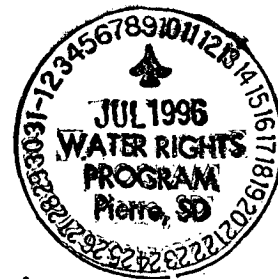


Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5947-3</u> Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper _____



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New _____ Vested Right _____ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

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

1. Name of Applicant Fish Lake Country Club ☒ Owner ☐ Tenant/Lessee Phone 942-7781
(check one)
- Mailing Address Box 413 Plankinton, State SD 57368
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed NO Add'l *CFS or _____ **GPM _____ ***AF Total Acreage 48
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply 1 Well - Dakota Formation
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well located in the
SE1/4 SW1/4 Section 16, T103N R63W.
- County Aurora
5. County or counties where water will be used Aurora
6. Annual period during which water is to be used May thru September
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
E ² SW ⁴ Section 16 T103N R63W	48		

8. Give a description of the project. (Attach sheet if more space is needed)

This application is for irrigation of ~~48~~³³ acres of the 48 acres described above. Permit NO. 5657-3 authorizes irrigation of the other 8 acres described above. See file documentation dated June 19, 1996 for further information (5657-3).

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 Aurora ss

I, Gary Kratochvil President Fish Lake, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Gary Kratochvil, President Fish Lake

Subscribed and sworn to before me this 8 day of JULY 19 96

Stephen A. Stueh
Notary Public

4-15-2002

**SOUTH DAKOTA
WATER PERMIT NO. 5947-3**

Date of first receipt of application July 9, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5947-3 to Fish Lake Country Club, Box 413, Plankinton SD 57368 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. 5947-3 authorizes irrigation of an additional 25 acres. Water Permit No. 5657-3 appropriates 0.11 cubic feet of water per second (cfs) from one well (Dakota Formation) approximately 800 feet deep located in the SE ¼ SW ¼ to irrigate 8 acres located in the E ½ SW ¼; all in Section 16-T103N-R63W. This permit authorizes irrigation of an additional 25 acres of the 48 acre area of the golf course from the Dakota Formation well. An investigation of the system found that the two wells (Pleistocene Unknown) approximately 60 feet deep and the dugout authorized by Permit Nos. 2118-3, 4530-3 and 4530A-3 are also being utilized to irrigate a total of 33 acres of the 48 acre golf course.
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 1.
3. The date from which applicant may claim right is July 9, 1996.
4. The date of approval of Permit No. 5947-3 is September 3, 1996.
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. 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatch

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

SEP 8 1998

date



Conversation or File Documentation

NAME OF PERSON OR FILE: Bon Kristensen - Lion Lake Country ClubADDRESS: Plankinton COUNTY AuroraDATE: 4-20-92 TELEPHONE _____RE: Pending appl.

COMMENTS:

Mr. Kristensen stated they are planning to irrigate (8 ac)
just the bare and green areas and on fairways. They
will never irrigate the entire 48.25 ac.

Mr. Kristensen stated the land description of the
area to be irrigated should be the E 1/2 SW 1/4
Sec. 16 - T103N - R63W. He also concurred that the
amount of water claimed be reduced to 0.11 cfs
or approximately 50 gpm.

The attachment explains going to be mixing well
water, (shallow well & deeper well) and into dugout.

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: Karen Schlaak

Water Rights Program -- File Documentation

NAME: Fish Lake Country Club Inc.

ADDRESS: Box 413, Plankinton SD 57368

DATE: June 19, 1996 **COUNTY:** Aurora **TELEPHONE:** 942-7781

RE: Number of Permitted Acres

COMMENTS:

Water Permit No. 5657-3 authorizes use of a Dakota Formation well for irrigation of the golf course acreage. Earlier permits (2118-3, 4530-3 and 4530A-3) identified the number of irrigated acres as being 48.25 acres. However, Permit No. 5657-3 identified the area being irrigated as 8 acres and indicated that this was the "historical" number of acres irrigated. During processing of the application, Karen Schlaak inquired on April 20, 1992, as to whether 8 acres was the correct acreage based on the acreage identified on the existing permits. According to Ron Kristensen, President of the golf club, the acreage was correctly identified as 8 acres which was also confirmed by an attachment (Attachment A) to the permit application which specified the number of acres.

INVESTIGATION RESULTS:

On June 26, 1995, Barry McLaury completed an on-site permit investigation for purposes of licensing the permits. It was found during the investigation that the acreage actually being irrigated is 48 acres as opposed to 8 acres authorized by No. 5657-3. A second check by Barry to confirm the amount of acreage resulted in the same acreage (48 acres) as identified by the permit investigation. The number of acres was confirmed by Tom Page, President of the golf course board.

RECOMMENDED ACTION:

It appears that information provided in the application for Permit No. 5657-3 concerning the irrigated acreage is not accurate based on current operating procedures. Even after a second inquiry concerning the number of irrigated acres, the number given remained at 8 acres rather than 48.25 acres specified on earlier permits. In order to correct the number of irrigated acres it will be necessary for a new application to be filed to increase the number of acres to 48 acres. Although Permit Nos. 2118-3, 4530-3 and 4530A-3 authorize irrigation of 48.25 acres, it should be mentioned in the new application that these water sources are being used on 48 acres since the publication for 5657-3 inaccurately noted that all water sources were being used on only 8 acres. In terms of priority date, the only change will be a new date for the Dakota Formation water source for the additional 40 acres.

In addition, a thorough review of the investigation report and existing permit files should be completed prior to advertising the notice for the new permit application. This will ensure that any other discrepancies are addressed by the new application.



Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 1996

Fish Lake Country Club
Attn: Tom Page, President
Box 413
Plankinton, SD 57368

Dear Mr. Page:

After an inspection of Fish Lake Country Club Water Permits, I found a problem with the total amount of acreage being irrigated. There are a total of 40 irrigated acres (fairways) in the E1/2 SW1/4 of Section 16; T103N R63W that are not covered by your permit. The enclosed application is for a new permit to irrigate those 40 acres. (See enclosed file documentation for more information).

Please fill out the bottom of the enclosed partially completed application. Note that the application must be signed in the presence of a Notary Public. Please return the application with an application fee of \$150.00 in the self-addressed envelope provided.

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Water Rights Program

enclosures

Water Rights Program -- File Documentation

NAME: Fish Lake Country Club

ADDRESS: Box 413, Plankinton SD 57368

DATE: July 1, 1996 **COUNTY:** Aurora **TELEPHONE:** 942-7781

RE: Application to Add Acreage

COMMENTS:

Gary Kristensen, new President of the country club, called concerning receipt of a permit application mailed on June 26, 1996. The application was completed and sent to the country club in response to a permit investigation completed by Barry McLaury. It was believed based on the permit investigation that the entire 48 acres of the golf course was capable of being irrigated versus the 8 acres identified on 5657-3. The application was to add an additional 40 acres from the Dakota Formation water source.

According to Mr. Kristensen, the 48 acres is the entire acreage of the property upon which the golf course is situated, but not all of the area is irrigated. I mentioned the quick couplers noted by Barry during his investigation and asked how much of an area could be irrigated in addition to the 8 acres specified on No. 5657-3. Mr. Kristensen indicated that by using the quick couplers an additional 15 acres could be irrigated. I instructed Mr. Kristensen to complete the permit application and attach a short description of the number of acres irrigated and then we would modify the number of acres on the application.



Ron Duvall, Natural Resources Engineer
Water Rights Program

Tri-County Electric Association Inc.

CLARENCE MOSHIER, JR. PE, MANAGER

AREA CODE 605
PHONE 942-7786
FAX 942-7789

Co-operative

BOX 130
PLANKINTON, SOUTH DAKOTA 57368



July 8, 1996

Water Right Program
Joe Foss Building
523 E. Capitol
Pierre, S.D. 57501-3181

Mr. Ron Duvall

Enclosed is our application for our irrigation at Fish Lake Golf Course. As per our telephone conversation, we feel the total acres for the greens, tee-boxes, and the fairways to be irrigated is 33 acres. The 48 acres listed on the permit is the total land owned by Fish Lake. We do not irrigate the entire course, so the permit should be changed. If you have any questions, please call. Thank you.

Fish Lake Golf Course

Gary Kristensen, President



July 10, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Gary Kristensen, President
Fish Lake Golf Course
Box 413
Plankinton SD 57368

Dear Mr. Kristensen:

Thank you for submitting the *Application for Permit to Appropriate Water for Irrigation*. We have noted that you wish to amend the application to state that a total of 33 acres of the 48 acre area will be irrigated.

As stated in our June 26, 1996 letter, the filing fee for this application will be \$150.00. Upon receipt of the fee, we will continue the permitting process.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

RECEIPT

415018

Division of Water Rights

South Dakota Department of Environment and Natural Resources

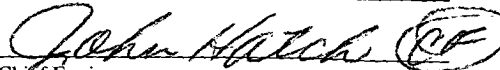
Pierre, _____ July 17, 19 96

RECEIVED OF Fish Lake Country Club, Inc., Box 413, Plankinton, SD 57366

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

Fee for Application for Permit No. <u>5947-3</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch 
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5947-3
for Fish Lake Country Club
July 30, 1996

Application No. 5947-3 proposes to irrigate an additional 25 acres. Water Permit No. 5657-3 appropriates 0.11 cfs from one well approximately 700 feet deep located in the SE 1/4 SW 1/4 to irrigate 8 acres located in the E 1/2 SW 1/4; all in section 16, T103N R63W in Aurora County. This application is to irrigate an additional 25 acres of the 48 acre area of the golf course from a Dakota Formation well. An inspection of the system found that the two wells approximately 60 feet deep and a dugout authorized by Permit Nos. 2118-3, 4530-3 and 4530A-3 are also being utilized to irrigate a total of 33 acres of the 48 acre golf course.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded siltstone, sandstone and shale which is approximately 100 to 200 feet thick in this area (Hamilton, 1985). The aquifer underlies 719 square miles and contains an estimated 11.4 million acre feet of recoverable water in storage in Aurora County (Hedges, 1982). The aquifer is laterally extensive and hydraulically connected into the surrounding counties. The aquifer is confined and under artesian conditions. The driller's log submitted with the application indicates sand and shaley sandstone from 660 to 698 feet below land surface. The well as completed was capable of producing 50 gpm and had a static water level of 20 feet below land surface.

Historically water levels in the Dakota Formation have been declining in Aurora County. The rate of decline is variable depending upon location but was reported to be about one foot per year (Hamilton, 1985). The Water Rights Program does monitor an observation well AU-89A which is located about 10 miles southwest of this application. Water levels for this well have declined about one and one half feet since the well was installed in 1989 (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which obtain water from the Dakota Formation. Interference is not expected to be a concern. This diversion rate is relatively small and drawdown caused by pumping should not be significant.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is confined and under artesian conditions. Interference is not expected to be a concern because of the relatively small diversion rate.
3. The well for this application is not completed in accordance with SD Well Construction Standards. Technically, this well should have been pressure grouted from a depth of about 660 feet to the land surface instead of a depth of 315 feet to the land surface. This is also a violation of qualification No. 2 on Water Permit No. 5657-3.

4. Even though the well is not constructed in accordance with standards, there is little danger of intermingling water from the upper aquifers because surface casing was set deep enough to effectively seal the overlying formations from the Dakota Formation.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

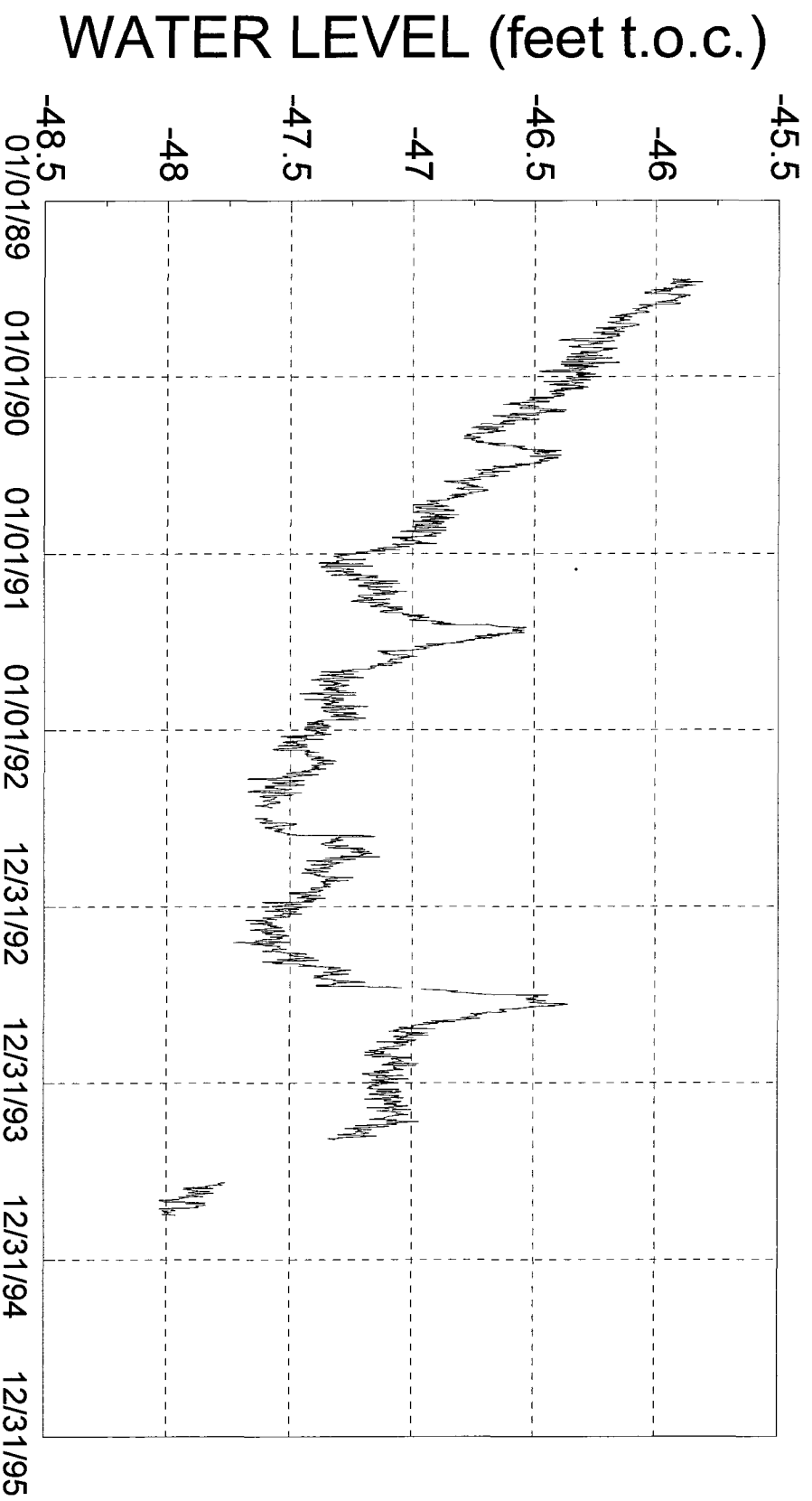
Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, USGS WRI 84-4030, USGS, Huron, SD, 57350.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1996, Unpublished Observation Well Records for the Dakota Formation, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

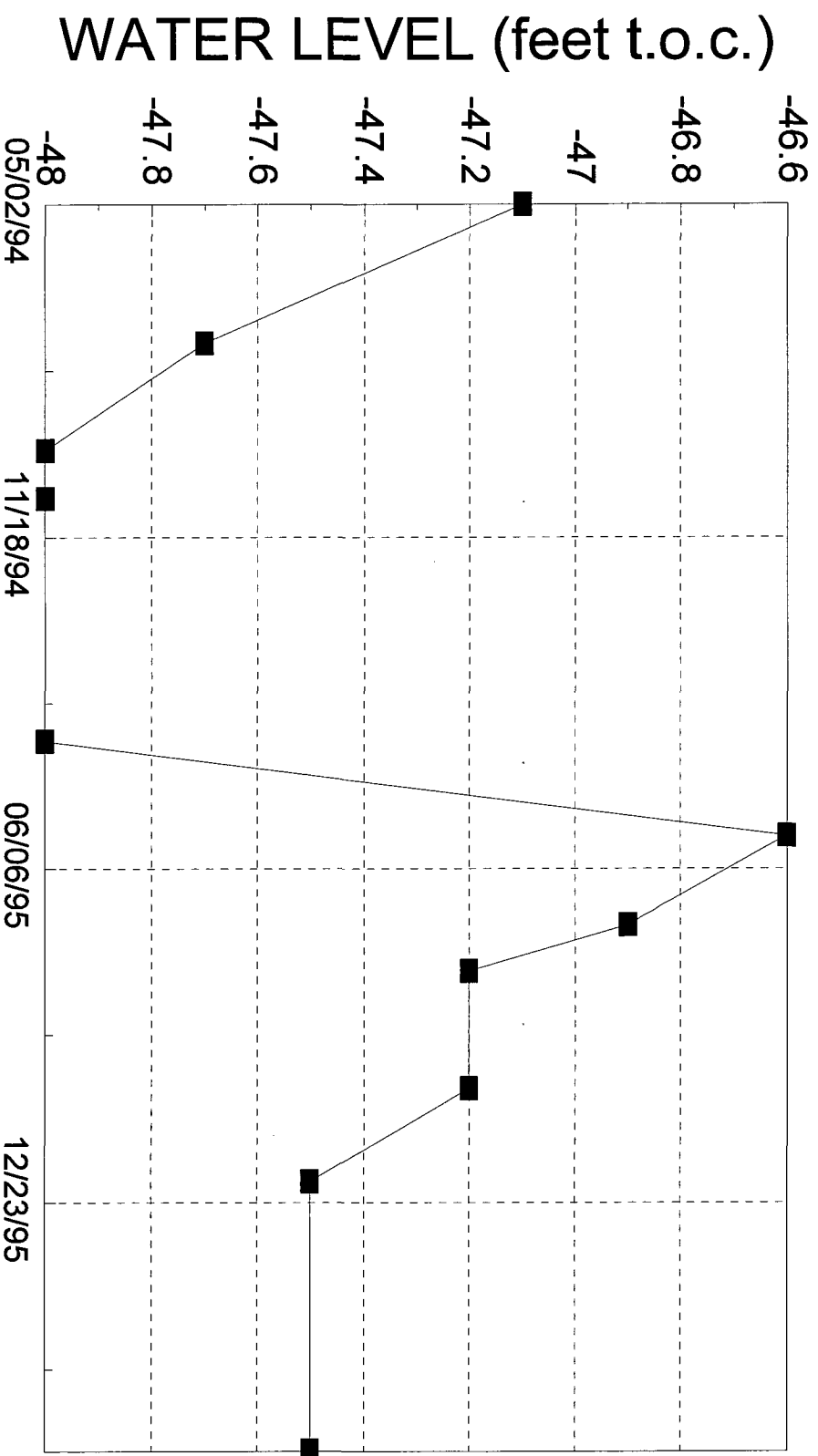
WATER RIGHTS OBSERVATION WELL

AU-89A



WATER RIGHTS OBSERVATION WELL

AU-89A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5947-3, Fish Lake Country Club**

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. 5947-3, Fish Lake Country Club, %Gary Kristensen, Box 413, Plankinton, SD 57368.

The Chief Engineer is recommending APPROVAL of Application No. 5947-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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. 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read 'John Hatch', written in a cursive style.

JOHN HATCH, Chief Engineer
August 6, 1996



**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

Gary Kristensen, President
Fish Lake Country Club
Box 413
Plankinton, SD 57368

Dear Mr. Kristensen:

Water Permit Application No. 5947-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the South Dakota Mail printed at Plankinton, SD (Ph # (605) 942-7770). 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

South Dakota Mail
Box 367
Plankinton, SD 57368-0367

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5947-3 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 Gary Kristensen, President, Fish Lake Country Club, Box 413, Plankinton, SD 57368 (Ph # (605) 942-7781).

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

NOTICE OF APPLICATION NO. 5947-3 to Appropriate Water
and to Amend Water Permit No. 5657-3

Notice is given that Fish Lake Country Club, Box 413, Plankinton, SD 57368 has filed an application for a water permit to irrigate an additional 25 acres. Water Permit No. 5657-3 appropriates 0.11 cubic feet of water per second (cfs) from one well (Dakota Formation) approximately 800 feet deep located in the SE 1/4 SW 1/4 to irrigate 8 acres located in the E 1/2 SW 1/4; all in Section 16-T103N-R63W. This application is to irrigate an additional 25 acres of the 48 acre area of the golf course from the Dakota Formation well. An inspection of the system found that the two wells (Pleistocene Unknown) approximately 60 feet deep and the dugout authorized by Permit Nos. 2118-3, 4530-3 and 4530A-3 are also being utilized to irrigate a total of 33 acres of the 48 acre golf course.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5947-3 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 3, 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. 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)
County of Aurora) SS

Edward Van Henderson

certify that the attached printed Notice was

taken from the South Dakota Mail

printed and published in Plankinton

County of Aurora and State of

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

8-16-96

8-22-96

Cost of Printing: \$ 45.87

Edward Van Henderson
(Signature)

Bookkeeper
(Title)

8-22-96

(Date Signed)

**NOTICE OF
APPLICATION NO.
5947-3 TO
APPROPRIATE
WATER AND TO
AMEND WATER
PERMIT NO.5657-3**

Notice is given that Fish Lake Country Club, Box 413, Plankinton, SD 57368 has filed an application for a water permit to irrigate an additional 25 acres. Water Permit No. 5657-3 appropriates 0.11 cubic feet of water per second (cfs) from one well (Dakota Formation) approximately 800 feet deep located in the SE 1/4SW 1/4 to irrigate 8 acres located in the E 1/2SW1/4; all in Section 16-T103N-R63W. This application is to irrigate an additional 25 acres of the 48 acre area of the golf course from the Dakota Formation well. An inspection of the system found that two wells (Pleistocene Unknown) approximately 60 feet deep and the dugout authorized by Permit Nos. 2118-3,4530 -3 and 4530A-3 are also being utilized to irrigate a total of 33 acres of the 48 acre golf course.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5947-3 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 3, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reason 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.

2tc. A-22





February 16, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Permit No. 5657-3

Tom Page, President
Fish Lake Country Club, Inc.
Box 413
Plankinton, SD 57368

Dear Mr. Page:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2118-3, 4530-3 and 4530A-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit Nos. 2118-3, 4530-3 and 4530A-3 will be incorporated into 5657-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414810

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 22, 19 96

RECEIVED OF Fish Lake Country Club, Inc., Box 413, Plankinton, SD 57368

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5657-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

Tri-County Electric Association Inc.

CLARENCE MOSHIER, JR. PE, MANAGER

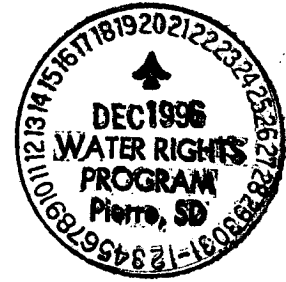
AREA CODE 605
PHONE 942-7786
FAX 942-7789

Co-operative

BOX 130
PLANKINTON, SOUTH DAKOTA 57368

December 18, 1996

Mr. John Hatch
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501



Enclosed are the four irrigation forms to be filled out for our permits to irrigate. Ron Kristensen is no longer the President as I have taken over the job. I have to apologize for not getting the form in sooner, but I did not know about the form until last week.

As for the permits, we did not use the one well and did not pump out of the lake itself this year because of the heavy rains and excessive run-off. We also did not pump out of the two wells as much as prior years because of the heavy rains also.

I hope I have filled out the forms correctly. If you have any questions, please call.

Gary Kristensen

President, Fish Lake Board

REPORT ON INSPECTION OF PERMIT NO. 5657-3 - 5947-3

Other permit(s) associated with the project: 2118-3 & 4530A-3

DATE OF INSPECTION: June 26, 1995

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Tom Page, President of Golf Course Board

NAME & ADDRESS OF PERMIT HOLDER: Fish Lake Country Club, Inc., Box 413, Plankinton, SD 57368

DIVERSION POINT LEGAL LOCATIONS: Well #1: 700 feet W and 625 feet N; Well #2: 990 feet W and 400 feet N; Well #3: 750 feet W and 450 feet N; #4: 1255 feet N and 200 feet E (Fish Lake); Dugout Diversion: 850 feet W and 460 feet N; Mixing Pond: 330 feet W and 725 feet N; all from the S quarter corner of Section 16; T103N R63W (SE1/4 SW1/4 & SW1/4 SE1/4).

NOTE: Wells #1 & #2 are used to pump water to the 4 ac-ft enlarged dugout while well #3 is used to pump water to the mixing pond. Mixing pond water then runs down the creek into the 4 ac-ft enlarged dugout. From here, the water is pumped onto the land using ground and surface waters. The Fish Lake source is also pumped into the creek as a back-up when there is no water available in the creek.

WELL INFORMATION:

1) Well Drilling Firm: Juracek Well Boring

2) No. of Wells 1

3) Depth(s) 60 feet

4) Well log is available Y

5) Comment: Well #1. (Permit 4630-3)

1) Well Drilling Firm: Chase Well Drilling, Inc.

2) No. of Wells 1

3) Depth(s) 60 feet

4) Well log is available Y

5) Comment: Well #2 (Permit 4630A-3)

1) Well Drilling Firm: Chase Well Drilling, Inc.

2) No. of Wells 1

3) Depth(s) 700 feet

4) Well log is available Y

5) Comment: Well #3 (Permit 5657-3)

Casings:

- 1) Diameter 20, 5, 5 inches
- 2) Length 60, 60, 660 feet
- 3) Type Hadite, PVC, PVC

Screens:

- 1) Type N/A, PVC, PVC
- 2) Length N/A, 40, 40 feet
- 3) Static water level 7, 7, 20 feet

In the wells: #1, #2, & #3 consecutively**Pumps:**

- 1) Make All submersibles
- 2) Model No. ?
- 3) Capacity 40, 4, & 50 GPM

Motors:

- 1) Make All submersibles
- 2) Model No. ?
- 3) Horsepower rating ? hp

At the Dugout: (2 identical pumps, 1 for stand-by)**Pumps:**

- 1) Make Jacuzzi's
- 2) Model No. 15DL1/2-T/B
- 3) Capacity 110 each GPM

Motors:

- 1) Make Marathon Electric
- 2) Model No. LD215TTDR7909DF
- 3) Horsepower rating 15 each hp

Fish Lake diversion:**Pump:**

- 1) Make Berkeley?
- 2) Model No. ?
- 3) Capacity 50 GPM

Motor:

- 1) Make Briggs & Stratton
- 2) Model No. ?
- 3) Horsepower rating 10 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 2, 4, 6 inches
- 3) Length 4000 feet total

SYSTEM TYPE:**Underground Sprinklers**

- 1) Make Rainbird
- 2) Sprinkler spacing 90 feet
- 3) Capacity 110 GPM

DUGOUT INFORMATION:

1) 60 X 150

CHEMIGATION EQUIPMENT:

1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

NOTE: At the time of the follow-up inspection, well number 2 was in need of repair and was not being used. A total of 0.20 CFS can be diverted from the three wells. The actual amount being applied to the land is 0.24 CFS from the two pump which is used to divert water from the dugout to apply water to the land. This will be the amount granted on the water license. This inspection was a follow-up from Norma Job. Some information used was from her notes and from the information I needed to gather to complete the inspection. Water Permit Nos. 2118-3, 4530A-3 will be incorporated into Water Permit No. 5657-3 during Licensing.

4530-3

Permit No. 5657-3 - 5947-3
James 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, **June 26, 1995**, made a thorough examination of the water use system constructed by **Fish Lake Country Club, Inc.** of **Box 413, Plankinton, SD 57368** holder of Permit Nos. **2118-3, 4530-3, 4530A-3 & 5657-3**, bearing the priorities of **September 23, 1974, June 9, 1980, July 18, 1990 & April 16, 1992** (consecutively) authorizing the diversion of **0.11, 0.69, additional well, & 0.11 (consecutively)** cu. ft. of water per second and storage of **4** acre-feet from **surface water & groundwater** for **irrigation** purposes, in **Aurora** County.

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

A. Works used to divert the water:

3 wells with a total pumping capacity of 94 GPM. Also a pump at Fish Lake with a pumping capacity of 50 GPM.

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

A total of 4000 feet of 2", 4" & 6" PVC throughout the course.

2 identical pumps at the dugout with a pumping capacity of 110 GPM each. This pump applies the water to the land. 1 pump is used for standby purposes.

C. Works used to apply water to beneficial use:

Rainbird underground pop up sprinklers on tees & greens, and quick couplers on the fairways.

The system is in the following condition **good**. The point of diversion is located : **Well #1: 700 feet W and 625 feet N; Well #2: 990 feet W and 400 feet N; Well #3: 750 feet W and 450 feet N; #4: 1255 feet N and 200 feet E (Fish Lake); Dugout Diversion: 850 feet W and 460 feet N; Mixing Pond: 330 feet W and 725 feet N; all from the S quarter corner of Section 16; T103N R63W (SE1/4 SW1/4 & SW1/4 SE1/4).** The works are capable of diverting and conveying to the place of use **0.20 (groundwater) and 0.24 (surface water)** cu. ft. of water per second and storing **4** acre-feet of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

T103N R63W

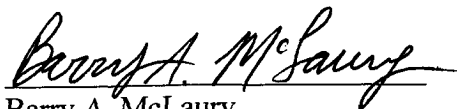
SECTION 16

E1/2 SW1/4 48 acres

comprising a total of **48** acres of land and the license should be issued for **0.24** cfs and **4** acre-feet of storage. The actual application rate is 110 GPM (0.24 cfs).

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: **None** Date Report Completed: **2-8-96**



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

Barry McLaury *Barry McLaury*
Environmental Scientist
Division of Water Rights
Date *2-8-96*

T2350
152.0

T2349

T2087

T2387

T2388
35.0
CRP
35.0
1989-1996

16

E2 SW4
48 Acres

103-63

850' W

700' W

990' W

750' W

330' W

200' E

N 155° E

460' N

1000' N

645' N

480' N

725' N

1000' W

645' W

480' W

725' W

Enlarged Outgout

Diversion Point by Club House

103-63

$$\begin{array}{r} (5947-3) \\ 5657-3 \end{array}$$

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5947-3

(1) Fish Lake Country Club Inc., Box 413, Plankinton SD 57368 made Application No. 5947-3, July 9, 1996 for a water permit to add acreage to an existing system in Aurora County, South Dakota for irrigation purposes. Permit No. 5947-3, with a priority date of July 9, 1996 was approved September 3, 1996 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2118-3 authorized 0.11 cubic feet of water per second (cfs) from Fish Lake with a priority date of September 23, 1974. Water Permit No. 4530-3 authorized 0.69 cfs from Well #1 with a priority date of June 9, 1980. Water Permit No. 4530A-3 authorized Well #2 (no increase in the diversion rate authorized by No. 4530-3) with a priority date of July 18, 1990. Water Permit No. 5657-3 authorized 0.11 cfs from Well #3 and a dugout (4 acre feet storage capacity) with a priority date of April 16, 1992. Nos. 2118-3, 4530-3, 4530A-3 and 5657-3 authorized irrigation of 8 acres (greens, tee boxes and fairway landings) located in the E 1/2 SW 1/4 Section 26. Water Permit No. 5947-3 authorized irrigation of 25 additional acres located in the E 1/2 SW 1/4 Section 26 from the 3 wells and the dugout. No. 5947-3 did not allow for an increase in the developed diversion rate.

An investigation of the water use system found three wells capable of diverting 0.20 cfs. Water from the wells is diverted to a 4 acre-feet enlarged dugout. If needed, water from Fish Lake is diverted at a rate of 0.11 cfs into the creek as a back-up when water is not available in the creek. Water is diverted from the dugout to the irrigated acres at a rate of 0.24 cfs. The applicable portions of Water Permit Nos. 2118-3, 4530-3, 4530A-3 and 5657-3 have been incorporated into Water License No. 5947-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 4 acre-feet of water and to divert 0.24 cubic feet of water per second for beneficial use. The location of the diversion points are:

Well #1 - 700 feet west and 625 feet north (SE 1/4 SW 1/4) - June 9, 1980 priority

Well #2 - 990 feet west and 400 feet north (SE 1/4 SW 1/4)- July 18, 1990 priority

Well #3 - 750 feet west and 450 feet north (SE 1/4 SW 1/4) - April 16, 1992 priority

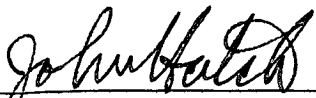
Fish Lake - 1,255 feet north and 200 feet east (SW 1/4 SE 1/4) - September 23, 1974 priority

storage dugout - 850 feet west and 460 feet north (SE 1/4 SW 1/4) - April 16, 1992 priority

all from the south quarter corner of **Section 16-T103N-R63W**

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **33 acres of a 48 acre area located in the E 1/2 SW 1/4 Section 16-T103N-R63W.**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Fish Lake Country Club, Inc., Box 413 Plankinton SD 57368 the holder and/or owner of Incorporated Water Permit No. 5947-3 is issued a license to appropriate water, the right to store 4 acre-feet of water and to use 0.24 cubic feet of water per second from groundwater (3 wells) and Fish Lake with priority dates of September 23, 1974, June 9, 1980, July 18, 1990, April 16, 1992 and July 9, 1996 (25 additional acres) from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5947-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 8 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 8 1998

5947-3

Gary Kristensen, President
Fish Lake Country Club, Inc.
Box 413
Plankinton, SD 57368

Dear Mr. Kristensen:

Enclosed are Water Permit and Water License No. 5947-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414810 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5947-3, 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.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Permit Nos. 2118-3, 4530-3, 4530A-3 and 5657-3 have been incorporated into Water License No. 5947-3.

5947-3



November 23, 1998

Mr. John Hatch
Department of Environment and Natural Resources
Joe Foss building
523 East Building
Pierre, S.D. 57501

Enclosed is the from for our permit to irrigate Fish Lake Golf Course for the year 1998. Because of the abundant amount of rain, we used excessive runoff and pumped mostly from the lake. We used about 6,400,000 gallons of water to irrigate for the summer. Roughly 1,600,000 came from the well from permit number 5657-3 and the balance came from the lake and run off. The other two wells were not even used this year because of the abundant amount of rain.

I hope I have filled out the form correctly. If you have any questions, please call.

Gary Kristensen, President

A handwritten signature in black ink, appearing to read "Gary Kristensen". The signature is fluid and cursive, with a long horizontal line extending to the right.

Fish Lake Board

5947-3



November 24, 1999

Mr. John Hatch
Department of Environment and Natural Resources
Joe Foss Building
523 East Building
Pierre S.D. 57501

Enclosed is the form for our permit to irrigate Fish Lake Golf Course for the year 1999.
Because of the abundant amount of rain, we did not irrigate as much in 1999 as to 1998.

If you have any questions, please call.

Gary Kristensen, President of Fish Lake County Club

A handwritten signature in cursive script, appearing to read "Gary Kristensen".

5947-3



November 28, 2000

Mr. John Hatch
Department of Environment and Natural Resources
Joe Foss Building
523 East Building
Pierre S.D. 57501

Enclosed is the form for our permit to irrigate Fish Lake Golf Course for the year 2000.
Because of the abundant amount of rain, we did not irrigate as much in 2000 as to 1999.

If you have any questions, please call.

Gary Kristensen, President of Fish Lake County Club

5947-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 2004

Fish Lake Country Club Inc.
PO Box 54
Plankinton SD 57368

Dear Sir:

I am writing in regard to a well driller's report filed by Pullman Well Drilling, Inc. The report shows a new well was completed for Fish Lake Country Club, Inc. on July 19, 2003. A review of our files indicates the country club holds Water Right No. 5947-3 for 110 gallons per minute (gpm) from three wells, a dugout and Fish Lake for irrigation of the golf course (copy enclosed).

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Is this well a replacement well or an additional well? If this is a replacement well, which well is it replacing. We will need to know if the well exceeds the peak diversion rate authorized by the water right. Once this information is known, we can determine if an additional permit is required.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

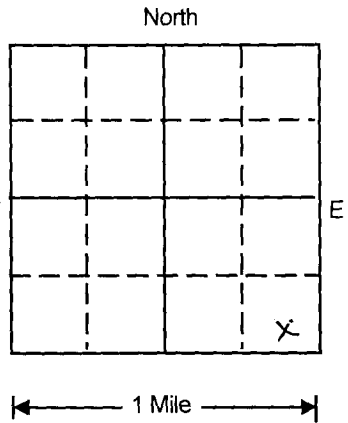
Location 5/8 1/4 5/8 1/4 Sec 16 Twp 103 Rg 63

County Aurora

Please mark well location with an "X"

Well Completion Date 7/19/2003

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
? 300.0 ft. from lake (identify source)



Well Owner: FishLake Golf Coarse

Business Name: FishLake Golf Coarse

Address: PO Box 54

City, State, Zip: Plankinton SD 57368

WELL LOG:	DEPTH	
	FROM	TO
Yellow Clay	0	40
Blue Clay	40	50
Chalk	50	160
Shale	160	180
Codell	180	280
Shale	280	560
Good Sand	560	695

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes

☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Forward

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
21.0 LB/FT	5.00 IN	0.0 FT	175.0 FT	5.00 IN
17.0 LB/FT	175.00 IN	175.0 FT	375.0 FT	5.00 IN
LB/FT	2.00 IN	375.0 FT	555.0 FT	2.00 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>CMT</u>	<u>4</u>	Lb/gal	<u>0</u> Ft	<u>20</u> Ft
<u>Volcan</u>	<u>15</u>	Lb/gal	<u>20</u> Ft	<u>520</u> Ft

Describe grouting procedure TREMIE PIPE

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 2.50 Inches Length 140.0 Feet

Material PVC

Slot Size .026 Set From 555.0 Feet to 695.0 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Rubber

Describe packer(s) and location Shale Cup @ 555

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____

Lab sample sent to for water quality analysis

STATIC WATER LEVEL _____ FEET

If flowing: closed in pressure _____ PSI

GPM flow 1.0 through 2.00 Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: w/air

☐ Bailed

☐ Other _____

Pumping Level Below Land Surface _____

_____ Ft. After _____ Hrs. pumped _____ GPM
_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

DEC 31 2003

WATER RIGHTS PROGRAM

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative: Raimis Pullman

Signature of Well Owner or Equitable Property Holder: _____

Date: 10-10-03

12-31-03

Water Rights Program - File Documentation

NAME: Gary Christenson, Fish Lake Country Club

ADDRESS: Plankinton SD

DATE: 6-5-04 **COUNTY:** AU **TELEPHONE:** 605 996-7516

RE: Replacement well

COMMENTS:

Gary Christenson called regarding my letter dated June 3, 2004 and the well Pullman Drilling had drilled for them last summer.

Mr. Christenson stated this was a replacement well for Well #2. The new well is located SE ¼ SW ¼ Section 16 where the existing wells are all located.

As this time Mr. Christenson indicated they are not using well Well #1 and Well # 2 has been capped and replaced with the new well. They are currently pumping 50 gpm from the dugout.


Karen Schlaak
Environmental Scientist

5947-3

I apologize for this being late. We have a new secretary on the Board this year & the survey just got to me this week. Next year, please send the survey to me. Thank you

Gary Kristensen

Box 54

Plankinton, S.D.

57368

RECEIVED

DEC 28 2010

WATER RIGHTS
PROGRAM

5947-3

RECEIVED

DEC 01 2014

WATER RIGHTS
PROGRAM

November 26, 2014

Enclosed is the irrigation report for Fish Lake County Club for the year 2014. I am retiring as head greens keeper at the end of the year and Shaun Davis will be taking over as the new greens keeper next year. Please send the irrigation report to his address next year. His address is listed below. Thank you.

Shaun Davis
39206 243rd Street
Letcher, S.D. 57359

A handwritten signature in cursive script, reading "Gary Kustner". The signature is written in dark ink and is positioned in the lower right quadrant of the page.



5947-3
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: FISH LAKE COUNTRY CLUB, SEAN DAVIS, 24385 393RD AVE, LETCHER, SD 57359
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) 5947-3. 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) 5947-3 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) 5947-3 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.

5947-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2019

5947-3

Sean Davis
Fish Lake Country Club
24385 393rd Ave
Letcher SD 57359

Dear Mr. Davis:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 5947-3. 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". 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



5947-3
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 23, 2020

NOTICE

TO: FISH LAKE COUNTRY CLUB, SEAN DAVIS, 24385 393RD AVE, LETCHER, SD 57359

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5947-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 5947-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 5947-3 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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: DCNVBN**

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.

5947-3

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70191120000129106208

Remove X

Your item was delivered to an individual at the address at 11:14 am on January 27, 2020 in LETCHER, SD 57359.

 **Delivered**

January 27, 2020 at 11:14 am
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Feedback



5947-3

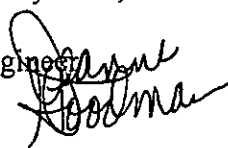
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 5947-3

On February 26, 2020, the Water Management Board ordered:

Effective March 26, 2020, Water Right No. 5947-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaire is submitted by March 26, 2020.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020 in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

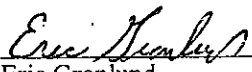
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

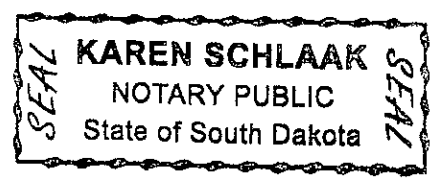
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



5947-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2020

5947-3

Joe Fox
Fish Lake Country Club
PO Box 142
Plankinton SD 57368

Dear Mr. Fox:

On February 26th the Water Management Board ordered Water Right No. 5947-3 suspended if the 2019 irrigation questionnaire was not received prior to March 26, 2020. The questionnaire information for the water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2020 irrigation season.

In our recent phone conversation, you indicated the contact person and address we had originally sent correspondence to was not correct. I have made the changes we discussed. Future correspondence will be directed to you at the Country Club address.

Thank you for taking care of the questionnaire submission. If you have any questions, please contact us.

Sincerely,

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

Genny McMath
Water Rights Program
605 773-3352