June 29, 1992.

Date Soil/Water Compatibility Permit received December 12, 1992.

Date of return to applicant for corrections, amendments or changes June 30, 1992.

Date of receipt of corrected application July 14, 1992.

The Water Management Board approved Water Permit Application No. 5730-3 on March 3, 1993 for Fisher Grove Country Club, PO Box 22, Redfield SD 57469 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. 5730-3 appropriates 0.11 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 to irrigate 47.5 acres located in the E 1/2 SW 1/4, SW 1/4 SE 1/4; all in Section 1-T116N-R63W. Water Right No. 1421-3 appropriates 0.67 cfs from the James River at a point in the SE 1/4 SW 1/4 Section 1-T116N-R63W for irrigation of the same acreage. The permit authorizes discharge of water from the well at 0.11 cfs into the James River and then divert water at the James River pump station at a rate of 0.67 cfs for irrigation of the golf course. The amount of water pumped from the river during the 24-hour period is not to exceed the amount supplied by the well during that period. The country club proposes to utilize the well only during those periods when shut-off orders have been issued for the James River. When flows are sufficient and shut-off orders have not been issued, the country club will divert from the river as authorized by Water Right No. 1421-3. The intent of the permit is to allow the golf course to be irrigated during periods of low flow when James River shut-off orders have been issued.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is December 12, 1992.
4. One-fifth of the construction is to be completed on or before September 3, 1995.
5. All construction is to be completed on or before March 3, 1998.
6. Water is to be put to beneficial use on or before March 3, 2002.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. During periods when water from the well is being discharged into the James River, the amount of water diverted at the James River pump station during a 24 hour period may not exceed the amount of water that is discharged from the well to the James River less five percent during the same period.

(continued)

2. This permit authorizes discharge of water from the well to the James River only during periods when shut-off orders have been issued for this stretch of the James River.
3. A meter with a readily accessible read out must be installed at both the well site and the James River pumping station. When well water is pumped into the James River, daily records must be kept for the meters and reported with the annual irrigation water use questionnaire.
4. This permit is subject to the discharge of water from the well to the James River being located downstream of the diversion of water at the existing James River pump station.
5. This permit is subject to the Fisher Grove Country Club obtaining a National Pollutant Discharge Elimination System (NPDES) Permit. In accordance with the Administrative Rules of South Dakota, Section 74:03:18:03, the NPDES Permit will automatically become a state issued Surface Water Discharge Permit once the state has received NPDES delegation. All existing conditions and requirements of the NPDES Permit will remain applicable.
6. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
7. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: _____

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

MAY 19 1993

date

1421-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

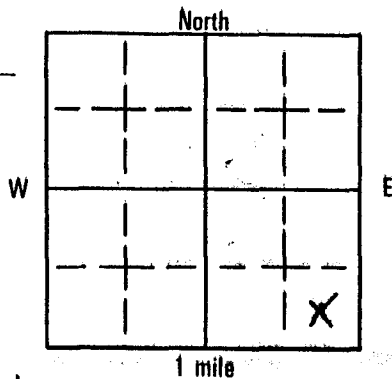
10-85

Location SE 1/4 DE 1/4 Sec 1 Twp 114-N Rg 63-W

County

Spink

Please mark well location with an "X"

Well Completion Date 6-28-92

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>0</u> FT	<u>65</u> FT	<u>8 3/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 40 FEETWhat is grouting material? Cement & BentoniteIf cement, number of sacks? 6

Describe grouting procedure _____

line to 40 ft.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 15 FEETMaterial P.P.C.Slot Size 0.16 Set From 50 Feet To 65 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Gravel PackerWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Fisher Grove Country ClubAddress Redfield, SD Box 22 57469

Well Log:

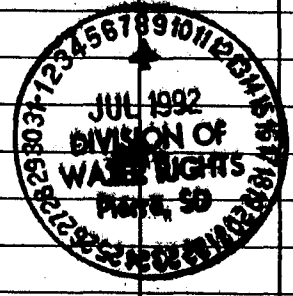
Depth

Formation

From

To

<u>Yellow Clay</u>	<u>0</u>	<u>23</u>
<u>Blue Clay w/ sand streak</u>	<u>23</u>	<u>40</u>
<u>Sand w/ clay break</u>	<u>40</u>	<u>60</u>
<u>Sand</u>	<u>60</u>	<u>65</u>
<u>Blue Clay</u>	<u>65</u>	<u>90</u>
<u>Chalk</u>	<u>90</u>	<u>100</u>

TD 65'STATIC WATER LEVEL 22 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: 45 MBM.air compressor?

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

P.E. Kuhl

Signature of Well Owner:

Date 7-6-92

Appl. No. 5730-3



NOT TO SCALE

James M. Ward
District Conservationist
Soil Conservation Service



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413270

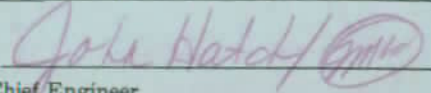
Pierre, June 29, 19 92

RECEIVED OF Fisher Grove Country Club, PO Box 22, Redfield, SD 57469

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

Fee for Application for Permit No. <u>5730-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	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	150 00

By

John Hatch / 
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4739

WR#

OWNERS NAME: FISHER GROVE COUNTRY CLUB

OWNERS ADDRESS: PO BOX 22

REDFIELD SD 57469

COUNTY LAND LOCATED IN: SPINK PHONE: 472-9914

LEGAL DESCRIPTION:

1. LOCATION SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1-T116N-R63W☒ Well

4

JAMES RIVER

☒ Surface

Depth

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1-T116N-R63W	30.2		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1-T116N-R63W	14.8		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1-T116N-R63W	2.5		

2. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: OTHER: (Specify) Sprinklers3. CROPS TO BE IRRIGATED: GRASS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 92-02797. ADJUSTED (SAR): 12.185. SALINITY (EC X 10⁶): 13008. PERCENT SODIUM 64.856. SODIUM (SAR): 5.56

Requirements:

Due to the variability of the water quality relative to the flow in the River and the addition of the well water. The water may only be used if the Adjusted Sodium Absorption Ratio is less than 11.5 and the Electrical Conductivity is less than 1200.

A buffer strip shall be maintained in permanent vegetation along the river and shall not be irrigated.



Russell J. Stone
Director, Division of Conservation

XXX

APPROVED

DISAPPROVED

WAIVER

XXX

REQUIREMENTS

DECEMBER 10, 1992

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



Table #1 to correspond to Golf Course Soil Survey Map

Map Units

51A Great Bend-Beotia silt loams, 0-2% slope

93B Kranzburg-Forman complex, 2-6% slope

Table #1

map unit	% slope	tg	Cap Class	Range Site	Past Group	Wbrk Group	WEG(I)	K	T	H ₂ O Group
51A										
SD154 Great Bend	0-2	ec	IIc-2	Si	F	3	6(48)	0.32	5	B
SD169 Beotia	0-2	ec	IIc-3	Si	K	3	6(48)	0.28	5	B
93B										
SD161 Kranzburg sil	2-6	ec	IIe-1	Si	F	3	6(48)	0.32	5	B
ND137 Forman I	2-6	ec	IIe-2	Si	F	3	6(48)	0.28	5	B

Jim Miller Project Leader Spink County Soil Survey

APPLICATION NO. 5730-3, FISHER GROVE COUNTRY CLUB

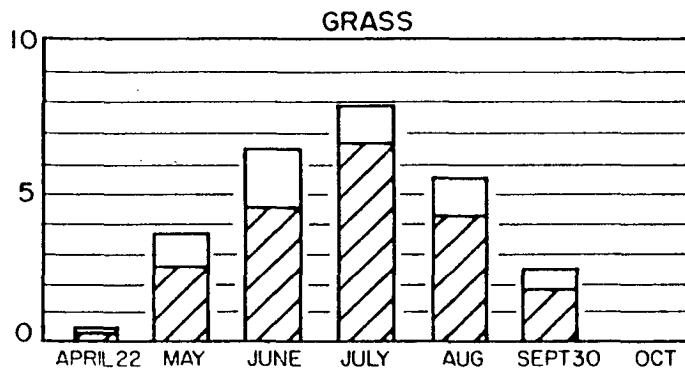
IRRIGATION WATER CONSUMPTIVE USE TABLE

PUMPING 300 GPM (0.67 CFS) FROM THE JAMES RIVER

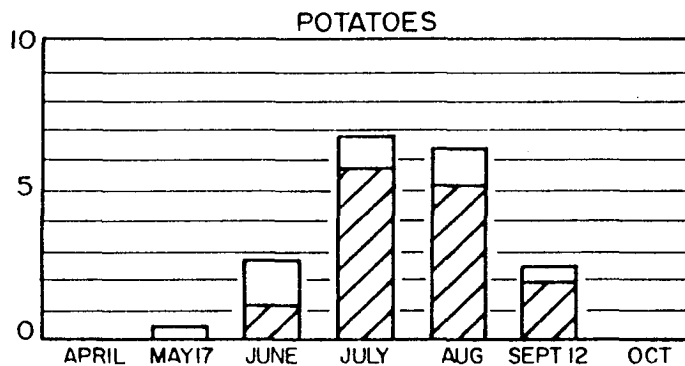
ACRES IRRIGATED	AMOUNT OF WATER APPLIED (INCHES/DAY)	EFFICIENCY	
		4 HOURS	% (INCHES/DAY)
20	0.13	50%	0.0650
		60%	0.0780
		70%	0.0910
		80%	0.1040
30	0.08	50%	0.0400
		60%	0.0480
		70%	0.0560
		80%	0.0640
35	0.07	50%	0.0330
		60%	0.0396
		70%	0.0460
		80%	0.0528
47.5	0.056	50%	0.0280
		60%	0.0336
		70%	0.0392
		80%	0.0448

TABLE 3

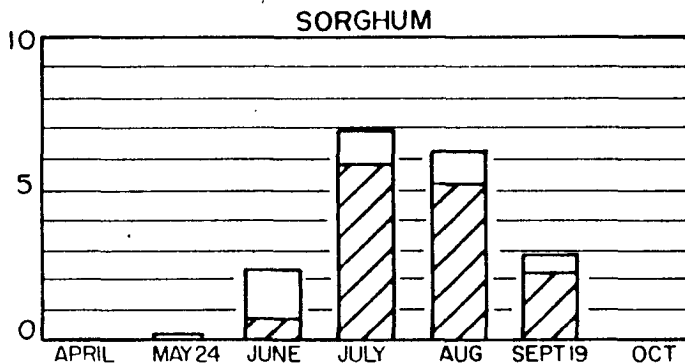
ESTIMATED SEASONAL AND MONTHLY CONSUMPTIVE USE OF CROPS
FOR CLIMATIC AREA III



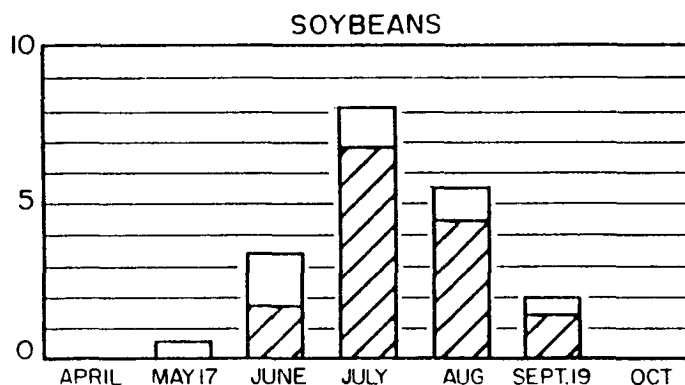
		TOTAL CONS. USE	NET IRRIG.
Spring Date	Apr. 22	0.5"	0.2"
	May	3.7"	2.6"
	June	6.4"	4.5"
	July	7.9"	6.6"
	Aug.	5.5"	4.3"
Fall Date	Sept. 30	2.4"	1.7"
Seasonal Use		26.4"	19.9"



		TOTAL CONS. USE	NET IRRIG.
Spring Date	May 17	0.5"	0.0"
	June	2.7"	1.1"
	July	6.8"	5.6"
	Aug.	6.3"	5.1"
Fall Date	Sept. 12	2.4"	1.9"
Seasonal Use		18.7"	13.7"



		TOTAL CONS. USE	NET IRRIG.
Spring Date	May 24	0.2"	0.0"
	June	2.3"	0.7"
	July	6.9"	5.8"
	Aug.	6.3"	5.1"
Fall Date	Sept. 19	2.7"	2.1"
Seasonal Use		18.4"	13.7"



		TOTAL CONS. USE	NET IRRIG.
Spring Date	May 17	0.6"	0.1"
	June	3.4"	1.7"
	July	8.1"	6.8"
	Aug.	5.6"	4.4"
Fall Date	Sept. 19	2.0"	1.5"
Seasonal Use		19.7"	14.5"

□ EFFECTIVE RAINFALL
▨ MOISTURE FROM IRRIGATION

DESIGN CONSUMPTIVE USE

Daily consumptive use varies as the factors that influence evaporation and transpiration vary. It is low at the start of the growing season, increases as plant foliage develops and days become longer and warmer, generally reaches a peak during the fruiting period, and then rapidly declines toward the end of the plants growing period.

The average daily water-use rate during the 6 to 10 days of highest consumptive use of the season is called the peak-period use rate and is used with effective rainfall during that period to determine Design Consumptive Use Rate. This is the value used in planning and designing irrigation systems.

Table 4 gives Design Consumptive Use Rates for various crops and net application depths for use in South Dakota. These are based on an 80 percent chance of effective rainfall.

TABLE 4

DESIGN CONSUMPTIVE USE RATES (Inches Per Day)

Based on E_{tp} of .25 (Spring grain based on .23)

Crop	Kc	Net Irrigation Application			
		Less than 2.0 "	2.0 " to 2.9 "	3.0 " to 3.9 "	4.0 " & Over
Alfalfa	1.0	.27	.26	.25	.24
Beans, Dry	1.05	.28	.27	.26	.25
Corn	.96	.26	.25	.24	.23
Grain, Spr.	1.03	.26	.25	.24	.23
Grass	.95	.26	.25	.24	.23
Potatoes	1.05	.28	.27	.26	.25
Sorghum	1.05	.28	.27	.26	.25
Soybeans	1.0	.27	.26	.25	.24

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18TH STREET, SUITE 500
DENVER, COLORADO 80202-2466

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended,
(33 U.S.C. §1251 et seq; the "Act"),

Fisher Grove Country Club,

is authorized to discharge from

its southeast well #2 located in the SE 1/4 of the SW 1/4 of Section 1,
Township 116 North, Range 63 West, in Spink County, South Dakota,

to the James River,

in accordance with discharge point(s), effluent limitations, monitoring
requirements and other conditions set forth herein. Authorization for
discharge is limited to those outfalls specifically listed in the permit.

This permit shall become effective August 1, 1993.

This permit and the authorization to discharge shall expire at
midnight, June 30, 1998.

Signed this 12th day of July 1993.


Authorized Permitting Official

 Max H. Dodson, Director
Water Management Division
Title

TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates

I. Effluent Limitations and Monitoring Requirements

- A. Definitions
- B. Description of Discharge Points
- C. Specific Limitations and Self-Monitoring Requirements
(Includes Compliance Schedules as Appropriate)

II. Monitoring, Recording and Reporting Requirements

- A. Representative Sampling
- B. Monitoring Procedures
- C. Penalties for Tampering
- D. Reporting of Monitoring Results
- E. Compliance Schedules
- F. Additional Monitoring by the Permittee
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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average," other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average," other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. "Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
 - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
5. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
6. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

A. Definitions (Continued)

7. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
9. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
10. "Director" means Director of the United States Environmental Protection Agency's Water Management Division.
11. "EPA" means the United States Environmental Protection Agency.
12. "Sewage Sludge" is any solid, semi-solid or liquid residue that contains materials removed from domestic sewage during treatment. Sewage sludge includes, but is not limited to, primary and secondary solids and sewage sludge products.

B. Description of Discharge Point(s)

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person to criminal penalties as provided under the Clean Water Act.

OutfallDescription of Discharge Point(s)

001

Any discharge from the southeast ground water well #2 to the James River. (Longitude 98° 21' 13" - Latitude 45° 52' 51")

C. Specific Limitations and Self-Monitoring Requirements1. Effluent Limitations

Effective immediately and lasting through the life of this permit, the quality of effluent discharged by the facility shall, as a minimum, meet the limitations as set forth below:

Effluent Limitation

<u>Effluent Characteristic</u>	<u>Daily a/ Maximum</u>
Total Suspended Solids, mg/L	45
Total Dissolved Solids, mg/L	2,500
Sodium Absorption Ratio	10

The concentration of Total Petroleum Hydrocarbons in any single sample shall not exceed 10 mg/L nor shall there be any visible sheen in the receiving water or adjoining shoreline.

The pH of the discharge shall not be less than 6.5 nor greater than 9.0 in any sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

No chemicals, such as corrosion inhibitors, shall be added to the well without prior permission from the SDDENR.

a/ See Definitions, Part I.A. for definition of terms.

C. Specific Limitations and Self-Monitoring Requirements

2. Self-Monitoring Requirements

As a minimum, upon the effective date of this permit, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report Form (EPA No. 3320-1) that no discharge or overflow occurred.

<u>Effluent Characteristic</u>	<u>Frequency</u>	<u>Sample Type a/</u>
Flow Rate, MGD <u>c/</u>	<u>b/</u>	Instantaneous
Total Suspended Solids, mg/L	<u>b/</u>	Grab
Total Dissolved Solids, mg/L	<u>b/</u>	Grab
pH, s.u.	<u>b/</u>	Grab
Sodium Absorption Ratio	1/discharge	Grab
Total Petroleum Hydrocarbons, mg/L	1/discharge	Grab
Total Petroleum Hydrocarbons, Visual	<u>b/</u>	Visual

a/ See definitions, I.A.

b/ A minimum of three (3) samples shall be taken and analyzed for each discharge which occurs. It is required that a sample be taken at the beginning, middle, and end of the discharge if the discharge is less than one (1) week in duration. If the discharge is greater than one (1) week in duration, three (3) samples shall be taken the first week and one (1) each following week. The permittee has the option of collecting additional samples if appropriate.

c/ Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. The date and time of the start and termination of each discharge shall be reported.

C. Specific Limitations and Self-Monitoring Requirements

3. Inspection Requirements

The permittee shall inspect its groundwater well on at least a weekly basis (May 1 - September 30) and monthly basis (October 1 - April 30). The inspection shall be conducted to determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. In addition, the inspection shall be performed to determine if proper operation and maintenance procedures are being undertaken. The permittee shall maintain a log recording information obtained during the inspection. At a minimum, the log shall include the following:

- a. Date and time of the inspection;
- b. Name of the inspector(s);
- c. The facility's discharge status;
- d. Identification of operational problems and/or maintenance problems;
- e. Recommendations, as appropriate, to remedy identified problems;
- f. A brief description of any actions taken with regard to problems identified; and,
- g. Other information, as appropriate.

The permittee shall maintain the log in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the South Dakota Department of Environment and Natural Resources.

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II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or both. Second conviction is punishable by a fine of not more than \$20,000 or by imprisonment of not more than four years, or both.
- D. Reporting of Monitoring Results. Effluent monitoring results obtained during the previous (3) three months shall be summarized and reported on one Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part IV), and submitted to the Director, Water Management Division and the South Dakota Department of Environment and Natural Resources at the following addresses:

original to: U.S. EPA, Region VIII
Water Management Division
NPDES Branch (8WM-C)
999 18th Street, Suite 500
Denver, Colorado 80202-2466

copy to: South Dakota Department of
Environment and Natural Resources
Division of Environmental Regulation
Point Source Control Program
Joe Foss Building
Pierre, South Dakota 57501-3181

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- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The time analyses was initiated;
 5. The initials or name(s) of individual(s) who performed the analyses;
 6. References and written procedures, when available, for the analytical techniques or methods used; and,
 7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Administrator at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on site during the duration of activity at the permitted location.

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I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region VIII, Emergency Response Branch at (303) 293-1788 and the State of South Dakota at (605) 773-3231.
2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region VIII, NPDES Branch at (303) 293-1628 (8:00 a.m. - 4:30 p.m. Mountain Time) and the State of South Dakota at (605) 773-3351 by the first workday (8:00 a.m. - 4:30 p.m. Central Time) following the day the permittee became aware of the circumstances:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
 - b. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or,
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
4. The Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Branch, Water Management Division, Denver, Colorado, by phone, (303) 293-1628.
5. Reports shall be submitted to the addresses in Part II.D., Reporting of Monitoring Results.

- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.I.3.

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- K. Inspection and Entry. The permittee shall allow the Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

PART III

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III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the administrator advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.
- B. Penalties for Violations of Permit Conditions.
1. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, 402, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, 402, or 405 of the Act is subject to a fine of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates such sections or such conditions is subject to a fine of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Any person who violates Sections 301, 302, 303, 306, 307, 308, 318, 402, or 405 of the Act and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.
 2. Any person who violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, 402, or 405 of the Act may be assessed an administrative penalty by the Administrator. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty not to exceed \$25,000. Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

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- F. Removed Substances. Collected screenings, grit, solids, sludge, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard.
- G. Bypass of Treatment Facilities.
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. and 3. of this section.
- G. Bypass of Treatment Facilities.
2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I., Twenty-four Hour Reporting.
 3. Prohibition of bypass.
 - a. Bypass is prohibited and the Administrator may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (3) The permittee submitted notices as required under paragraph 2. of this section.
 - b. The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).
 2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part II.I., Twenty-four Hour Notice of Noncompliance Reporting; and,
 - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
 3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Administrator as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 µg/L);
 - b. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter 500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
 - d. The level established by the Administrator in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 µg/L);
 - b. One milligram per liter (1 mg/L) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
 - d. The level established by the Administrator in accordance with 40 CFR 122.44(f).

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or,
 2. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Administrator notice of any planned changes at least 30 days prior to their implementation.
 3. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Administrator, within a reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Administrator, it shall promptly submit such facts or information.

G. Signatory Requirements. All applications, reports or information submitted to the Administrator shall be signed and certified.

1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Administrator; and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2. must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the South Dakota Department of Environment and Natural Resources and the Administrator. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Administrator at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,

M. Transfers. (Continued)

3. The Administrator does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2. above.

N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.O. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
2. Wasteload Allocation: A wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

P. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 1992

Fisher Grove Country Club
Tom Boub
PO Box 22
Redfield SD 57469

Dear Mr. Boub:

In regard to your water permit application received on June 29, 1992, the following information needs to be submitted and clarified in order to process your application.

1. Enclosed is a copy of Water License No. 1421-3 for irrigation from the James River. The license was issued for irrigation of 47.5 acres. Is it your intent to irrigate the same acreage? The application does not list the 2.5 acres in the NE 1/4 SW 1/4. Do you intend to irrigate these acres? If so they should be added to the application. Please outline the lands to be irrigated on the aerial photo.
2. Item No. 2 of the application requests pumping 100 gallons per minute from the two wells into the river. Water Right No. 1421-3 was issued for 0.67 cfs (300 gallons per minute). Is it correct to presume that diversions from the river would not exceed the 100 gpm being supplied to the river from the wells during those periods when a shut off order has been issued?
3. A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



Fisher Grove Country Club
Box 22
Redfield, S. D. 57469

July 13, 1992

Department of Environment
and Natural Resources
Karen Schlaak
523 East Capitol
Pierre, S.D. 57501-3181

Dear Ms. Schlaak:

The following information is in response to your letter dated
June 30, 1992:

1. We do intend to water the additional 2.5 acres. Please add this to our application. Enclosed is an aerial photo with the area to be irrigated outlined in yellow.
2. Our diversions from the James River will not exceed the total amount supplied to the river from one or both of the wells. Our intention is to pump into the river only during periods when a shut off order has been issued.
3. Enclosed is a South Dakota Water Well Completion Report supplied by Pullman Well Drilling.

If additional information is needed, please contact me.

Sincerely,

Tom Boub

Tom Boub

enclosures

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Fisher Grove Country Club Water Permi Application

ADDRESS: P.O. Box 22, Redfield, SD 57469 COUNTY: Spink

DATE: 11/20/92 TELEPHONE: _____

RE: Conversation with Tom Boub (Ph# 472-2400 Ext. 2620, Redfield State Hosp

COMMENTS:

I contacted Mr. Boub to inform him that this division would likely recommend denial of Fisher Grove's water permit application. This application is to appropriate water from two wells which would be discharged into the James River and subsequently pumped back out at their James River pump station downstream during low flow periods when the shut off orders have been issued for the James River.

Mr. Boub was suprised by my phone call because everyone he had talked to said that permitting for this project should not be a problem. I explained that he was dealing with three separate permits as part of this proposed project: 1) a NPDES Permit; 2) a SW Compatibility Permit; and 3) a Water Permit to appropriate water. I further stated that the Water Rights Division had not made any comment on the proposed project and in fact we believed that the golf course was going to drop plans for this alternative.

I explained that ~~are~~^{some} reasons for believing the application should be denied are: 1) the James River is regularly issued shutoff orders and issuing a permit to use the James River as the conveyance vehicle for well water would be unregulatable; 2) approval of this type of application would set a policy for all applications of this nature and from a regulatory aspect would make enforcement impossible; 3) there are other avenues available to the course such as a pipeline from the well to the irrigation site or construction of a storage pond. Mr. Boub stated that both alternatives I mentioned were cost prohibitive and that they had no property to build a storage pond and they'd need a larger diversion rate to run there system than the well supplied. When I inquired if they planned on diverting continually to the river and then be able to divert at a larger rate, he said 'yes' but that they never withdraw in a day more than they'd supply to the river.

I explained that if we recommended denial of the application, they could petition to bring this before the Board. I said we'd keep in contact and that I'd check with Glenn Pieritz on the status of the NPDES Permit and Jim Stukel on the S/W Compatibility Permit.

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 Henderson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 3, 1992

Tom Boub
South Dakota Development Center
Box 410
Redfield, SD 57469

RE: Fisher Grove Water Permit Application

Dear Mr. Boub:

I am writing in regard to our conversation on Fisher Grove Country Club's water permit application. This application proposes to discharge well water into the James River and then pump an equivalent amount from the river at the golf course's pump site. The objective of this proposed operating system is to enable the golf course to be irrigated during periods of low river flow when James River shutoff orders have been issued.

There are three permits that must be obtained for this project. They are: 1) a National Pollution Discharge Elimination System Permit; 2) a Soil Water Compatibility Permit; and 3) a Permit to Appropriate Water. The Water Rights Division administers the permitting process to appropriate waters of the state.

As I stated during our phone conversation, we would recommend denial of Fisher Grove's water permit application to appropriate water as proposed. Reasons for the denial recommendation are as follows:

- 1) Pumping groundwater into the James River would be poor public policy due to transmission losses and the controversial nature of the James River. Also, such losses could not be measured accurately enough to determine how much water could be pumped for irrigation.
- 2) Issuance of a permit to use the James River as a conveyance system for water from the wells with the withdrawal rate from the river to exceed the inflow rate would be difficult to regulate.
- 3) There may be other alternatives available to the golf course that could be constructed that would ensure a stable water supply.

Tom Boub
December 3, 1992
Page 2

The alternatives we discussed included a pipeline connecting the well(s) directly to the irrigation system or pumping into a storage pond. You stated that the alternatives I mentioned would be cost prohibitive. Additionally, you stated the well(s) alone would not produce a sufficient quantity to efficiently run the irrigation system and that the course had no land available to construct a storage pond. A number of golf courses throughout the state utilize a pipeline from their well(s) to their irrigation system or have constructed a storage pond.

A denial recommendation is not final or binding upon the Water Management Board. The Board would make the final decision to approve or deny the application.

From a soil water compatibility standpoint, it is my understanding that an off stream storage facility that could be filled with James River water during periods of high river flow would be most desirable. Prior to scheduling a hearing before the Water Management Board, the Soil Water Compatibility Permit must be approved by the Conservation Commission. It is my understanding that prior to processing the Soil Water Compatibility Permit the number of wells to be used must be clarified. Is the country club still planning on utilizing both wells for irrigation? Further questions on the soil water compatibility permitting process should be directed to Jim Stukel, Division of Conservation at 773-3258.

If you have additional questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
(605) 773-3352

cc: Jim Stukel, Division of Conservation
Glenn Pieritz, DER-DENR

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Fisher Grove Country Club

ADDRESS: P.O. Box 22, Redfield, SD 57469 COUNTY: Spink

DATE: 12/4/92 TELEPHONE: _____

RE: Conversation with Tom Boub

COMMENTS:

Mr. Boub called after having received my letter to him regarding this division's position on the application for Fisher Grove Country Club. He stated that they still wanted to proceed with the application and asked about the process for bringing this before the Water Management Board. I told him prior to the application coming before the Board, that they must have an approved Soil Water Compatibility Permit.

Mr. Boub stated that they only intended to use one well (well No. 2 - the SE well) and that the diversion rate would be only 50 gallons per minute.

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 Lund

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Fisher Grove Country Club, WP Appl. No. 5730-3

ADDRESS: _____ COUNTY: _____

DATE: 12/9/92 TELEPHONE: _____

RE: Conversation with Tom Boub

COMMENTS:

I contacted Tom Boub regarding what the maximum diversion rate from the river would be. The well that would be discharging to the river would provide 50 gpm and the pump they have for running their irrigation system is rate at 400 gpm with an 80% efficiency. He said they generally would never pump at this maximum rate but want to have the ability to do so. He said the rate established by Water Right No. 1421-3 of 0.67 cfs seems reasonable.

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 Lund

January 12, 1993

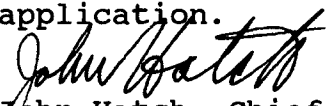
MEMORANDUM TO: Robert E. Roberts, Secretary
Department of Environment and Natural Resources

SUBJECT: Request For Authorization To Recommend Denial of
Water Permit Application No. 5730-3

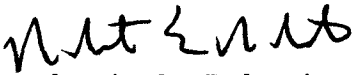
Pursuant to DENR Policy No. A055-0592, I am requesting authorization to recommend DENIAL of Water Permit Application No. 5730-3 to discharge groundwater to the James River and then pump from the James River for irrigation of a golf course during periods of low flow when shut-off orders have been issued. The applicant is Fisher Grove Country Club, P.O. Box 22, Redfield, SD 57469.

The application is recommended for DENIAL for the reasons stated on the recommendation.

I have attached for you information, drafts of the Denial Recommendation, the publication notice, and the report on the application.


John Hatch, Chief Engineer
Water Rights Division

AUTHORIZATION GRANTED ☒ DENIED ☐ to RECOMMEND DENIAL of
Application No.


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

1-19-93
date

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5730-3, Fisher Grove Country Club

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. 5730-3, Fisher Grove Country Club, c/o Tom Boub, P.O. Box 22, Redfield, SD 57469.

The Chief Engineer is recommending DENIAL of Application No. 5730-3 for the following reasons: 1) downstream domestic use of water, including livestock water and prior water rights may be unlawfully impaired; 2) the applicant's proposal is not practical and would provide only 0.22 acre feet of water per day (72,000 gallons) minus transmission losses for irrigation of 47.5 acres; 3) during periods of low flow it is unlikely the conditions of the Soil Water Compatibility Permit can be met; 4) the proposed use of water can not be regulated; 5) it is not in the public interest to pump ground water into the James River with the resultant transmission losses; and 6) an offstream alternative is a more practicable solution.

See report on application for additional information.


JOHN HATCH, Chief Engineer
January 14, 1993

REPORT ON WATER PERMIT APPLICATION NO. 5730-3
FISHER GROVE COUNTRY CLUB
DECEMBER 14, 1992

Application No. 5730-3, Fisher Grove Country Club, proposes to appropriate 50 gallons per minute (0.11 cubic feet of water per second (cfs)) from one well to irrigate 47.5 acres located in the E 1/2 SW 1/4, SW 1/4 SE 1/4 Section 1-T116N-R63W. Water Right No. 1421-3 appropriates 0.67 cfs from the James River at a point in the SE 1/4 SW 1/4 Section 1-T116N-R63W for irrigation of the same acreage. The application proposes to discharge water from the well at 50 gpm (0.11 cfs) into the James River and then divert water at their James River pump station at a rate of 0.67 cfs (300 gpm) for irrigation of the golf course. The amount of water pumped from the river during a 24 hour period is not to exceed the amount supplied by the well during that period minus transmission losses. The country club proposes to utilize the well only during those periods when shut-off orders have been issued for the James River. When flows are sufficient and shut-off orders have not been issued, the country club will divert from the river as authorized by Water Right No. 1421-3. The intent of the application is to allow the golf course to be irrigated during periods of low flow when James River shut-off orders have been issued.

AQUIFER - Pleistocene Series - Unknown (PSU)

According to the well completion report submitted with this application and the driller's log for observation well SP-77Q, the aquifer is located between 40 to 65 feet deep in sandy soils under water table conditions.

Water Right No. 4107-3, Leroy A. and Jerry A. Deiter, appropriates 0.67 cfs to irrigate 182 acres from the PSU aquifer. The well for this water right is located approximately one mile to the northwest of this proposed project. There should be no adverse effects on this water right. The irrigation questionnaires for Water Right No. 4107-3 reported no water use during 1990 and 1991 and 49.5 acre-feet of water used in 1989.

The observation well (SP-77Q) is located approximately one mile to the northwest of this proposed project. The attached graph shows that the water level fluctuates due to climatic conditions. The PSU aquifer has available water, but the quality of the water will not allow for direct use on the soils according to the soil and water compatibility permit.

JAMES RIVER

This project proposes to discharge water from the PSU aquifer into the James River at 50 gpm (72,000 gallons per day). Approximately 150 to 200 feet downstream at the James River pump

station (Water Right No. 1421-3), the water will then be diverted at 0.67 cfs (300 gpm) for irrigation on the golf course. The amount of water pumped from the river during a 24 hour period should not to exceed the amount supplied by the well during that 24 hour period minus transmission losses. The well is to be utilized only during periods when shut-off orders have been issued for the James River.

During the irrigation season, shutoff orders have been issued when there is 15 cfs or less bypassing the Ashton gaging station and 20 cfs or less bypassing the Huron Third Street Dam gaging station. Once shutoff orders have been issued, flows bypassing the Ashton gaging station continue to drop and usually approach 0.0 cfs after a short period of time. The Ashton gaging station is located approximately 20 river miles north of this proposed project.

To discharge 50 gpm (0.11 cfs), subtract transmission losses, then divert 0.67 cfs from the James River, Fisher Grove Country Club would have to discharge 24 hours per day and could only divert water from two to four hours per day dependent upon the amount of transmission losses. Transmission losses have been quantified to be as much as 50% in a number of areas throughout the state. The water will travel approximately 150 to 200 feet downstream before being diverted from the river during the diversion time period. If allowed to pump from the river from two to four hours a day, discharging water into the river the other 20 to 22 hours may allow most of the water not lost to transmission losses to travel downstream beyond the pumping station. When flow in the river is zero, water may not be available to divert from the river unless there is a storage pond to hold the water.

There are 12 water rights/permits appropriating 31.67 cfs of water from the James River below this proposed project to the Spink/Beadle county line.

IRRIGATION OCCURRENCE IN SPINK COUNTY FROM JAMES RIVER
FROM PROPOSED DIVERSION POINT TO SPINK/BEADLE COUNTY LINE

YEAR	NO. OF PERMITS	NO. OF PERMITS IRRIGATING	ACRE FEET USED
1992	11 1 - questionnaire not returned	1	96
1991	12	9	1070
1990	12	3	190
1989	12	10	896.1
1988	12	5	214.2

In 1988, Fisher Grove Country Club, Water Permit Application No. 1421A-3, requested to amend Water Permit No. 1421-3 by removing the qualifications of the August 10th automatic shutoff date and low flow shutoff orders. They withdrew the application when the Chief Engineer's recommendation was for denial. The recommendation was based on the reason that the golf course should not be given preference over other senior appropriations from the same source. The qualifications on the water right are to protect senior water rights and water for domestic use.

EFFECTS ON THE JAMES RIVER

An NPDES permit is required before any water is discharged from the well into the river. During high river flow conditions there is no need to divert water from the well into the James River. During low flows, the rate at which water is discharged into the river is less than the proposed diversion rate from the river. Using the James River as a conveyance system and for improving the water quality from the well with James River water may not be in the public interest.

CONCLUSIONS

1. Water is available from the Pleistocene Series - Unknown aquifer (PSU).
2. The water quality of the well water does not allow use of the well water alone in the irrigation system. Use of the well water would require mixing with James River water to meet soil and water compatibility permit requirements.
3. The diversion rate of 0.67 cfs from the river for two to four hours a day does not allow enough water to effectively irrigate the 47.5 acres of golf course. There would be approximately 0.11 acre-feet (36,083 gallons) to 0.22 acre-feet (72,167 gallons) pumped per day from the James River.
4. The amount of water diverted from the James River should not exceed the amount discharged into the James River in a 24 hour period minus transmission losses (assuming up to 50% loss).
5. Observation well records for a well near the diversion point reflect some fluctuations in the water level readings.
6. It will be necessary to obtain an NPDES permit to discharge water into the James River.

7. The well log provided with this application states the well developed under this application was constructed by a licensed well driller and the construction complies with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
8. If this application is approved, it should contain the following qualifications:
 - a. Subject to the water use questionnaire being submitted each year.
 - b. The wells should not be pumped when there are sufficient natural flows in the James River for both irrigation and downstream livestock watering.

Norma C. Job

NORMA C. JOB
NATURAL RESOURCES ENGINEER II
Approved by:

Delvin D. Brosz

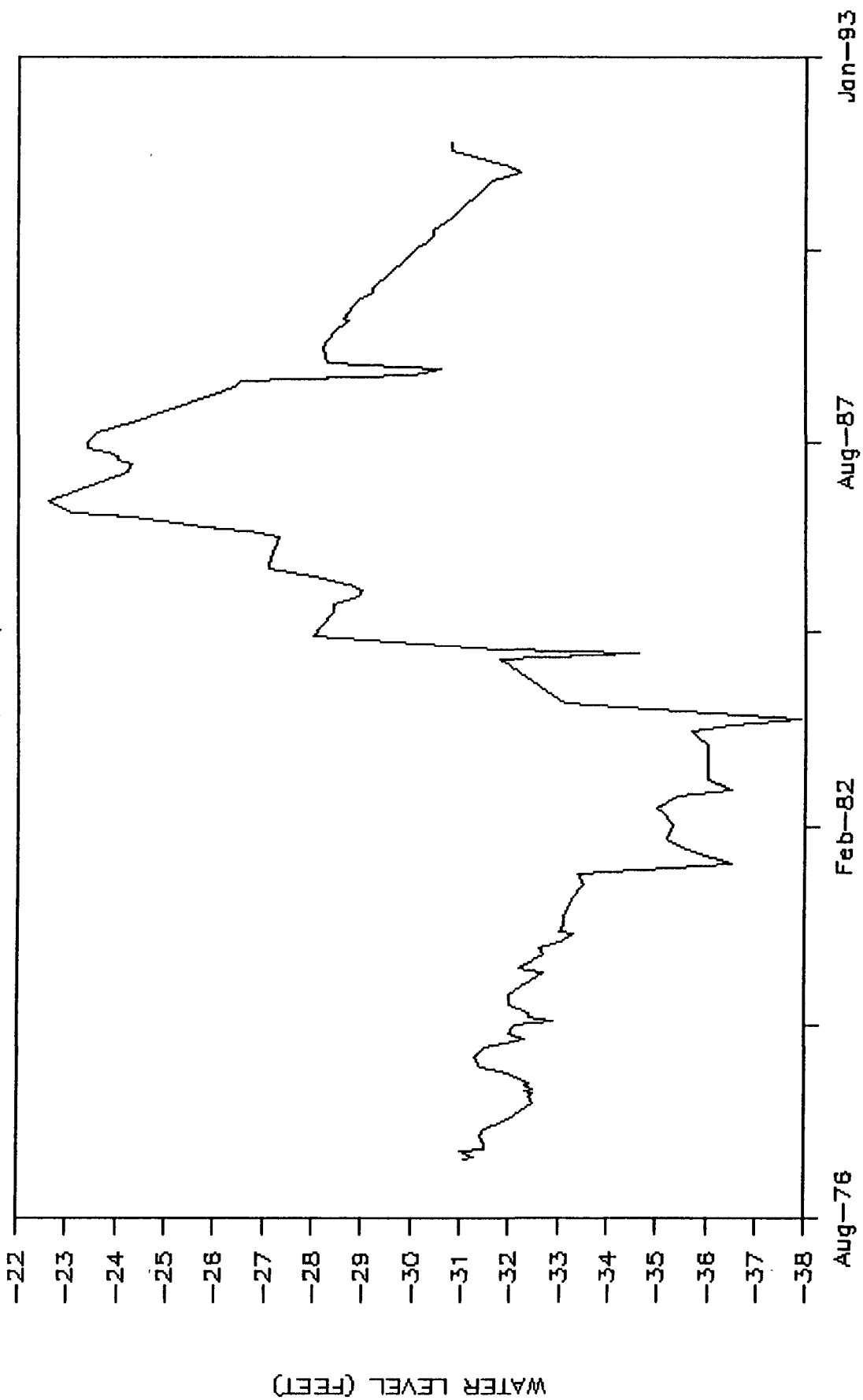
DELVIN D. BROSZ, P.E.
NATURAL RESOURCES ENGINEER IV

REFERENCES

- Water Rights Division, 1991, Irrigation Report by Aquifer, DENR, Division of Water Rights, Joe Foss Bldg., Pierre, SD 57501.
- Water Rights Division, 1992, Observation Well File SP-77Q, DENR, Division of Water Rights, Joe Foss Bldg., Pierre, SD 57501.
- Water Rights Division, 1992, Water Permit No. 5286-3, Glen L. Boese, DENR, Division of Water Rights, Joe Foss Bldg., Pierre, SD 57501

WATER RIGHTS OBSERVATION WELL

SP-77Q





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 1993

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

Tom Boub
Fisher Grove Country Club
PO Box 22
Redfield, SD 57469

Dear Mr. Boub:

We have reviewed Water Permit Application No. 5730-3 to appropriate 0.11 cubic feet of water per second from groundwater to be discharged into the James River and diverted downstream for irrigation of the golf course. The enclosed Report and Recommendation of the Chief Engineer recommends DENIAL of the application.

You can oppose the Recommendation to Deny Application No. 5730-3 by instructing the newspaper to publish the Publication Notice and appear before the Water Management Board at the March 3, 1993, meeting. If the Board denies the application, 75 percent of the \$150.00 fee will be refunded. If you need more time, you can also delay publication and consideration of Application No. 5730-3 until a later Water Management Board meeting. Do not send the enclosed letter to the newspaper unless you intend to oppose Denial of Application No. 5730-3. Notify us and the entire fee will be refunded.

A notice of your intent to appropriate water has been enclosed in an envelope along with instructions to the newspaper to publish the notice on or before February 3, 1993. Notice of hearing needs to be published in the Redfield Press printed at Redfield, SD (Ph # 472-0822). The newspaper will bill the country club for the cost of publication.

If you wish to proceed with this application, please send the enclosed envelope to the newspaper and authorize publication by January 29, 1993. Authorizing the publication of the notice of hearing will be considered as opposition to the Chief Engineer's Recommendation and we will schedule a hearing on this matter before the Water Management Board.

The publisher will be instructed to publish your notice once each week for two consecutive weeks. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 1993

Redfield Press
Box 440
Redfield, SD 57649

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5730-3 to be published twice. Please publish the first notice on February 3, 1993, with the second publication 7 days later.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Fisher Grove Country Club, PO Box 22, Redfield, SD 57469 (Ph # 472-9914).

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 February 3, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5730-3 to Appropriate Water

Notice is given that Fisher Grove Country Club, PO Box 22, Redfield, SD 57469 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 to irrigate 47.5 acres located in the E 1/2 SW 1/4, SW 1/4 SE 1/4; all in Section 1-T116N-R63W. Water Right No. 1421-3 appropriates 0.67 cfs from the James River at a point in the SE 1/4 SW 1/4 Section 1-T116N-R63W for irrigation of the same acreage. The application proposes to discharge water from the well at 0.11 cfs into the James River and then divert water at the James River pump station at a rate of 0.67 cfs for irrigation of the golf course. The amount of water pumped from the river during a 24-hour period is not to exceed the amount supplied by the well during that period. The country club proposes to utilize the well only during those periods when shut-off orders have been issued for the James River. When flows are sufficient and shut-off orders have not been issued, the country club will divert from the river as authorized by Water Right No. 1421-3. The intent of the application is to allow the golf course to be irrigated during periods of low flow when James River shut-off orders have been issued.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DENIAL of Application No. 5730-3 for the following reasons: 1) downstream domestic use of water, including livestock water and prior water rights may be unlawfully impaired; 2) the applicant's proposal is not practical and would provide only 0.22 acre-feet of water per day (72,000 gallons) minus transmission losses for irrigation of 47.5 acres; 3) during periods of low flow it is unlikely the conditions of the Soil Water Compatibility Permit can be met; 4) the proposed use of water cannot be regulated; 5) it is not in the public interest to pump groundwater into the James River with the resultant transmission losses; and 6) an offstream alternative is a more practicable solution.

This application will be considered by the Water Management Board in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD on March 3, 1993, at 1:30 p.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer by February 22, 1993. 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. 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. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This 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. The time of the hearing 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 February 22, 1993..

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, 46-5-1 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25. Robert E. Roberts, Secretary, Department of Environment and Natural Resources

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Spink) ssI, Margaret Mundstuck

certify that the attached printed Notice was

taken from the Redfield Pressprinted and published in RedfieldCounty of Spink and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:February 3, 1993February 10, 1993Cost of Printing: \$54.50Margaret Mundstuck
(Signature)Bookkeeper
(Title)February 10, 1993
(Date Signed)

No. 54

NOTICE OF HEARING ON APPLICATION NO. 5730-3 TO APPROPRIATE WATER

Notice is given that Fisher Grove Country Club, PO Box 22, Redfield, SD 57469 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (cfs) from one well located in the SE 1/4 SW 1/4 to irrigate 47.5 acres located in the E 1/2 SW 1/4, SW 1/4 SE 1/4; all in Section 1-T116N-R63W. Water Right No. 1421-3 appropriates 0.67 cfs from the James River at a point in the SE 1/4 SW 1/4 Section 1-T116N-R63W for irrigation of the same acreage. The application proposes to discharge water from the well at 0.11 cfs into the James River and then divert water at the James River pump station at a rate of 0.67 cfs for irrigation of the golf course. The amount of water pumped from the river during a 24-hour period is not to exceed the amount supplied by the well during that period. The country club proposes to utilize the well only during those periods when shut-off orders have been issued for the James River. When flows are sufficient and shut-off orders have not been issued, the country club will divert from the river as authorized by Water Right No. 1421-3. The intent of the application is to allow the golf course to be irrigated during periods of low flow when James River shut-off orders have been issued.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DENIAL of Application No. 5730-3 for the following reasons: 1) downstream domestic use of water, including livestock water and prior water rights may be unlawfully impaired; 2) the applicant's proposal is not practical and would provide only 0.22 acre-feet of water per day (72,000 gallons) minus transmission losses for irrigation of 47.5 acres; 3) during periods of low flow it is unlikely the conditions of the Soil Water Compatibility Permit can be met; 4) the proposed use of water cannot be regulated; 5) it is not in the public interest to pump groundwater into the James River with the

resultant transmission losses; and 6) an off stream alternative is a more practicable solution.

This application will be considered by the Water Management Board in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD on March 3, 1993, at 1:30 p.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer by February 22, 1993. 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. 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. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This 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. The time of the hearing 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 February 22, 1993.

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, 46-5-1 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

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

(February 3, 1993)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

Ray Gallagher
604 East 2nd Avenue
Redfield, SD 57469

Dear Mr. Gallagher:

Enclosed is a copy of the Administrative Rule of South Dakota 74:02:01:01.01 which defines public recreation areas. I have also enclosed a copy of SDCL 46-1-6 which is referenced in the rule. The rule references subsection (4) of the statute. This should be subsection (7) as the rules have not been updated to reflect changes in the statute.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosures

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Fisher Grove Country Club - WP Appl. No. 5730-3

ADDRESS: _____ COUNTY: Spink

DATE: 2/23/93 TELEPHONE: 472-2400 Ext. 2620

RE: Discussion with Tom Boub

COMMENTS:

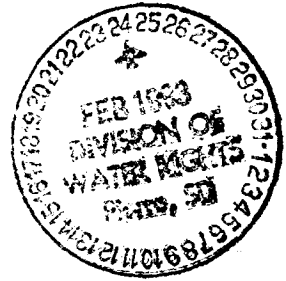
Mr. Boub called wanting the names and addresses for the Board members. When I asked what he wanted to send to the Board members, he stated that he wanted to send them a letter inviting them to stop by and see the course prior to the meeting. I stated that I thought that if Board members stopping by the course prior to the hearing would constitute ex-parta communication and would cause the Board member to have to disqualify themselves from the hearing. Mr. Boub didn't understand this logic but I tried to explain that this was a legal proceeding and prior to the hearing the Board is not to be provided any one sided information by either party.

Mr. Boub and I discussed the format of the hearing. He was concerned that the hearing would be really technical in nature. I stated that our Engineer would brief the Board on the findings of the report and discuss why we're recommending denial. They would want to address the six reasons for chief engineer listed for denial.

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 Henlund

To Whom it may Concern:



We as: Glendale Colony

Support the Water Permit application
for the well at Fishers Grove Golf
Course

Jerry Kleinsasser: Secretary
Glendale Colony
RR 1 Box 85
Frankfort, S.D.

57440



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 17, 1993

Tom Boub
Fisher Grove Country Club
P.O. Box 22
Redfield, SD 57469

Dear Mr. Boub:

On March 3, 1993, the Water Management Board **APPROVED** Water Permit No. 5730-3 with qualifications. This Permit appropriates 50 gallons per minute (gpm) from one well located in the SE1/4 SW1/4 Section 1, T116N, R63W which is to be discharged into the James River and then diverted at the Club's James River pump station at a rate of 300 gpm. The amount of water pumped from the river during a 24 hour period is not to exceed the amount supplied by the well during that period minus losses. For the purpose of quantifying losses, we are proposing that losses be set at five percent.

The following is a list of qualifications, as discussed during the hearing that are proposed for Water Permit No. 5730-3.

1. During periods when water from the well is being discharged into the James River, the amount of water diverted by the James River pump station during a 24 hour period may not exceed the amount of water that is discharged from the well to the James River less five percent during the same period.
2. This permit authorizes discharge of water from the well to the James River only during periods when shut-off orders have been issued for this stretch of the James River.
3. A meter with a readily accessible read out must be installed at both the well site and the James River pumping station. When well water is pumped into the James River, daily records must be kept for the meters and reported with the annual irrigation water use questionnaire.
4. This permit is subject to the discharge of water from the well to the James River being located downstream of the diversion of water at the existing James River pump station.
5. This permit is subject to the Fisher Grove Country Club obtaining a National Pollutant Discharge Elimination System (NPDES) Permit. In accordance with the Administrative Rules of South Dakota, Section 74:03:18:03, the NPDES Permit will automatically become a state issued Surface Water Discharge Permit once the state has received NPDES delegation. All existing conditions and requirements of the NPDES Permits will remain applicable.

Tom Boub
March 17, 1993
Page 2

6. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
7. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

After the hearing you asked for direction on how to properly meter the wells to comply with the qualifications. The primary concern is that metering devices be installed and during periods when the well discharges into the James River, daily records be kept so that it can be documented that the Country Club is in compliance with Qualification No. 1.

If the Country Club discharges water from the well at a rate of 50 gpm continuously for 24 hours, water can be pumped from the James River at a rate of 300 gpm for 3.8 hours.

Calculation:

72,000 gallons	(50 gpm discharging from well for 24 hours)
- 3,600 gallons	(5 percent losses)
68,400 gallons	(amount of water which may be diverted from James River during same 24 hour period)

68,400 gallons divided by 300 gpm = 228 minutes of pumping
= 3.8 hours of pumping
from James River

If the well which discharges water to the James River does not produce 50 gpm or does not discharge continuously, the period of time water can be pumped from the James River will need to be less than the 3.8 hours.

Please review the qualifications carefully. If you do not believe the qualifications reflect the intent of the Board at the hearing or have additional questions regarding issuance of the water permit, please contact Eric Gronlund at (605) 773-3352 with your concerns.

Very truly yours,


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

cc: Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

Tom Boub
Fisher Grove Country Club
PO Box 22
Redfield, SD 57469

Dear Mr. Boub:

Enclosed is Water Permit No. 5730-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 3/16/94

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Fisher Grove CC Box 22
(name) (address)
Redfield SD 57469 605-472-1506
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5730-3.

Water Permit No. 5730-3 states that the diversion system is to be constructed by March 3, 1998, and that the water is put to beneficial use by March 3, 2002.
(date) (date)

The diversion system was completed on 2/1/93.
(date)

Applying the water to beneficial use was completed on 8/1/93.
(date)

You may schedule an inspection so that the Water License may be issued.

Tom Boul, Sec/Treas.
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 11, 1999

Lorah Howser Jankord
Fisher Grove Country Club
PO Box 22
Redfield SD 57469

Dear Mrs. Howser Jankord:

I am writing as a follow-up to our telephone conversation regarding Fisher Grove Country Club. Enclosed are copies of Water Right No. 1421-3 and Water Permit No. 5730-3 for irrigation of the golf course.

You asked whether the Country Club's change from a non-profit to a profit corporation will affect the existing water rights. This change in the status of the Country Club will not affect the water rights.

We also discussed whether a transfer of ownership was necessary for either water right. I initially believe the Water Right No. 1421-3 may need to be transferred to the Country Club's name because our database indicates the water right held in the name of Fisher Grove Golf Course. Upon review it appears the water right was issued in the name of Fisher Grove Country Club and our database is in error. I will make the proper corrections.

Please feel free to contact me if I may be of further assistance in answering any water right permitting questions that arise.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 11, 1998

Craig Gaulrapp, President
Fischer Grove Country Club
PO Box 22
Redfield, SD 57469-0022



RE: Surface Water Discharge Permit No.: SD-0026913

Dear Mr. Gaulrapp:

During our review of your Surface Water Discharge Permit, we determined that your facility no longer needs this permit. Your water rights permit (5730-3) can be modified to no longer require the Surface Water Discharge Permit. You could still pump water from the southeast well #2 into the James River, replacing the irrigation water when a shutoff order is issued. If the Surface Water Discharge Permit was terminated, your facility would no longer need to pay the permit fee.

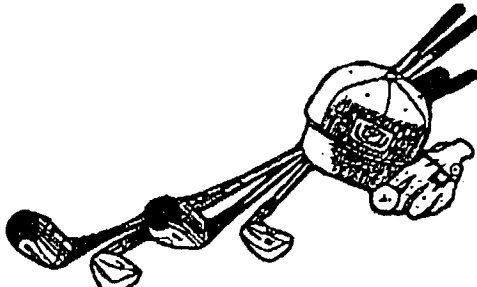
Please respond by September 14, 1998 as to whether or not you would like the permit terminated.

Thank you for helping us manage and protect the environment and natural resources of South Dakota. If you have any questions, please contact me at (605) 773-3351.

Sincerely,

Paula Huizenga
Natural Resources Engineer
Surface Water Quality Program

cc: Bob Brobst (P2-W-P), EPA
Eric Gronlund, Water Rights Program, SDDENR



Post Office Box 22
Redfield, South Dakota 57469

September 13, 1998

Ms. Paula Huizenga
Natural Resources Engineer
Surface Water Quality Program
Dept. of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre SD 57501-3181



RE: Surface Water Discharge Permit No: SD-0026913

Dear Ms. Huizenga:

The Board of Directors of Fishers Grove Country Club has discussed the proposal in your August 11, 1998 letter. They will agree to terminate the permit once the water rights permit (5730-3) has been modified as stated in your letter and as you discussed with Craig Gaulrapp, Board President.

Please send the modified water rights permit for the Board's review. After they read it and find it satisfactory the termination of the surface water discharge permit can be finalized.

Sincerely,

Paul Houser Jankovics

Lorah Houser Jankord
Co Sec/Treas

faxed then mailed



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 15, 1998

NOTICE

TO: Craig Gaulrapp, President
Fisher Grove Country Club
P.O. Box 22
Redfield SD 57469-0022

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Schedule Hearing on Amendment to a Qualification on Water Permit No. 5730-3

Fisher Grove County Club holds Water Permit No. 5730-3 appropriating 0.11 cubic feet of water per second from a well. The intent of the permit is to allow for irrigation of the golf course during periods of low flow in the James River by allowing the well water to be discharged to the river and subsequently allow normal diversion of water at the river pump station. For specifics see the enclosed copy of Permit No. 5730-3.

Qualification No. 5 on Permit No. 5730-3 states, "This permit is subject to the Fisher Grove Country Club obtaining a National Pollutant Discharge Elimination System (NPDES) Permit. In accordance with the Administrative Rules of South Dakota, Section 74:03:18:03, the NPDES Permit will automatically become a state issued Surface Water Discharge Permit once the state has received NPDES delegation. All existing conditions and requirements of the NPDES Permit will remain applicable."

The Chief Engineer's recommendation is for the Board to remove Qualification No. 5 from Water Permit No. 5730-3. The reason for removing this qualification is that it has been determined that a surface water discharge permit is no longer needed. The Country Club has requested that Water Permit No. 5730-3 be modified to reflect that the surface water discharge permit has been terminated.

The Water Management Board will consider amending Water Permit No. 5730-3 by REMOVAL of Qualification No. 5 on October 1, 1998, at 9:00 AM (CDT), in the conference room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501. The hearing on this amendment will be held pursuant to SDCL 46-1-14, 46-2-9, 46-2-11 and 46-2-17.

If you have any questions regarding the proposed amendment please contact Eric Gronlund at (605) 773-3352.

enclosure

c: Diane Best, Assistant Attorney General
Lorah Houser Jankord, Co Sec/Treas, Fisher Grove Country Club
Paula Huizenga, Surface Water Quality Program, DENR

CERTIFICATION

I hereby certify that on September 15, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 15, 1998, along with a copy of Water Permit No. 5730-3 for Irrigation, regarding Schedule Hearing on Amendment to a Qualification on Water Permit No. 5730-3, addressed as stated below:

Craig Gaulrapp, President, Fisher Grove Country Club, P.O. Box 22, Redfield, SD 57469-0022.

Lorah Houser Jankord, Co Sec/Treas, Fisher Grove Country Club, P.O. Box 22, Redfield, SD 57469-0022.

A copy of the above described Notice and attachment was sent Inter-office to:

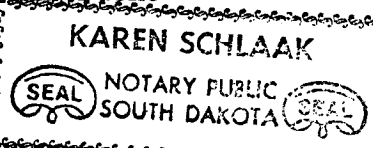
Diane Best, Assistant Attorney General, Capitol Building.

Paula Huizenga, Surface Water Quality Program, DENR, Joe Foss Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of September, 1998


Notary Public
KAREN SCHLAAK

KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOV 10 1998

Craig Gaulrapp, President
Fisher Grove Country Club
P.O. Box 22
Redfield, SD 57469-0022

Dear Mr. Gaulrapp:

Enclosed is reissued Water Permit No. 5730-3 authorizing Fisher Grove Country Club's use of water from a well subject to the limits specified in the Water Permit.

On October 1, 1998, the Water Management Board removed Qualification No. 5 from this Water Permit originally issued in 1993. This action eliminates the requirement that Fisher Grove Country Club hold a surface water discharge permit as a condition of using water authorized by Water Permit No. 5730-3.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Very truly yours,

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

enclosure

c: Lorah Houser Jankord, Co Sec/Treas, Fisher Grove Country Club
Paula Huizenga, Surface Water Quality Program, DENR



5730-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: FISHER GROVE COUNTRY CLUB, BRIAN STROH, PO BOX 22, REDFIELD, SD 57469 0022

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 5730-3 and 1421-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No. 1421-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No. 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 7, 2001 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 1421-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FISHER GROVE COUNTRY CLUB
BRIAN STROH
PO BOX 22
REDFIELD SD 57469 0022

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

1-23-01

C. Signature

Lois Houser

☒ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7099 3220 0004 5201 0707



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2001

NOTICE

TO: Brian Stroh, Fisher Grove Country Club, PO Box 22, Redfield, SD 57469

FROM: Garland Erbele Chief Engineer *Garland Erbele*
Water Rights Program

SUBJECT: Amendment of Water Right No. 1421-3 & One Year Suspension of Water Permit No. 5730-3

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board took the following actions:

- 1) Water Right No. 1421-3, authorizing irrigation of the golf course from the James River, was **AMENDED** to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

- 2) Water Permit No. 5730-3, authorizing irrigation of the golf course from ground water (one well), was **SUSPENDED**:

The Water Management Board has ordered:

That Water Permit No. 5730-3 be suspended until December 31, 2001, for failure to submit the 2000 irrigation questionnaire.

Suspension of a water permit means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2000 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001 in Pierre, SD. The letter should include your reasons for not completing the 2000 irrigation questionnaires.

Please contact Genny McMath (605) 773-3352, if you have any questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 9, 2001

NOTICE

TO: Brian Stroh, Fisher Grove Country Club, PO Box 22, Redfield, SD 57469
Brian Stroh, 104 W 6th St, Redfield, SD 57469

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele Chief Engineer
Water Rights Program 

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Permit No. 5730-3

On April 6, 2001, we received the "2000" irrigation questionnaires for Water Right No. 1421-3 and Water Permit No. 5730-3. The questionnaires were accompanied by a note requesting a hearing before the Water Management Board for purposes of discussing the irrigation questionnaire violation and the board's action to suspend Water Permit No. 5730-3.

Your request to have the suspension of Water Permit No. 5730-3 reconsidered by the Water Management Board has been scheduled for **10:00 am, May 2, 2001**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water permit, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

Note: Prior to April 27, 2001, please contact the Water Rights Program, JoeFoss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

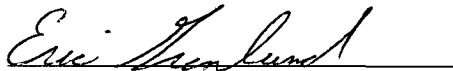
CERTIFICATION

I hereby certify that on April 9, 2001 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 9, 2001 regarding Notice of Hearing to Consider Request to Rescind Suspension of Water Permit No. 5730-3 addressed as stated below:

Brian Stroh	Brian Stroh
Fisher Grove Country Club	104 W 6 th Street
PO Box 22	Redfield, SD 57469
Redfield, SD 57469	

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



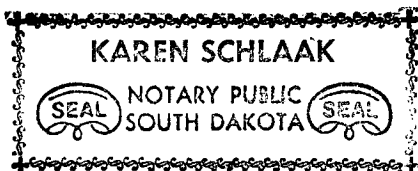
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of April, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



**IRRIGATION QUESTIONNAIRE VIOLATION
WATER PERMIT NO. 5730-3
FISHER GROVE COUNTRY CLUB**

BRIEF DESCRIPTION:

Water Permit No. 5730-3, Fisher Grove Country Club, Redfield, SD authorizes diversion of 0.11 cubic feet of water per second from ground water to irrigate 47.5 acres (same acreage authorized by Water Right No. 1421-3 from the James River). The permit authorizes discharge of water from the well into the James River to be used only during periods when shut-off orders have been issued on the James River.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October 1995	December 15, 1995	December 20, 1995	none
October 1996	December 20, 1996	December 3, 1996	none
October 1997	December 1, 1997	November 4, 1997	none
October 1998	December 1, 1998	November 16, 1998	none
October 1999	December 1, 1999	November 24, 1999	none
October 2000	December 1, 2000	April 6, 2001	March 7, 2001

January 19, 2001: A certified letter was sent to Brian Stroh, w/Fisher Grove Country Club, PO Box 22, Redfield, SD requesting the 2000 irrigation questionnaires be returned prior to the March 7, 2001, hearing date. The notice outlined what action the Board could take concerning the past due questionnaires.

March 7 2001: The Board suspended Water Permit No. 5730-3 for one year for failure to submit the 2000 irrigation questionnaire. The Board also amended Water Right No. 1421-3, held by Fisher Grove, to include the mandatory irrigation questionnaire qualification.

March 9, 2001: A notice was sent by first class mail to Brian Stroh, Fisher Grove Country Club, informing him of the Board's action to suspend Water Permit No. 5730-3 for one year.

April 6, 2001: The irrigation questionnaires were received along with a request to schedule the matter for hearing.

April 9, 2001: A Notice was sent to Fisher Grove Country Club scheduling a hearing before the Water Management Board. The country club is requesting the Board to reconsider their action to suspend Water Permit No. 5730-3.



Genny McMath
Water Rights Program
April 25, 2001



MIDLAND

TRANSPORTATION

1-800-274-9104

Request to be at
meeting to discuss this
Irrigation Questionnaire

Serving the Midwestand Beyond

5730-3



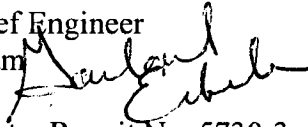
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 2001

NOTICE

TO: Brian Stroh, Fisher Grove Country Club, PO Box 22, Redfield, SD 57469
Brian Stroh, 104 W 6th St, Redfield, SD 57469

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Reinstatement of Water Permit No. 5730-3

On May 2, 2001, the Water Management Board passed a motion to reinstate Water Permit No. 5730-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaire was now on file with the Water Rights Program and that this was the first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 18, 2001

1421-3
5730-3

Fisher Grove Country Club
PO Box 22
Redfield, SD 57469

Attention: Laura

Dear Laura,

Thank you for calling about the 2001 irrigation questionnaires. I am enclosing a set for this year along with copies from the last two years.

Water Right No. 1421-3 authorizes diversion of water from the James River and No. 5730-3 authorizes use of water from ground water. You will note that in 1999, Bryan filled out the forms in duplicate. I don't think he realized that the water permits were from different water sources.

The water source and a description of the acreage authorized for irrigation is now listed on the irrigation questionnaires. This enables irrigators with more than one permit to know what permit covers what land or source.

Do not be concerned with the December 1st deadline. I mailed the questionnaires to the wrong address in October and that is certainly not your fault. Give me a call once you have reviewed the enclosed materials and I can help you complete the forms.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: FISHER GROVE COUNTRY CLUB, PO BOX 22, REDFIELD, SD 57469 0022

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FISHER GROVE COUNTRY CLUB
PO BOX 22
REDFIELD SD 57469 0022

COMPLETE THIS SECTION ON DELIVERY

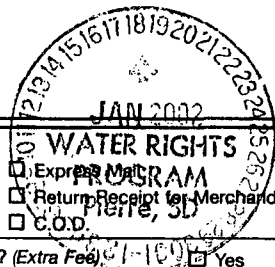
A. Received by (Please Print Clearly) LORAN ROUSER JANKO B. Date of Delivery 1-17-02

C. Signature [Signature] ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes



2. 7001 2510 0004 4797 4388



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2002

1421-3
5730-3

Fisher Grove Country Club
PO Box 22
Redfield, SD 57469-0022

Dear Lorah:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit and/or Right Nos. 1421-3 and 5730-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

November 25, 2002

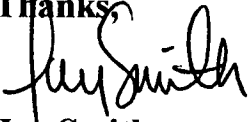
To Whom It May Concern,

Enclosed is Fisher Grove Country Club's irrigation questionnaire. I broke down the acreage of each crop type on the golf course. This is how I figured out the average hour per day.

- First, I added up all the minutes the irrigation ran for the month of that crop type.
- Second, divided the total minutes by the number of days we watered that crop.
- Third, divided that by 60 minutes or one hours time.

I hope I do not offend you by detailing what I did. If there are any questions or I did not do this correctly, please feel free to give me a call at 472-0182.

Thanks,



Jay Smith

Golf Course Superintendent

RECEIVED

NOV 26 2002

WATER RIGHTS
PROGRAM

Jay Smith, GCS
Fisher Grove C.C
Frankfort, SD 57440

Timothy G. Schaal, P.E.
Natural Resources Engineer
Division of Water Rights

Tim,

At the beginning of the year you wanted the information on the pumps we have here at Fisher Grove Country Club. Let me apologize for my extreme tardiness on not getting this information to you sooner.

During the course of the summer we changed our way of obtaining water from the river. We lost our prime to the pumps and decided to try a different route. The club purchased a metal skid that houses a submersible pump, which sits on the riverbed. The skid is pulled into the river at the beginning of the year and out at the end of the season. The pump pushes water to the pump station through a 6" line and from there the 30HP pump pushes it out to the golf course. The gallons per minute for the irrigation heads are still the same. If there are any questions, feel free to give me a call at work 605.472.1212 or at home 605.472.0182

Thanks,



Jay Smith, GCS

PUMP INFO.

30 HP Magnetek
Century E Plus AC Motor
Type-SCE
60 htrz RPM 3540
50 htrz RPM 2920

15 HP Submersible Pump
400-450 gpm output
(brand not known)

RECEIVED
NOV 17 2003
WATER RIGHTS
PROGRAM



5230-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2007

NOTICE

TO: FISHER GROVE COUNTRY CLUB, PO BOX 22, REDFIELD, SD 57469 0022
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 7, 2007

1421-3
5730-3

Shawn Chase
Fisher Grove Country Club
PO Box 22
Redfield SD 57469-0022

Dear Mr. Chase:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 1421-3 and Water Permit No. 5730-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In follow up to our phone conversation, I am enclosing the past few years irrigation questionnaires for you to give to your new greens keeper.

If you have any questions, please contact me.

Sincerely,

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



5730-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: FISHER GROVE COUNTRY CLUB, PO BOX 22, REDFIELD, SD 57469 0022

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2010

1421-3
5730-3

Fisher Grove Country Club
PO Box 22
Redfield SD 57469 0022

Dear Sirs:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1421-3 and Water Permit No. 5730-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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



5730-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

TO: FISHER GROVE COUNTRY CLUB, CHARLES HALBERT, JR, SUPT, 17268 FISHERS LANE, FRANKFORT, SD 57440

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

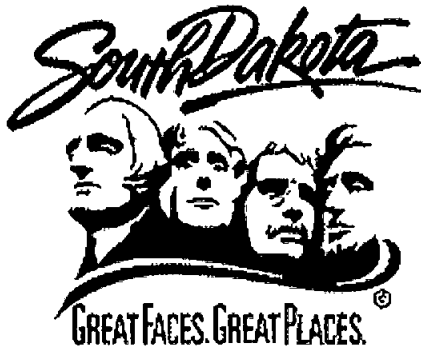
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2018

1421-3
5730-3

Charles Halbert Jr, Supt
Fisher Grove Country Club
17268 Fishers Lane
Frankfort SD 57440

Dear Mr. Halbert:

I am writing to acknowledge receipt of the 2017 irrigation questionnaires for Fisher Grove Country Club.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 1421-3 and 5730-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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



5730-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

TO: FISHER GROVE COUNTRY CLUB, CHARLES HALBERT, JR, SUPT, 17268 FISHERS LANE, FRANKFORT, SD 57440

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

1421-3
5730-3

Charles Halbert Jr, Supt
Fisher Grove Country Club
17268 Fishers Lane
Frankfort SD 57440

Dear Sir:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 1421-3 and Water Permit No. 5730-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Permit No. 5730-3 authorizes diversion of ground water for irrigation of the golf course. On the irrigation questionnaire for this specific permit, you marked the box "use abandoned". In review of past irrigation questionnaires it is evident the golf course only uses water from the James River as authorized under Water Right No. 1421-3.

Water Permit No. 5730-3 will be scheduled for cancellation consideration at a later date. You will be notified of the time and date of the hearing once it is scheduled. If you disagree with DENR proceeding with cancellation of the water permit, please get in touch with us.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Charles Halbert, Jr. Superintendent, Fisher Grove Country Club
17268 Fishers Lane, Frankfort SD 57440

DATE: March 26, 2019

TELEPHONE: 605 350-4245

RE: Water Permit No. 5730-3

Brief history, the golf course has used James River water (1421-3) for years and has mentioned they do not use the ground water source permitted under No. 5730-3. On the 2018 questionnaire submitted in February, 2018, Mr. Halbert checked the box "use abandoned". I wrote to him as part of follow-up on the irrigation questionnaires and indicated that if they had abandoned the use of the well, the permit would be scheduled for cancellation.

Today, prior to writing up the cancellation notice, I contacted Mr. Halbert to explain that the ground water permit was obtained to ensure they could water the golf course if the James River water was unavailable. He agreed but said they have not used the ground water source and if the James River was available, that is what they would use.

I discussed with him that the ground water source would be considered back up and they could maintain the permit simply by ensuring that a pump is available on demand and the well is hooked up to be able to supply water to the golf course if needed. He said they would like to do that and for now, hold up on scheduling the permit for cancellation. I recommended that on the annual questionnaire, make a notation on No. 5730-3 that they had sufficient water from the James and did not need to irrigate using the well. In other words, do not put down "use abandoned."



Genny McMath
Water Rights Program



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: FISHER GROVE COUNTRY CLUB, CHARLES HALBERT, JR, SUPT, 17268 FISHERS LANE, FRANKFORT, SD 57440

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TNNMJI**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 31, 2023

1421-3
5730-3

Charles Halbert Jr, Supt
Fisher Grove Country Club
17268 Fishers Ln
Frankfort SD 57440

Dear Mr. Halbert:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right or Permit Nos. 1421-3 and 5730-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us