

WATER PERMIT NO. 5943-3

Name of Applicant: Cow Creek Estates

Address: 28229 Cow Creek Rd, Pierre SD 57501

Phone: 605 264-5450

Amount of Water Claimed: 0.055 cfs (25 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use (trailer park & campground)

County: Sully

Type of Waste Disposal System: septic tanks

Location: 12 miles north of Pierre

PRIORITY

Date Received: 6-11-96

Fee: \$50.00

Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NW 1/4 NW 1/4 Sec 33-

T113N-R80W

Land to be Irrigated: NA

Depth of Well: 120 feet

Well Driller: Huron Drilling

Remarks:

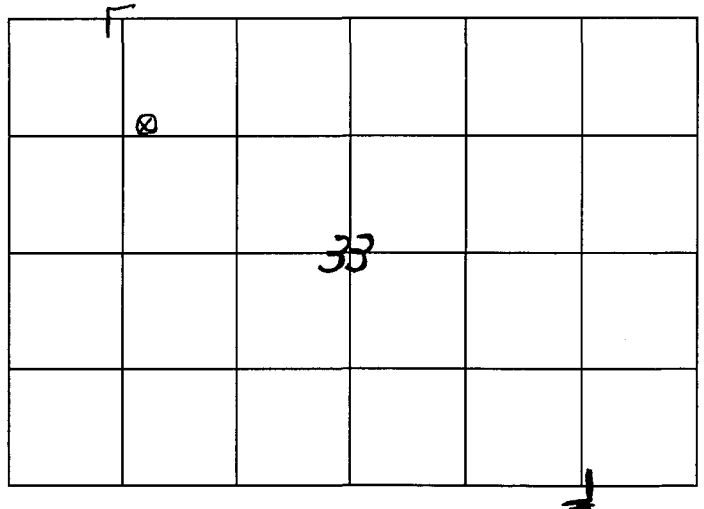
Type of Map: topo

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 6-13-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 5943-3**

Date of first receipt of application June 11, 1996.

The Water Management Board approved Water Permit Application No. 5943-3 on October 2, 1996 for Cow Creek Estates, 28229 Cow Creek Road, Pierre SD 57501 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. 5943-3 appropriates 0.055 cubic feet of water per second (25 gallons per minute) from one well (Gray Goose Aquifer) 55 feet deep located in the NW 1/4 NW 1/4 Section 33-T113N-R80W.
2. The water appropriated shall be used for the purpose of supplying water to a trailer park and campground and may not exceed the amount of water needed for beneficial use for commercial use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is June 11, 1996.
5. One-fifth of the construction is to be completed on or before April 2, 1999.
6. All construction is to be completed on or before October 2, 2001.
7. Water is to be put to beneficial use on or before October 2, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 5943-3 is subject to compliance with the Drinking Water Standards (ARSD Chapter 74:04:05).
2. Plans and specifications for the regulated wastewater systems must comply with ARSD Chapter 74:03:01. Plans and specifications for future construction or alterations to the regulated wastewater system shall be submitted and approved by the Department of Environment and Natural Resources prior to start of construction.
3. Water Permit No. 5943-3 is subject to compliance with Storm Water Discharges associated with the Construction Activities Permit.
4. 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

DEC 26 1996

_____ date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5943-3</u> Hydrologic Unit <u>10630105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>The Onida Watchman, Onida, SD</u>



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

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other trailer park & camp grounds

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. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Cow Creek Estates Phone 605/264/5450
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 28229 Cow Creek Rd, Pierre State South Dakota
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.055 *CFS or 25 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Town Ship 113 North, Range 80 West of 5th P.M., Section 33: SW1/4NW1/4NW1/4,
County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used Jan 1 - Dec 31
mostly summer months but smaller amounts
early and later in year.
- 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)

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)

SS

County of Hughes

I, Thomas A. Olson, 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 Thomas A. Olson

Subscribed and sworn to before me this 11th day of June 1996

Commission Expires 3-10-98

Daniel Harg
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5 inch Depth 55
- b) Casing Type plastic Diameter 5" Thickness 200 lb 1 1/4 hole diameter
- c) Screen Type PVC Diameter 5" Thickness .25 Slot Size Set Form 35
- d) Gravel Pack Thickness 55 Length of Gravel Pack 20 ft.
- e) Depth to Top of Water Bearing Material 28
- f) Depth to Water (ground surface to water level) 28 ft.
- g) Distance to nearest existing domestic well: 100 ft.

On applicants property _____ On property owned by others ✓

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank's
- b) System Capacity (gallons) 1500 c) Year Constructed New
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

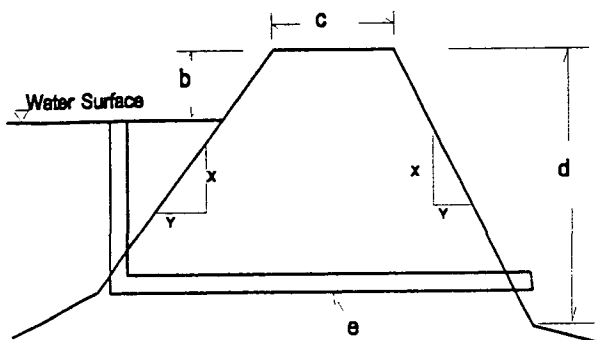
Upstream _____

Downstream _____

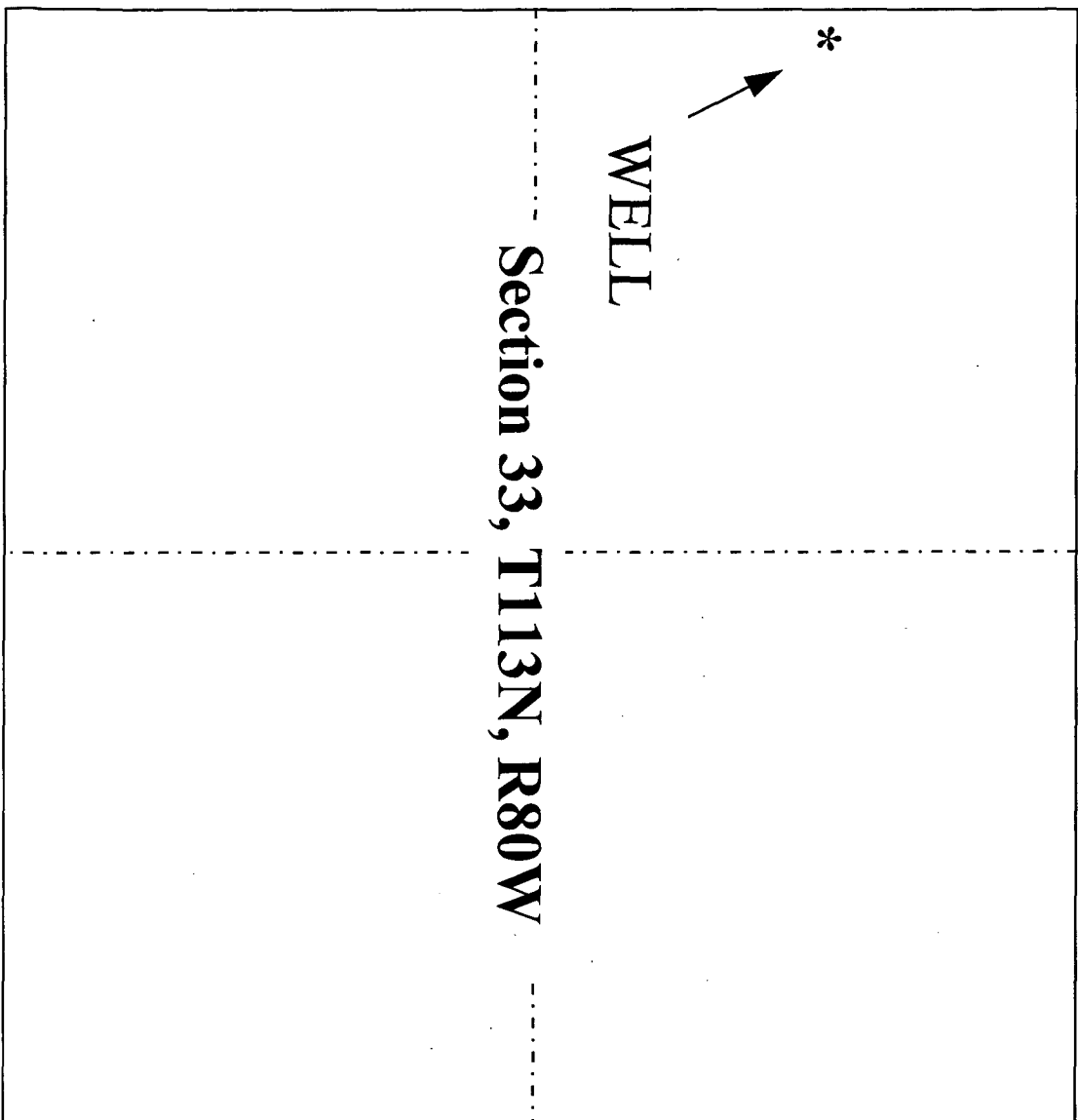
h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Well Location for Cow Creek Estates Application



*Eric Henderson
Water Rights Program*

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15

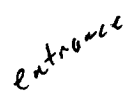


360 x 180
Rec. AREA



200d.

150x20



Scale

North

RECEIPT

Division of Water Rights

414987

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 10, 19 96

RECEIVED OF Outpost Lodge (Cow Creek Estates), 28229 Cow Creek Rd., Pierre, SD 57501

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

Fee for Application for Permit No. <u>5943.3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



DEPARTMENT
OF
NATURAL
RESOURCES

AWAITING

-3181

P+S

March 1, 1996

Tom Olson
Outpost Lodge - Cow Creek
28229 Cow Creek Road
Pierre, SD 57501

CALLER 4-11-96 TO
TOWN BASES w/ Tom Olson.
REMOVED HIM TO SEND IN P+S

Dear Mr. Olson:

It has come to the attention of the Department of Environment and Natural Resources (DENR) that you plan to develop the area just west of the Outpost Lodge and add 30 mobile homes and 22 camper-pads. Such a develop requires that you submit plans and specifications for the on-site wastewater system to DENR. I've enclosed a list of certified wastewater system installers for your use. These installers can help you properly design and install the system.

The DENR review process is relatively straight-forward. You must submit plans and specifications for the wastewater system serving this new development to DENR and we will review and approve or deny the plans. A check-sheet is enclosed and you or your contractor should complete the sheet as completely as you can. You should also include a sketch or drawing showing the system layout and other pertinent features. I've also enclosed a copy of the regulations for your use. Feel free to contact me if you have any questions.

Sincerely:

Rich Hanson
Division of Environmental Services
(605) 773-3351

cc: Doug Kozel, Dept. Health



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1996

Tom Olson
Outpost Lodge
28229 Cow Creek Road
Pierre, SD 57501

Dear Mr. Olson:

In response to our telephone conversation, I am enclosing a water rights permit application form. A water rights permit may be necessary for your planned development west of the Outpost Lodge.

A water permit is required for a water distribution system diverting more than **eighteen gallons per minute**. A water rights permit is not required if the system diverts less than eighteen gallons per minute. However, you indicated a desire to obtain a water rights permit regardless of the diversion rate. Obtaining the permit can benefit you by establishing a priority date and protecting your right use of water.

Feel free to contact me if you have any questions

Sincerely,

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

enclosure

SPRING CREEK SANITARY DISTRICT
P.O. BOX 623
PIERRE, SOUTH DAKOTA 57501

Tom Olson
Outpost Lodge
28229 Cow Creek Road
Pierre, South Dakota 57501

Dear Tom:

The Trustees of the Spring Creek Sanitary District have carefully considered your request for water from our system. We have also consulted with our design engineers, Clark Engineering from Rapid City.

Clark Engineering has several concerns relating to our ability to provide you with adequate water supplies with our present system, without certain requirements and limitations.

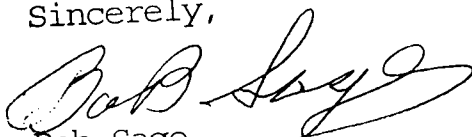
Acting upon their advice, we must require you to provide an engineered plan to tie into our present system that meets with the approval of our engineers. In other words, Tom, we need to put the engineers together on this. There are liability concerns relating to the water we might supply and your current well water and the separation of these two systems. For your benefit and ours, an engineering study is mandatory, as well as acceptance by our engineers. This is necessary, considering your needs and how we can meet them without adversely impacting our current system and users.

Also, since we are incorporated as a sanitary district, which also provides water to our customers, our by-laws require all water users to also be on-line with our sewer system. We feel this is just good public policy, and therefore would require you to hook onto our sewer system as a prerequisite for receiving water from the system.

We are aware that these recommendations are probably more costly than the project you had in mind, and therefore would like to invite you to contact the state DENR for any possible grants or low interest loans that may be available for your project.

Please feel free to contact us with any questions or concerns you may have. Thank you for your interest in the Spring Creek Sanitary District.

Sincerely,


Bob Sage,
Trustee/President

Copy: Rob Kittay

REPORT ON WATER PERMIT APPLICATION NO. 5943-3
for Cow Creek Estates
June 20, 1996

Application No. 5943-3 proposes to appropriate 0.055 cfs (25 gpm) from one well approximately 55 feet deep located in the NW 1/4 NW 1/4 of section 33, T113N R80W in Sully County. The water is for commercial use at a trailer park and campground.

AQUIFER - GRAY GOOSE (GG)

The Gray Goose is a buried glacial outwash (sand and gravel) which is basically under water table conditions at this site. The aquifer extends into Hughes County to the south and east and is hydraulically connected to Oahe Reservoir. Groundwater movement is generally toward the reservoir and is dominated by the fluctuations in the reservoir level. At a distance of two to five miles east of the reservoir groundwater movement is toward the east and southeast. In Hughes County, the aquifer underlies 110 square miles and contains an estimated 560,000 acre feet of water in storage (Hamilton, 1986). There is no estimate available for the relatively small surface area and volume of water in storage for Sully County which is underlain by the Gray Goose aquifer.

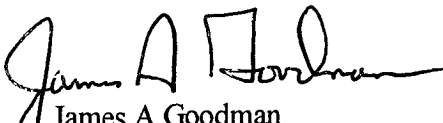
The Water Rights Program does monitor an observation well HU-82B which is completed into the Gray Goose aquifer and located about two miles southeast of this application. Water levels for this well are dominated by the water level in Oahe Reservoir. A hydrograph for this observation well is included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 4917-3 (0.07 cfs and 62 feet deep well) which is located about 700 feet east of this application. Interference is not a concern. The aquifer is under water table conditions and drawdown at these relatively small pumping rates should not be significant. The same contact person (Tom Olson) is listed for both permits although this application is for Cow Creek Estates.

CONCLUSIONS

1. Water is available from the Gray Goose aquifer.
2. The aquifer is under water table conditions. Interference is not a concern. The water level is controlled by the elevation of Oahe reservoir. During extremely low reservoir conditions this well may not be a reliable source of groundwater.
3. Plans and Specifications for handling of the wastewater for this facility are presently under review by DENR.
4. The well for this application is completed in accordance with SD Well Construction Standards.



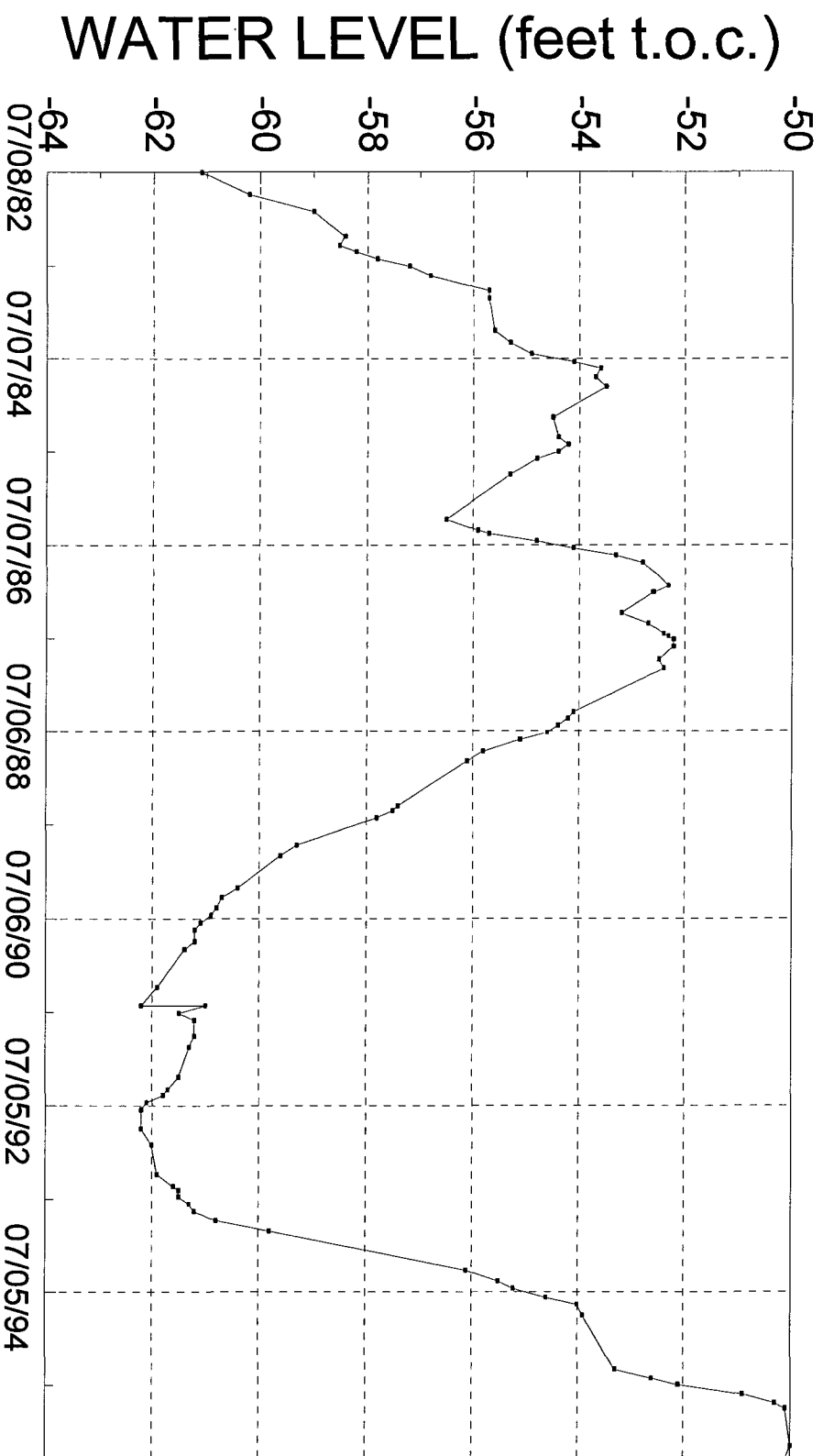
James A Goodman
Natural Resources Engineer

Hamilton, L.J., 1986, Water Resources of Hughes County, South Dakota, WRI 84-4195, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Data for the Gray Goose Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

HU-82B



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5943-3, Cow Creek Estates**

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. 5943-3, Cow Creek Estates, c/o Thomas Olson, 28229 Cow Creek Road, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 5943-3 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 qualifications:

1. Water Permit No. 5943-3 is subject to compliance with the Drinking Water Standards (ARSD Chapter 74:04:05).
2. Plans and specifications for the regulated wastewater systems must comply with ARSD Chapter 74:03:01. Plans and specifications for future construction or alterations to the regulated wastewater system shall be submitted and approved by the Department of Environment and Natural Resources prior to start of construction.
3. Water Permit No. 5943-3 is subject to compliance with Storm Water Discharges associated with the Construction Activities Permit.
4. 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.

See report on application for additional information.


JOHN HATCH, Chief Engineer
July 10, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 1996

Bob Hartford
P.O. Box 28
Pierre, SD 57501-0028

Dear Bob:

Enclosed is a copy of the report, recommendations and notice of hearing for Cow Creek Estates' water right permit application. You expressed an interest in this application and asked that this correspondence be sent to you.

Publication of the notice of hearing for Water Permit Application No. 5943-3 will be in the Onida Watchman and Capital Journal on August 15 and 22, 1996. Petitions to intervene in the hearing before the Water Management Board must be filed by September 20, 1996.

Please let me know if I may be of further assistance.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 1996

Douglas Adams
RR 1, Box 151C
Yankton, SD 57078

Dear Mr. Adams:

Enclosed is a copy of the report, recommendations and notice of hearing for Cow Creek Estates' water right permit application. This information is being sent to you because of the interest you expressed in this application.

Publication of the notice of hearing for Water Permit Application No. 5943-3 will be in the Onida Watchman and Capital Journal on August 15 and 22, 1996. Petitions to intervene in the hearing before the Water Management Board must be filed by September 20, 1996.

Please let me know if I may be of further assistance.

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

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

August 7, 1996

Thomas A. Olson
Cow Creek Estates
28229 Cow Creek Road
Pierre, SD 57501

Dear Mr. Olson:

Water Permit Application No. 5943-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Onida Watchman printed at Onida, SD (Ph # (605) 258-2604), and the Capital Journal printed at Pierre, SD (Ph # (605) 224-7301). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 1996

The Onida Watchman
Box 245
Onida, SD 57564-0245

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5943-3 to be published twice. Please publish the first notice on August 15, 1996, 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 Thomas A. Olson, Cow Creek Estates, 28229 Cow Creek Road, Pierre, SD 57501 (Ph # (605) 264-5450).

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. 5943-3

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 1996

Capital Journal
P.O. Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5943-3 to be published twice. Please publish the first notice on August 15, 1996, 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 Thomas A. Olson, Cow Creek Estates, 28229 Cow Creek Road, Pierre, SD 57501 (Ph # (605) 264-5450).

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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 August 15, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5943-3 to Appropriate Water

Notice is given that Cow Creek Estates, 28229 Cow Creek Rd., Pierre, SD 57501 has filed an application for a water permit to appropriate 0.055 cubic feet of water per second (25 gallons per minute) from one well (Gray Goose Aquifer) 55 feet deep located in the NW 1/4 NW 1/4 Section 33-T113N-R80W for commercial use at a trailer park and campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5943-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 20, 1996. 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 Water Management Board will consider this application at 10:00 a.m., October 2, 1996, Floyd Matthew Training Center, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The October 2, 1996, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 20, 1996.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 20, 1996, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

1. Peggy Warner

certify that the attached printed Notice was
taken from the Capital
Journal

printed and published in Pierre
County of Hughes and State of

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

August 15, 1996

August 22, 1996

Cost of Printing: 52.02

Peggy Warner
(Signature)
Legal Ad Representative
(Title)
August 23, 1996
(Date Signed)

No. 9398 2tdly 8/15, 8/22

NOTICE OF HEARING on Application No. 5943-3 to Appropriate Water

Notice is given that Cow Creek Estates, 28229 Cow Creek Rd., Pierre, S.D. 57501 has filed an application for a water permit to appropriate 0.055 cubic feet of water per second (25 gallons per minute) from one well (Gray Goose Aquifer) 55 feet deep located in the NW 1/4 NW 1/4 Section 33-T113N-R80W for commercial use at a trailer park and campground.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5943-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre S.D. 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 20, 1996. 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 Water Management Board will consider this application at 10:00 a.m., October 2, 1996, Floyd Matthew Training Center, 523 East Capitol, Pierre, S.D. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The October 2, 1996, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 20, 1996.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 20, 1996, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. 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 26 1996

Thomas A. Olson
Cow Creek Estates
28229 Cow Creek Road
Pierre, SD 57501

Dear Mr. Olson:

Enclosed is Water Permit No. 5943-3 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 may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



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

Date March 17, 1997

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

FROM: Cow Creek Estates 28229 Cow Creek Rd
(name) (address)
Pierre S.D. 57501 605-264-5450
(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. 5943-3.

Water Permit No. _____ states that the diversion system is to be constructed by April 96, and that the water is put to beneficial use by
(date)

May 96
(date)

The diversion system was completed on April 96
(date)

Applying the water to beneficial use was completed on 1996
(date)

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

Tom Olson
(signature)

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5743-3

DATE OF INVESTIGATION:	
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Tom Olson 264-5450 Restaurant 28229 Cow Creek Rd. 264-5368 Cabin Pierce, SD 57201
NAME & ADDRESS OF PERMIT HOLDER	Tom Olson - Cow Creek Estates
DIVERSION POINT LEGAL LOCATION	

Other permit(s) associated with the project: _____

WELL INFORMATION:

- 1) Well Drilling Firm: Tom Olson
- 2) No. of Wells 1
- 3) Depth(s) 55 feet
- 4) Well log is available Y/N
- 5) Comment: _____

Casing:

- 1) Diameter 5 inches
- 2) Length 35 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 28 feet

Pump: Submersible

- 1) Make _____
- 2) Model _____
- 3) Size _____
- 4) Capacity _____ GPM

Motor: Submersible

- 1) Make _____
- 2) Model No. _____
- 3) Horsepower rating _____ hp

DISTRIBUTION LINES OR CANALS:

- 1) Type _____
- 2) Size _____ inches
- 3) Length _____ feet

SYSTEM TYPE:

Center pivot:

- 1) Make _____
- 2) Overall length _____ feet
- 3) Number of towers _____
- 4) Distance between towers _____ feet
- 5) End gun Y/N
- 6) High or low pressure _____
- 7) Capacity _____ GPM

Water Permit No. 5943-3

Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **July 26, 2016**, made a thorough examination of the water use system constructed by **Cow Creek Estates** of **28229 Cow Creek Rd., Pierre, SD 57501** holder of Permit No. **5943-3**, bearing the priority of **June 11, 1996** authorizing the diversion of **0.055** cu. ft. per second of water from the **Gray Goose Aquifer** for **Commercial** purposes, in **Sully** County.

Inspection contact & relationship to permit holder, if applicable: **Donny Ramler (Owner, 258-2555, 280- 1494 cell)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Huron Drilling, Inc.**
- 2) No. of Wells **1**
- 3) Depth(s) **120** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **5** inches
- 2) Length **35** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **20** feet
- 3) Static water level **28** feet

Pump:

- 1) Make **Grundfos**
- 2) Model **10S-Q07**
- 3) Size **¾ hp**
- 4) Capacity **10** GPM

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

- 1) Type Buried Pipe

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

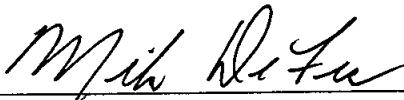
Approximately 1,270 feet south and 25 feet east of the NW corner of Section 33-T113N-R80W
(N 44.55769, W -100.48770) (NW ¼ NW ¼)

The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for Commercial use for various purposes at the trailer park and campground including irrigation of less than 1 acre of the campground. They are currently connected to the Spring Creek Sanitary Dist. for rural water and sewer system.

The license should be issued for 0.022 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: April 19, 2017

Cow Creek Estates

Water Permit No. 5943-3



0 0.125 0.25 0.5 Miles

Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
April 19, 2017



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

April 27, 2017

5943-3

Don Ramler
Onida Electric
PO Box 127
Onida SD 57564

RE: Cow Creek Estates

Dear Mr. Ramler:

I am contacting you in regard to Water Permit No. 5943-3, currently held by Thomas Olson, dba Cow Creek Estates. It is our understanding you now own the business.

On July 26, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5943-3, was completed by Mike DeFea, a staff engineer with our program. The final water right document, the water license, can now be issued.

Prior to licensing, the water permit should be transferred to reflect new ownership. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. A \$50 fee is required for filing an ownership change.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. The combined fees due are a **total of \$100**. The check or money order for the fee can be made payable to the Water Rights Program.

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements. If you have any questions regarding the water permit, investigation of your water use system, filing the ownership change or payment of the fee, please let me know.

Sincerely,

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

Genny McMath
Water Rights Program
(605) 773-3352

2016

ANNUAL REPORT

FILE DATE 6/7/2016

Enter Filing Year

DOMESTIC LLC

RECEIPT NO 423620

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845

SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink

FILING FEE: \$50.00 Make check payable to SECRETARY OF STATE

1. LLC ID and Name:

DL000876

Enter LLC ID

COW CREEK ESTATES, L.L.C.

Enter LLC Name

2. The jurisdiction under whose law it is formed SOUTH DAKOTA

3. The address of the principal executive office (business address).

2317 CRESTWOOD ROAD	SIOUX FALLS	SD	57105-3255
Actual Street Address or Rural Route Box Number	City	State	ZIP+4
P O BOX 191	ONIDA	SD	57564-0191
Mailing Address, if Different from Street Address	City	State	ZIP+4

4. The name of the South Dakota Registered Agent

Agent Name: DONA M. SOUTER

2317 CRESTWOOD RD	SIOUX FALLS	SD	57105-3255
Actual Street Address or Rural Route Box Number in This State	City	State	ZIP+4
Mailing Address in This State, if Different from Street Address	City	State	ZIP+4

5. The names and business addresses of its principal officers and directors (governors). If, pursuant to SDCL 59-11-24, the board of directors has been eliminated, list the names of the shareholders.

☐ DON RAMLER	PO BOX 191	ONIDA	SD	57564
Manager	Actual Street Address	City	State	ZIP+4

☐				
Manager	Actual Street Address	City	State	ZIP+4

☐				
Manager	Actual Street Address	City	State	ZIP+4

RECEIVED

MAY - 8 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5943-3

Date: 5/2/17

I/We request that Water Permit No. 5943-3

formerly owned by: Thomas Olson dba Cow Creek Estates

be transferred to: (name & address) Donald P Ramler dba Cow Creek
Estates, LLC PO Box 191 Onida SD 57564
Telephone No. 605-280-1494

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

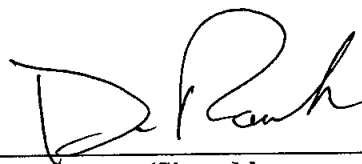
well location for commercial business: NW ¼ NW ¼ Section 33, T113N, R80W

I/We understand that the validity of Water Permit No. 5943-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Donald P. Ramler, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/8, 20 17

RECEIVED OF Cow Creek Estates LLC PO Box 191 Onida SD 57564

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5943-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08247**

By *James Goodman*
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/8, 20 17

RECEIVED OF Cow Creek Estates LLC PO Box 191 Onida SD 57564

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5943-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08248**

By *Jeanne Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 21 2017

5943-3

Donald P Ramler
dba Cow Creek Estates LLC
PO Box 191
Onida SD 57564 0191

Dear Mr. Ramler:

Enclosed is Water License No. 5943-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5943-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5943-3**

(1) Cow Creek Estates, Pierre SD made Application No. 5943-3, June 11, 1996 for a water permit to divert 0.055 cubic feet of water per second from ground water, one well (Gray Goose Aquifer), Sully County, South Dakota for commercial purposes. Permit No. 5943-3, with a priority date of June 11, 1996 was approved October 2, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 2, 2001 and for the application to beneficial use of said water on or before October 2, 2005.

On May 8, 2017, Water Permit No. 5943-3 was transferred to Donald P Ramler dba Cow Creek Estates, LLC, PO Box 191, Onida SD 57564.

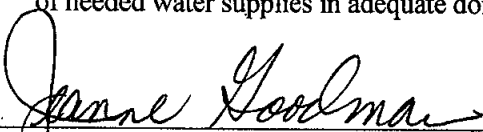
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,270'S and 25'E of the NW corner of Section 33, T113N, R80W (NW ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The commercial use is for various purposes at the trailer park and campground and includes irrigation of less than one acre of the campground. The facility is currently connected to the Spring Creek Sanitary District for rural water and sewer system.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald P Ramler dba Cow Creek Estates, LLC, PO Box 191, Onida SD 57564 the holder and/or owner of Water Right No. 5943-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from ground water, one well (Gray Goose Aquifer) with a priority date of June 11, 1996 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5943-3 and subject to the following qualifications:

- Water Permit No. 5943-3 is subject to compliance with the Drinking Water Standards.
- Plans and specifications for the regulated wastewater systems must comply with ARSD Chapter 74:53:01. Plans and specifications for future construction or alterations to the regulated wastewater system shall be submitted and approved by the Department of Environment and Natural Resources prior to construction.
- Water Permit No. 5943-3 is subject to compliance with Storm Water Discharges associated with the Construction Activities Permit.
- 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.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 21 2017

date

