

WATER PERMIT NO. 5878-3

Name of Applicant: McCook Lake Recreation Association

Address: 343 Lakeshore Drive, McCook Lake SD

Phone: 712 277-5228

Amount of Water Claimed: 6.67 cfs Total Acres: NA

Source of Water Supply: Missouri River

Depth of Well: NA

Water to be used for: maintaining the water level in McCook Lake County: Union

Type of Waste Disposal System: NA

Location: south end of

PRIORITY Date Received: 8-18-95 Fee: \$775.00

Corrected Application Received: NA Period of Annual Use: April 1 - November 1

Remarks: Increase the diversion rate authorized by Water Right No. 5781-3 by 3000 gpm

Diversion Point: NW 1/4 SW 1/4 Sec 21-T89N-
R48W

Land to be Irrigated: NA

Reviewed and the Number Assigned on: 8-18-95

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5878-3 Hydrologic Unit 10170101
Basin Vermillion River
Newspaper Elk Point Leader-Courier, Box 310
(office use only)



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

Check use of water:

☐ Municipal ☐ Suburban Housing ☒ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 5781-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____
Increase water diversion rate by 3000 gpm 24 hours per day from
April/to November

1. Name of Applicant McCook Lake Recreation Association Phone (712) 277-5228
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 343 Lakeshore Drive, McCook Lake State SD 57049
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 6.67 *CFS or 3000 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet -- storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
Two pumps in NW 1/4 SW 1/4 Section 21-T89N-R48W

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used April thru November

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

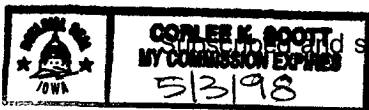
**Two electric pumps providing water to maintain the water level of McCook Lake.
See attachment.**

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Union)^{SS}

I, Mark Jeratowski, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.



Signed Mark Jeratowski
Subscribed and sworn to before me this 20 day of June 19 95
Colleen K. Scott
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5878-3**

Date of first receipt of application August 18, 1995.

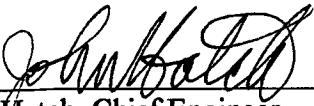
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5878-3 to McCook Lake Recreation Association, 343 Lakeshore Drive, McCook Lake SD 57049 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5878-3 appropriates 6.67 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 5781-3. Water Right No. 5781-3 appropriates 6.22 cfs from the Missouri River located in the NW 1/4 SW 1/4 Section 21-T89N-R48W to maintain the water level of McCook Lake for recreational use. This permit proposes to increase the water appropriation from the Missouri River from 6.22 cfs to 12.89 cfs during the period of April 1 thru November 1. This permit authorizes diversion of Missouri River water only when the McCook Lake water level elevation is below 1090.3 feet mean sea level.
2. The water appropriated shall be used for the purpose of maintaining the water level of McCook Lake and may not exceed the amount of water needed for beneficial use for recreational use.
3. The water is to be used during the following described annual period: April 1 - November 1.
4. The date of approval of Permit No. 5878-3 is September 25, 1995.
5. The date from which applicant may claim right is August 18, 1995.
6. One-fifth of the construction is to be completed on or before March 25, 1998.
7. All construction is to be completed on or before September 25, 2000.
8. Water is to be put to beneficial use on or before September 25, 2004.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

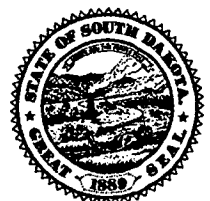
Water Permit Nos. 5781-3 and 5878-3 authorize diversion of Missouri River water only when the McCook Lake water elevation is below 1090.3 feet msl.

WATER MANAGEMENT BOARD

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

DEC 18 1995

date



August 15, 1995

Ron DuVall
Natural Resources Engineer
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501



Ron:

From our phone conversation on 8-15-95, I am sending the following items to amend the water permit for the McCook Lake Recreation Association.

- * Two copies of Form 2 signed and notarized
- * One sketch of the existing pump configuration
- * One United States geological survey map with the location of the diversion point signed by Mr. Leon Gertsch, PE
- * Signed check for \$775.00

We are requesting this amendment to increase the diversion rate by 3,000 gallons per minute. The pumps will run 24 hours a day between the months of April and October (7 months).

Please send your response to Mike Zediker, c/o McCook Lake Recreation Association, 151 Suncoast Drive, North Sioux City, SD 57049.

Any other response can be directed to me at (712) 277-5228.

Thank you.

Mark Jeratowski
Project Manager

cs

Enclosures

RECEIPT

414590

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 18, 19 95

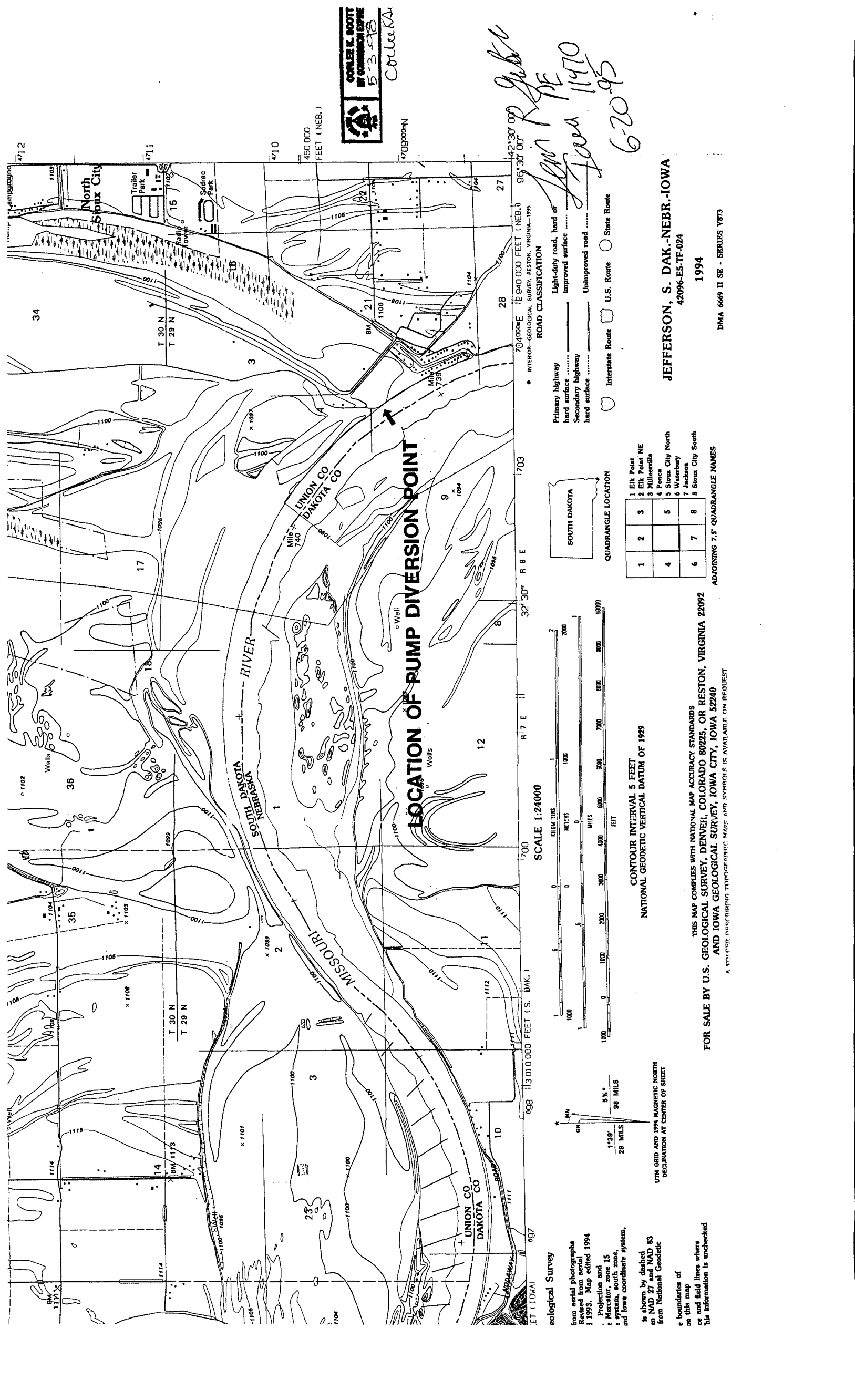
RECEIVED OF McCook Lake Recreation Assn., PO Box 1185, North Sioux City, SD 57049

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

Fee for Application for Permit No. <u>5876-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	775	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

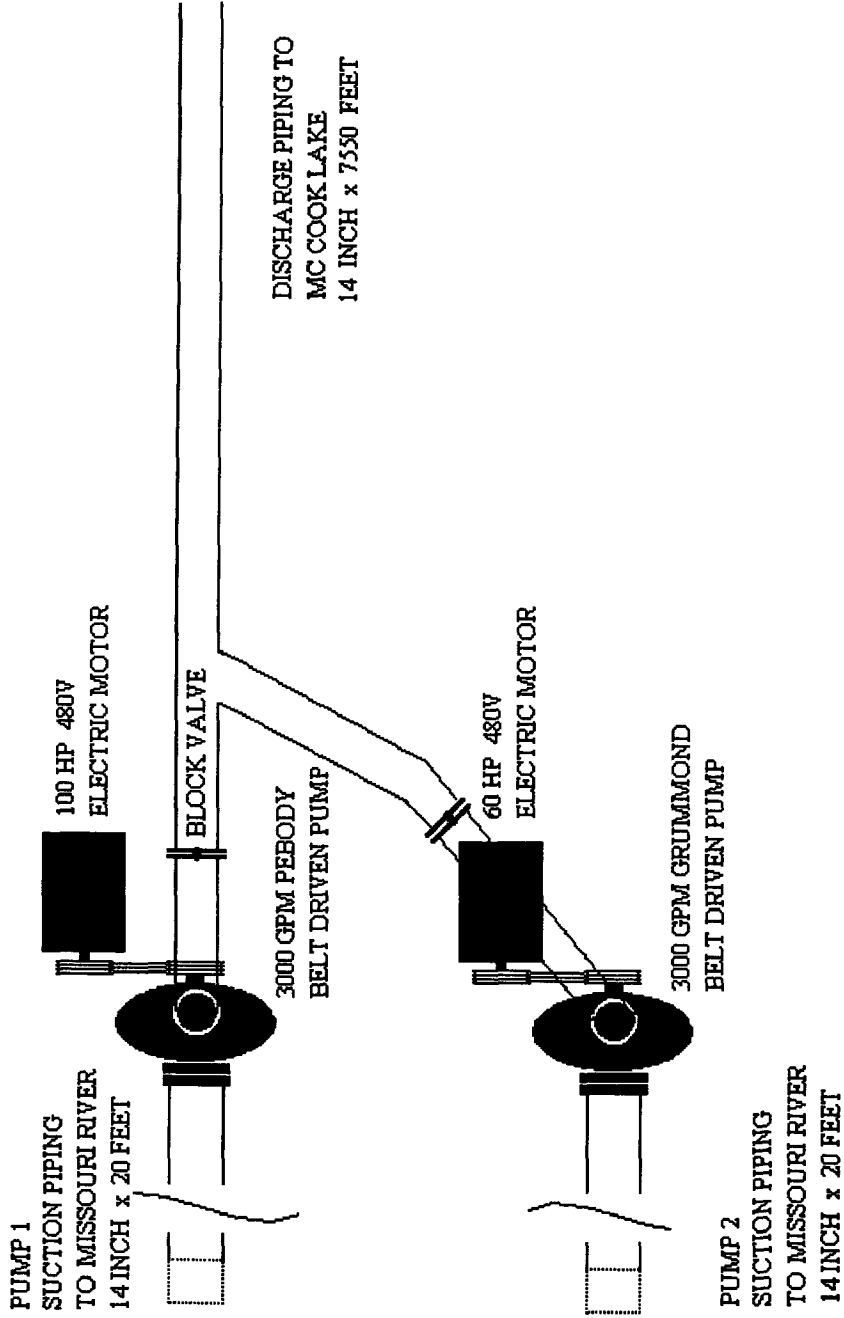
(Any Other Work Provided by Law)	Total	775 00

By John Hatch
Chief Engineer





MCOOK LAKE WATER PUMP SYSTEM



REPORT ON WATER PERMIT APPLICATION NO. 5878-3
McCOOK LAKE RECREATION ASSOCIATION
AUGUST 21, 1995

Application No. 5878-3, McCook Lake Recreation Association, proposes to increase the diversion rate authorized by Water Right No. 5781-3. Water Right No. 5781-3 appropriates 6.22 cubic feet of water per second (cfs) from the Missouri River at a diversion point located in the NW1/4 SW1/4 Section 21-T89N-R48W. This application proposes to increase the water appropriation from the Missouri River from 6.22 cfs to 12.89 cfs during the period of April 1 through November 1. The water is for recreational use to maintain the water level in McCook Lake. McCook Lake is located in Union County near North Sioux City, SD.

The McCook Lake Recreation Association also hold Water Right No. 1606-3 and Water Permit No. 4565-3 for diverting groundwater from two wells for recreational use to maintain the water level in McCook Lake. At a December 2 and 3, 1981 Water Management Board Hearing, the Water Management Board established the maximum elevation that McCook Lake can be maintained at by artificial means as 1090.3 feet mean sea level (msl). At that time Water Right No. 1606-3 and Water Permit No. 4565-3 were amended to allow pumping only when McCook Lake's water elevation is below 1090.3 feet msl.

Review of the Water Source and Existing Water Rights

The source of water for this project is from the Missouri River at a point below Gavins Point Dam. Water quantity would not be a problem. Water Right No. 5781-3 was approved on October 18, 1993. The Division of Water Rights has no record of complaints concerning this project. Adverse affects to existing water users would not be expected.

Conclusions

1. Application No. 5878-3 proposes to increase the diversion rate from 6.22 cfs as authorized by Water Right No. 5781-3 to 12.89 cfs.
2. The source of water would be from the Missouri River. Adverse affects to existing water users would not be expected.
3. The water is to be used for recreational purposes to maintain water levels in McCook Lake.
4. The Water Management Board has established the maximum elevation that McCook Lake can be maintained at by artificial means as 1090.3 feet mean sea level. If approved this permit should contain this qualification.



Mark D. Rath
Natural Resources Engineer III

Approved by,



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5878-3, McCook Lake Recreation Association**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5878-3, McCook Lake Recreation Association, c/o Mark Jeratowski, 343 Lakeshore Drive, McCook Lake, SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 5878-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest, with the following qualification:

Water Permit Nos. 5781-3 and 5878-3 authorize diversion of Missouri River water only when the McCook Lake water elevation is below 1090.3 feet msl.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
August 29, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

September 1, 1995

Mark Jeratowski
McCook Lake Recreation Association
343 Lakeshore Drive
McCook Lake, SD 57049

Dear Mr. Jeratowski:

Water Permit Application No. 5878-3 for maintaining the water level in McCook Lake has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Elk Point Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



September 1, 1995

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5878-3 to be published twice. Please publish the first notice on September 7, 1995, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is McCook Lake Recreation Association, 343 Lakeshore Drive, McCook Lake, SD 57049 (Ph # 712-277-5228).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 September 7, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5878-3 to Appropriate Water
and to Amend Water Right No. 5781-3

Notice is given that McCook Lake Recreation Association, 343 Lakeshore Drive, McCook Lake, SD 57049 has filed an application for a water permit to appropriate 6.67 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 5781-3. Water Right No. 5781-3 appropriates 6.22 cfs from the Missouri River located in the NW 1/4 SW 1/4 Section 21-T89N-R48W to maintain the water level of McCook Lake for recreational use. This application proposes to increase the water appropriation from the Missouri River from 6.22 cfs to 12.89 cfs during the period of April 1 through November 1. This application, if approved, will authorize diversion of Missouri River water only when the McCook Lake water level elevation is below 1090.3 feet mean sea level.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5878-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 25, 1995.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Union)

I, Lester E. Emerson

certify that the attached printed Notice was

taken from the _____

The Leader-Courier

printed and published in Elk Point

County of Union and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

September 7, 1995

September 14, 1995

Cost of Printing: 40.78

Lester E. Emerson
 (Signature)

Editor/Publisher
 (Title)

September 16, 1995
 (Date Signed)



NOTICE OF APPLICATION NO. 5878-3 to Appropriate Water and to Amend Water Right No. 5781-3

Notice is given that McCook Lake Recreation Association, 343 Lakeshore Drive, McCook Lake, SD 57049 has filed an application for a water permit to appropriate 6.67 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 5781-3. Water Right No. 5781-3 appropriates 6.22 cfs from the Missouri River located in the NW 1/4 SW 1/4 Section 21-T89N-R48W to maintain the water level of McCook Lake for recreational use. This application proposes to increase the water appropriation from the Missouri River from 6.22 cfs to 12.89 cfs during the period of April 1 through November 1. This application, if approved, will authorize diversion of Missouri River water only when the McCook Lake water level elevation is below 1090.3 feet mean sea level.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5878-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 25, 1995.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

Mark Jeratowski
McCook Lake Recreation Association
343 Lakeshore Drive
McCook Lake, SD 57049

Dear Mr. Jeratowski:

Enclosed is Water Permit No. 5878-3 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 Program
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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 2001

Dave Nitzschke
McCook Lake Recreation Association
315 Lake Shore Drive, Box 1185
McCook Lake SD 57049

Dear Mr. Nitzschke:

On the recent 2000 South Dakota Water Use Questionnaire submitted for the McCook Lake Recreation Association you inquired about extending the pumping period. Currently, the Association holds water rights from the Missouri River and ground water wells to maintain the McCook Lake's water level. Although the dates when pumping is allowed varies with the specific water rights; in general, pumping is allowed from April 1st thru November 1st. The Association wants to change the period of pumping to March 1st thru December 1st.

A change to the pumping period is an amendment to the existing water rights held by the Association. Amending the water rights will require an application to be submitted. A copy of the application forms is enclosed. Separate applications will need to be submitted to amend the Missouri River water right and the ground water well water right since they are different water sources. For each of the two applications, a \$100 application/licensing fee will also need to be submitted. I also want to make you aware that these applications to amend will need to be public noticed as part of the water right permitting process.

Finally, we understand that the Association may be investigating moving the location of their Missouri River diversion point. If this is the Association's intent, you can include the change of diversion point on the same application as amending the pumping period from the Missouri River.

Please feel free to contact me if you have any questions. I am willing to assistance you in getting the water rights so the accurately reflect the Association's operation of the water system.

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 57501-3182
www.state.sd.us/denr

SEP 17 2002

5878A-3

Dave Nitzschke
McCook Lake Recreation Association
#83 North Shore Drive
McCook Lake SD 57049

Dear Sir:

Enclosed is Water License No. 5878A-3. Water License No. 5878A-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Permit Nos. 5781-3 and (5878-3) have been incorporated into Water License No. 5878A-3.