

WATER PERMIT NO. 6088-3

Name of Applicant: Oahe Trails Resort, LLC

Address: c/o Bruce Peterson, 19602 Lake Place, Pierre SD 57501 Phone: 605 945-1654

Amount of Water Claimed: 2.89 cfs Total Acres: 497.78

Source of Water Supply: Missouri River & 5 storage ponds (115.26 AF storage)

Water to be used for: irrigation County: HU / SU

Type of Waste Disposal System:

Location: about 10 miles north of Oahe Dam

PRIORITY Date Received: 6-30-1998 Fee: \$400

Corrected Application Received: Period of Annual Use: April 1- September 30

Remarks:

Diversion Point: NW ¼ NE ¼ Sec 5-T112N-R80W

Land to be Irrigated: S ½, NW ¼ Sec 33; E ½ Sec 32; all in T113N-R80W

Depth of Well: NA

Well Driller:

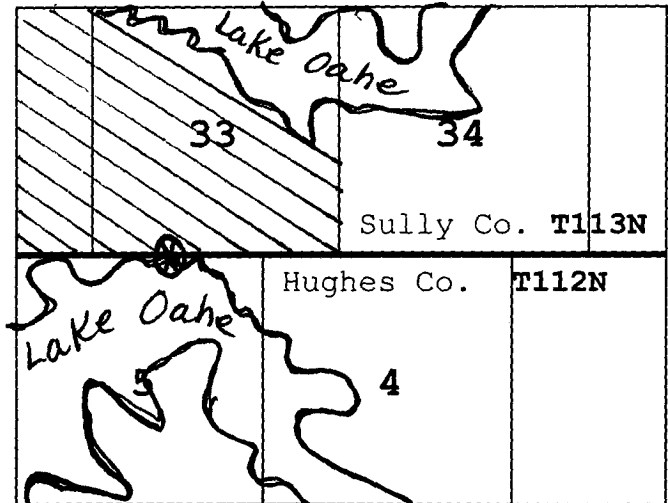
Remarks:

Type of Map: plat & topo

Prepared by: Tim Grosz, PE

Reviewed and the Number Assigned on: 6-30-1998

By: **Karen Schlaak**



Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6088-3**

Date of first receipt of application June 30, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6088-3 to Oahe Trails Resort, LLC, Bruce Peterson, 19602 Lake Place, 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. 6088-3 appropriates 1.45 cubic feet of water per second (cfs) from the Missouri River located in the NW ¼ NE ¼ Section 5-T112N-R80W. Water will be diverted from the Missouri River to a storage lake (approximate storage capacity of 52 acre feet of water). This lake will act as a regulating pond and water will be diverted from the lake at a rate of 2.89 cfs for irrigation of up to 498 acres as part of the Oahe Trails golf course, housing development, surrounding greenways and parks. The acres to be irrigated are located in portions of the S ½, NW ¼ Section 33 and the E ½ Section 32 (Tracts 3 thru 10); all in T113N-R80W. Water will also be pumped from the regulating pond to maintain 4 other lakes on the property described above. The combined storage capacity of these 4 additional lakes is approximately 64 acre feet of water. Diversion of water under this permit is not to be used as the potable water supply for Oahe Trails Resort.
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 – September 30.
3. The date from which applicant may claim right is June 30, 1998.
4. The date of approval of Permit No. 6088-3 is August 24, 1998.
5. One-fifth of the construction is to be completed on or before February 24, 2000.
6. All construction is to be completed on or before August 24, 2003.
7. Water is to be put to beneficial use on or before August 24, 2007.
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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Water Permit No. 6088-3 authorizes five storage ponds with a combined storage capacity of 116 acre-feet of water.

WATER MANAGEMENT BOARD

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

SEP 10 1998

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6088-3</u>	(office use only) Hydrologic Unit <u>10/30/05</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capital Journal, Pierre, SD</u>	
	<u>Onida Watchman, Onida, SD</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Bruce Peterson, Oahe Trails Resort, LLC Phone (605-945-1654)
(check one) Owner Tenant/lessee
- Mailing Address 19602 Lake Place Pierre State S.Dak. 57501
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.45 CFS (Missouri River) Maximum 1,300 **GPM 115.26 ***AF Total Acreage 497.78
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Missouri River-Lake Oahe-Spring Creek (see maps)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Section 5, Twp 112 R80W
Latitude 44° 32' 35" N, Longitude 100° 28' 45" W (see map B)
(NW1/4 NE1/4) 5 storage ponds located within area County Hughes
outlined for irrigation.
- County or counties where water will be used Hughes and Sully
- Annual period during which water is to be used April through September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(See tract location plat) (Attach sheet if more space is needed) Attachment A

Land Description	Acres	Land Description	Acres
Tract 3 (Golf Course)	58.13	Tract 6 (Housing)	49.05
Tract 5 (Golf Course)	130.90	Tract 8 (Housing)	41.08
Tract 7 (Golf Course)	65.46	Tract 9 (Housing)	55.29
Tract 4 (Housing)	53.37	Tract 10 (Housing)	44.50

- Give a description of the project. (Attach sheet if more space is needed) (See attachments B-C-D-E)

SE 1/4 Sec. 33 145 AC SE 1/4 Sec. 32 65 AC
SW 1/4 Sec. 33 120 AC NE 1/4 Sec. 32 95 AC
NW 1/4 Sec. 33 75 AC All in T113N-R80W

STATE OF SOUTH DAKOTA) SS
County of Hughes

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)

I, Bruce Peterson, 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.

Applicant's signature [Signature]

Subscribed and sworn to before me this 29th day of June 19 98

MY COMMISSION EXPIRES
JANUARY 18, 2002

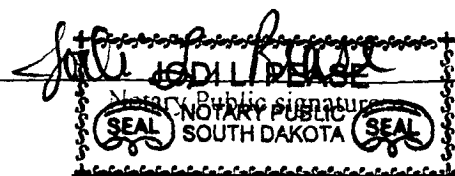


Table Of Contents

Application for Water Permit
Oahe Trails Development



Maps

Map A	Area Map Showing Intake Location
Map B	USGS Location Map

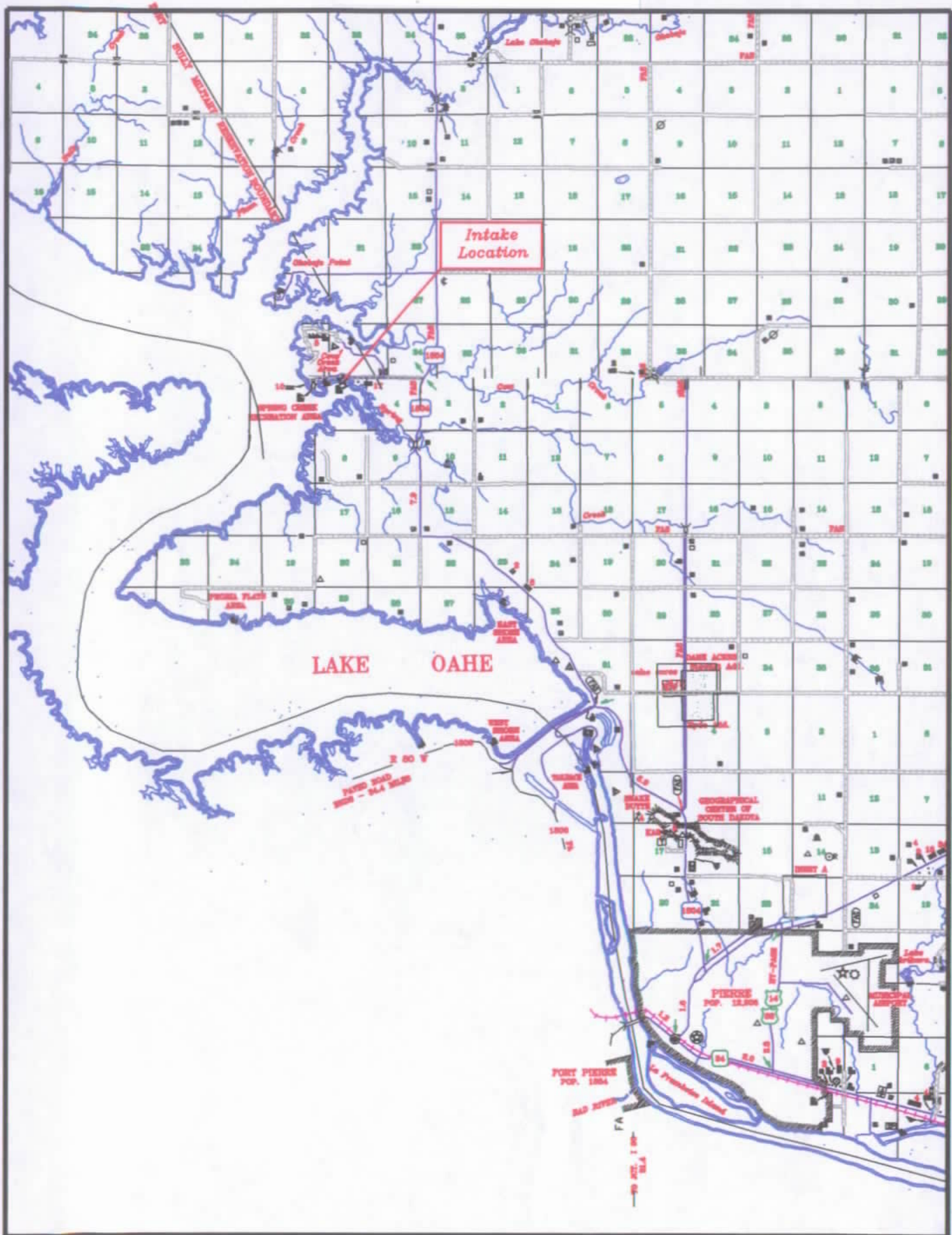
Photos

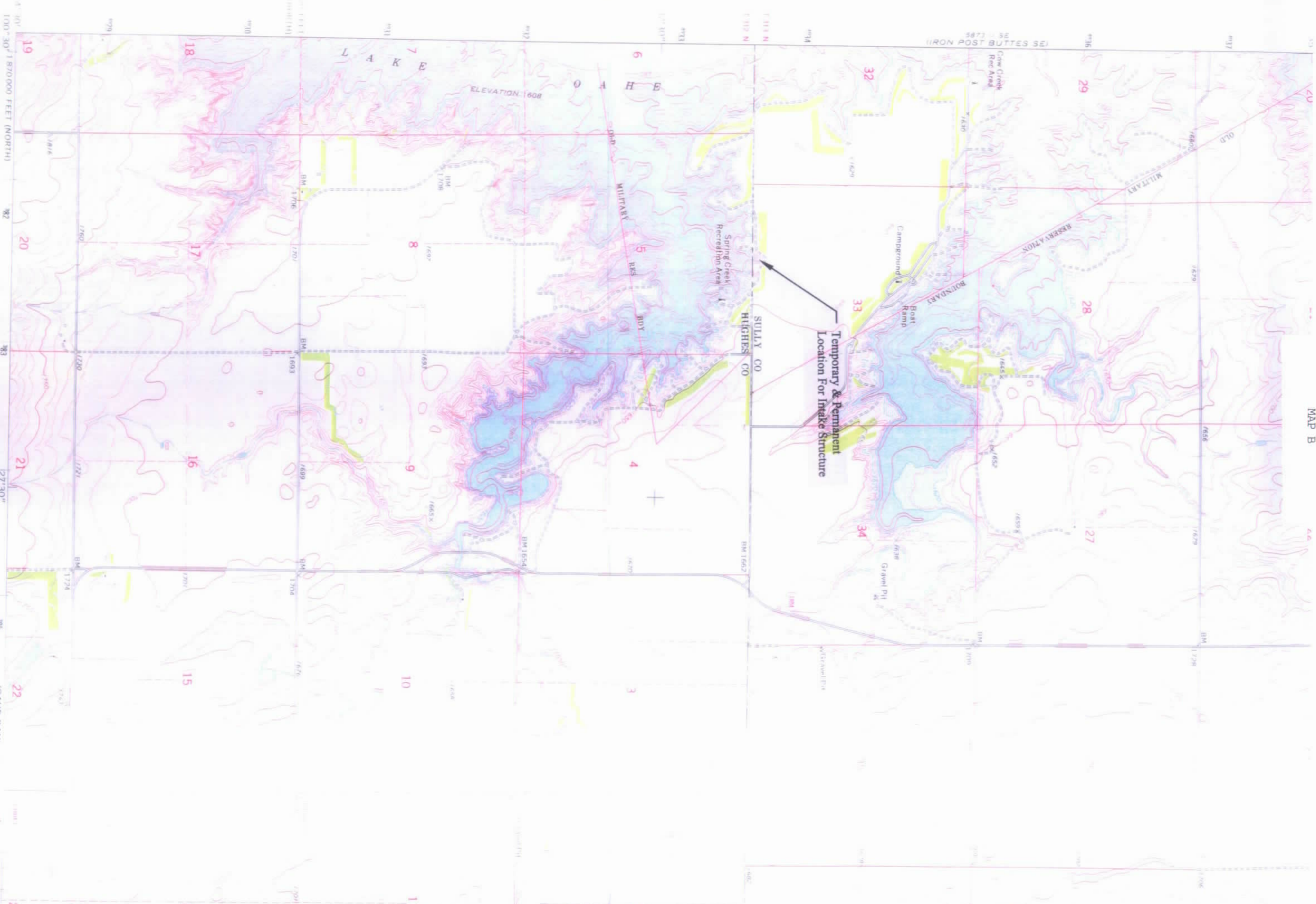
Photo A	Photos of Location of Water Intakes
---------	-------------------------------------

Attachments

Attachment A	Plat Map of Oahe Trails Housing Development and Golf Course
Attachment B	Project Narrative
Attachment C	Profile of Water Intake Line
Attachment D	Plan Sheet Showing Temporary Pump Intake Locations and Easements Required
Attachment E	Conceptual Layout of Oahe Trails Development
Attachment F	Surface Acres and Storage Capacity of Lakes

MAP A





Temporary & Permanent
Location For Intake Structure

SULLY CO
HUGHES CO

Spring Creek
Recreation Area

Campground 1

Boat Ramp

Gravel Pit

Gravel Pit

ELEVATION 1608

MILITARY

MILITARY

RESERVATION

BOUNDARY

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial
photographs taken 1973. Field checked 1973

Underwater contours in Lake Oahe
from USCE maps dated 1947

Projection: South Dakota coordinate system, north zone

GOAHE DAM
5972' TO MS
SCALE 1:24,000

GOAHE DAM & M

1000 FEET
1 KILOMETRE

CONTOUR INTERVAL 10 FEET
DOTTED LINES REPRESENT 5 FOOT INTERVAL

Location of Water Intakes for Spring Creek Sanitary District - Spring Creek



Intake Bay (North - Toward Spring Creek Road)



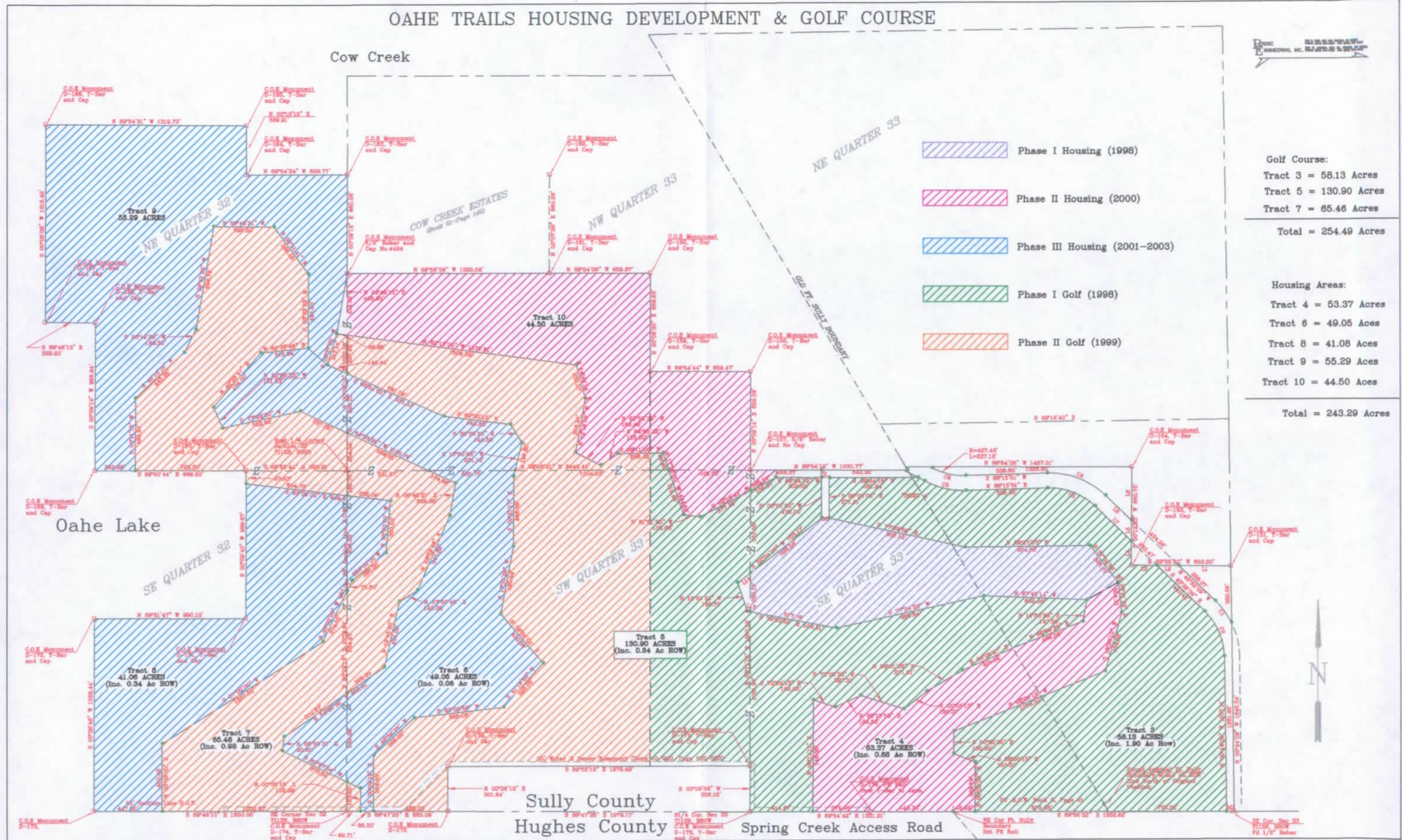
Intake Bay (West - Toward Spring Creek Lodge)

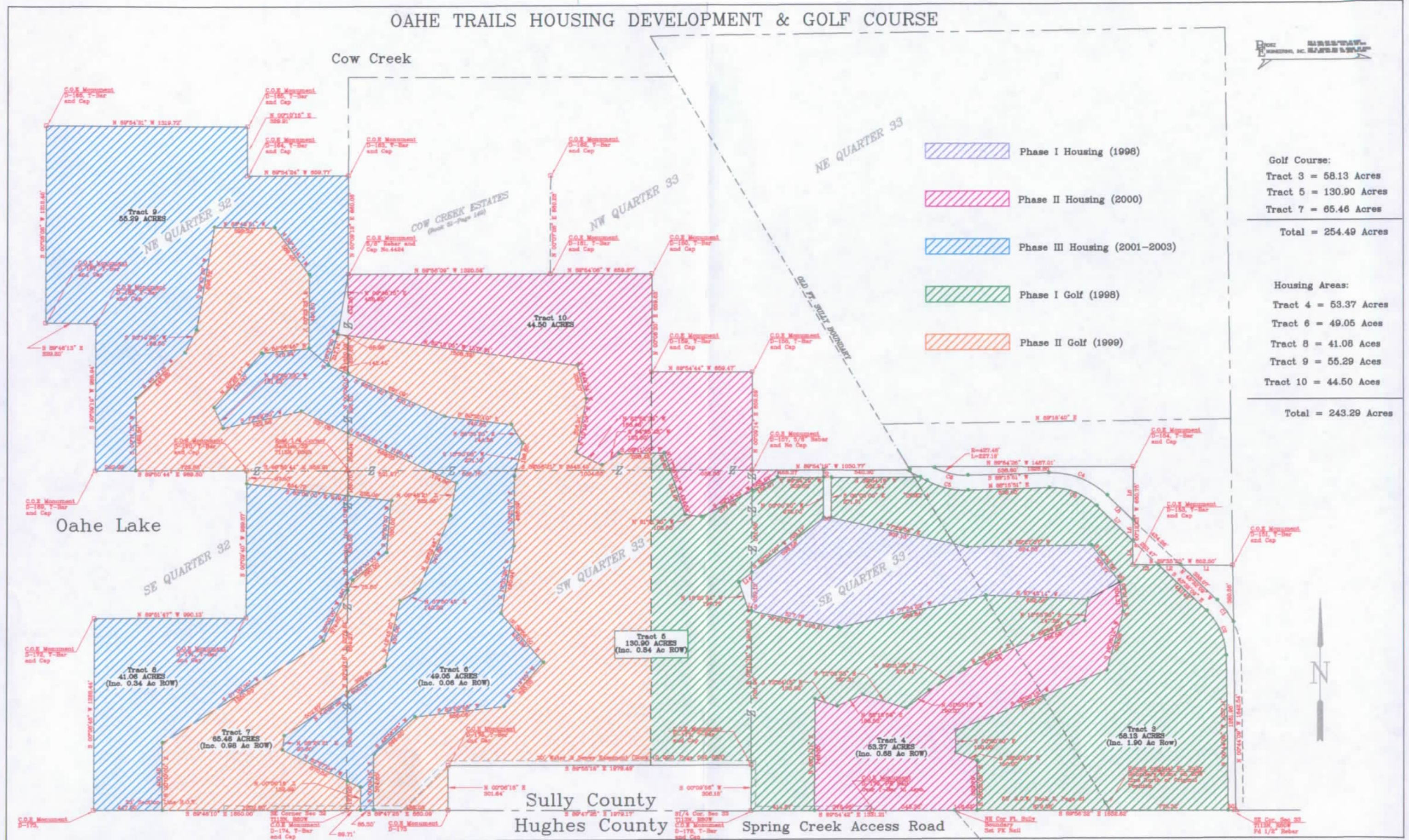


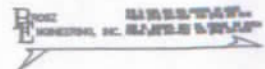
Intake Bay (South - Toward Lake Oahe)

Photos Taken on 6-16-98

OAHE TRAILS HOUSING DEVELOPMENT & GOLF COURSE







Total = 254.49 Acres

Total = 243.29 Acres

Attachment B

Supplementary Information for Section 8 of the Application for Permit to Appropriate Water for Irrigation

Oahe Trails Development plans to build a new residential community north of Pierre. The development will be located on approximately 1,000 acres of private land located in southern Sully County immediately north of the Hughes County line. The area is bordered by the Spring and Cow Creek recreation areas of Lake Oahe. It is surrounded by approximately 700 acres of public land that is under the control of the US Corps of Engineers. It is expected to take 5 to 8 years to complete the development.

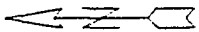
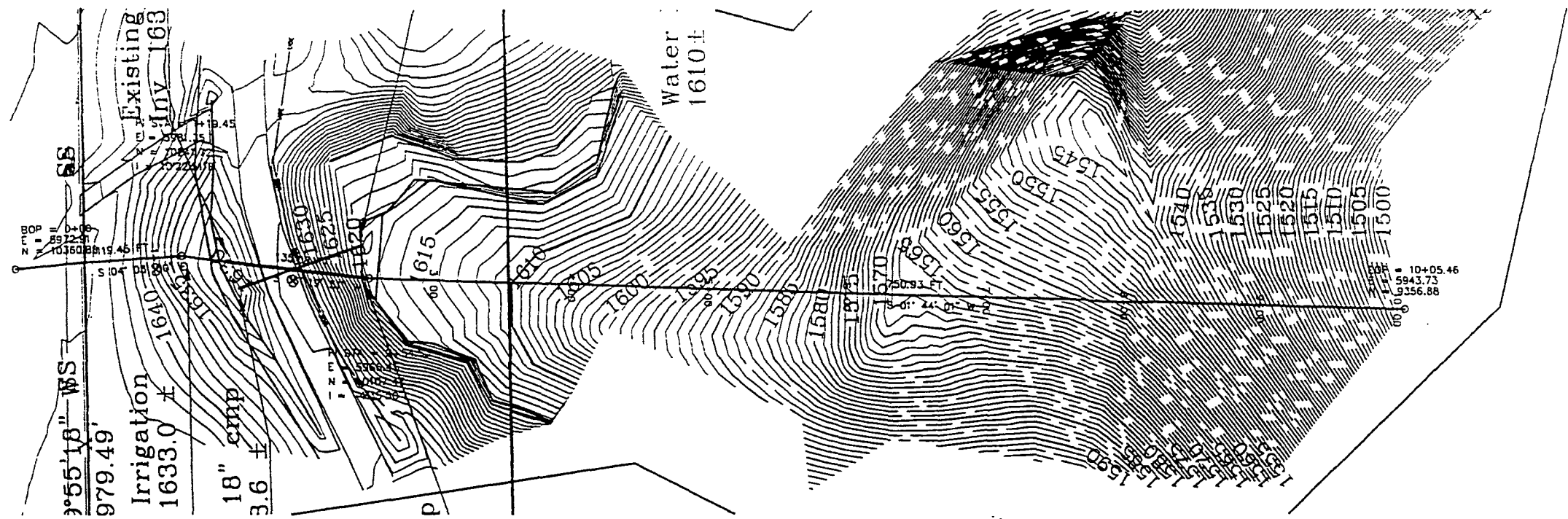
Oahe Trails will be built in phases. Phase I of the golf course construction will start in 1998 with the construction of 9 holes, a driving range and a clubhouse. Phase I will utilize approximately 225 acres of the total 254.49 acres planned for the entire golf course. Phase II construction, planned for 1999, will finish the rest of the golf course.

Phase I construction of the housing development, utilizing about 30 acres of land, will start in 1998. Phase II housing will encompass another approximately 60 acres of the land and construction is scheduled to begin in the year 2000. Phase III housing, to be completed sometime between 2001 and 2003 will complete the project. A total of 243.29 acres will be developed for housing.

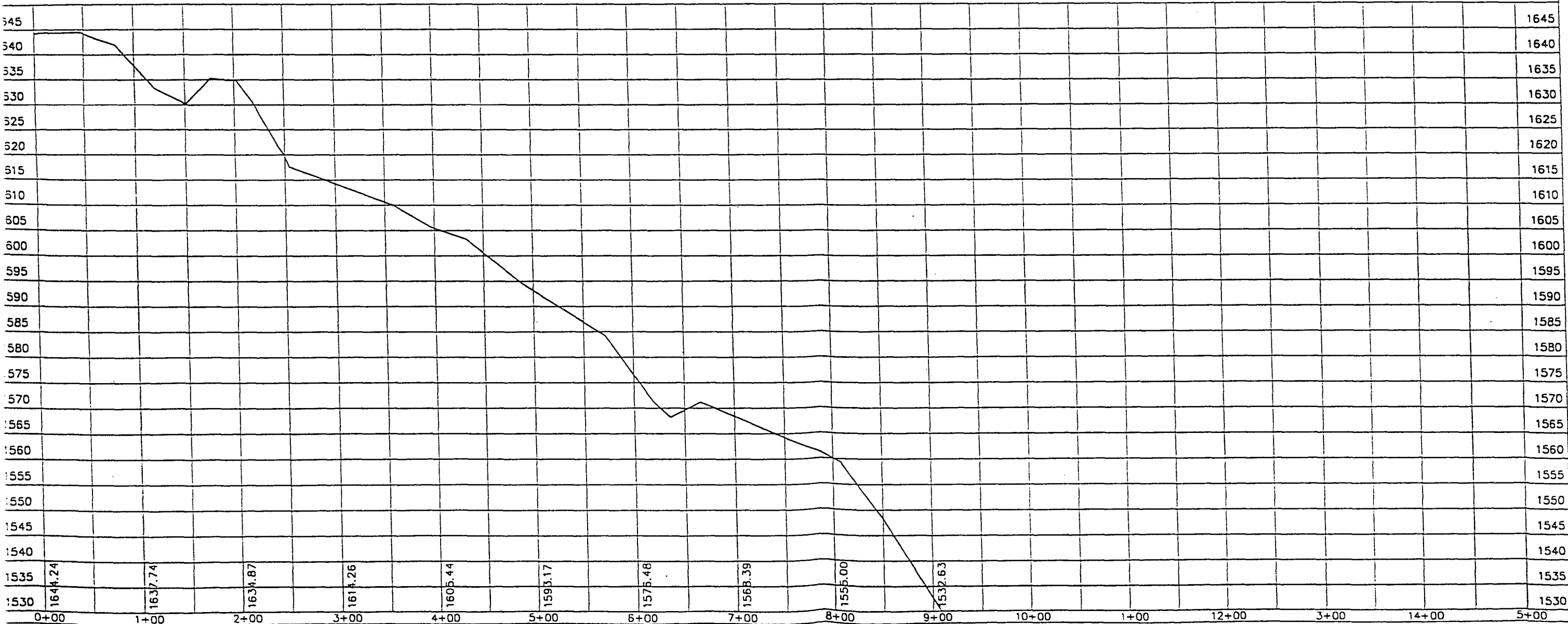
Upon full development, there will be single family home sites, multi-family units, an 18 hole golf course, a restaurant, tennis and basketball courts, several open park areas, a swimming pool, a fire station and several garage/storage units. This permit is for the water which will be needed to irrigate the Oahe Trails golf course, the housing development and surrounding greenways.

The irrigation project involves placing a pump station and an intake line into Spring Creek to an adequate water depth to allow for placement of a water intake and screens (See Attachments C and D). The line will start from a temporary pump location on the north side of Spring Creek Road. The permanent pump will be located on the south side of Spring Creek road. Intake pipe will be put under Spring Creek Road utilizing existing CMP. Line will be buried beginning at an elevation of approximately 1620. The pipe will be extended into Lake Oahe to a depth of approximately 40 feet (approx. elev. 1580).

A maximum intake flow of 650 gallons per minute will be pumped at a steady rate from the Oahe reservoir to fill a 6.54 acre lake to depths of between 8 to 12 feet of water (See Lake #1 on Attachment E). A pump system capable of handling 1,300 gallons per minute will be used for the irrigation system. Water used by the irrigation pump will come from Lake #1. This same pump will also be used to move water to Lake 2 (1.97 acres), Lake 3 (3.98 acres), Lake 4 (5.58 acres) and Lake 5 (4.98 acres) to create lakes of similar depths. The total surface area of all 5 lakes will be 23.05 acres. Peak capacity of all 5 lakes is 115.26 acre feet. (See Attachment 7)



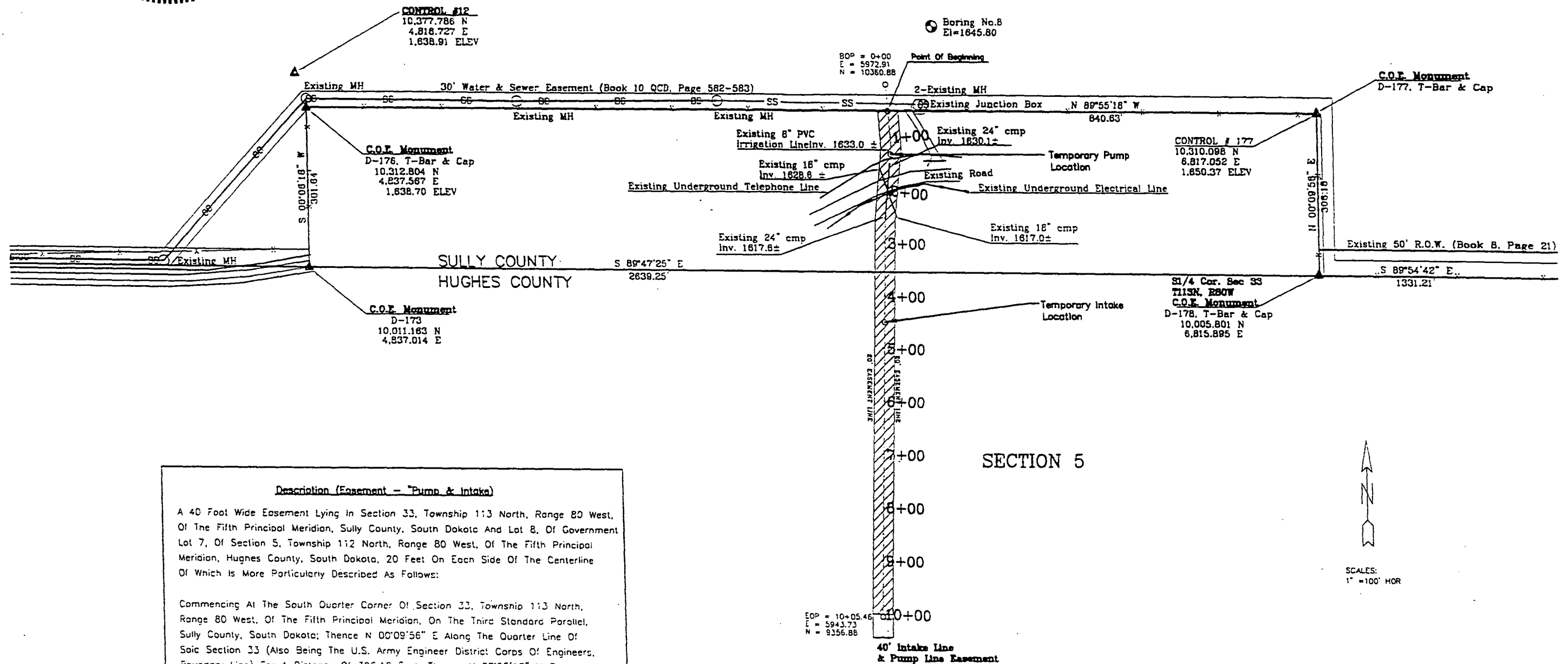
SCALES:
1" = 50' HOR
1" = 10' VER



SECTION 33

Boring No. 7
El=1646.80Boring No. 9
El=1647.90Boring No. 8
El=1645.80BOP = 0+00
E = 5972.91
N = 10360.88

Point Of Beginning

**Description (Easement - "Pump & Intake")**

A 40 Foot Wide Easement Lying In Section 33, Township 113 North, Range 80 West, Of The Fifth Principal Meridian, Sully County, South Dakota And Lot 8, Of Government Lot 7, Of Section 5, Township 112 North, Range 80 West, Of The Fifth Principal Meridian, Hughes County, South Dakota, 20 Feet On Each Side Of The Centerline Of Which Is More Particularly Described As Follows:

Commencing At The South Quarter Corner Of Section 33, Township 113 North, Range 80 West, Of The Fifth Principal Meridian, On The Third Standard Parallel, Sully County, South Dakota; Thence N 00°09'56" E Along The Quarter Line Of Said Section 33 (Also Being The U.S. Army Engineer District Corps Of Engineers, Boundary Line) For A Distance Of 306.18 Feet; Thence N 88°55'18" W For A Distance Of 840.63 Feet (Also Being The U.S. Army Engineer District Corps Of Engineers, Boundary Line) To The Point Of Beginning; Thence S 04°03'00" E For A Distance Of 69.45 Feet; Thence S 06°19'51" W For A Distance Of 135.08 Feet; Thence S 01°44'01" W For A Distance Of 745.47 Feet, And Containing 38,009.7 Square Feet, More Or Less.

BROSZ ENGINEERING, INC.

206 West Dakota - Box 23 - Pierre, South Dakota 57501 - Phone (605)224-1123 - FAX (605)224-0659

PROJECT:

OAHE TRAILS SUBDIVISION

SHEET DESCRIPTION:

TEMPORARY PUMP & INTAKE LOCATION

DRAWN BY:

EJC

CHECKED BY:

REVISIONS:

SCALE:

SHOWN

DATE:

6/98

DATE:

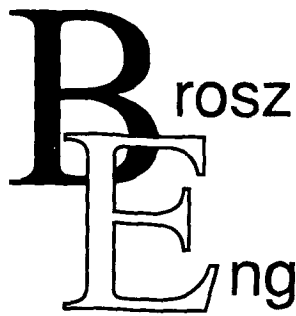
 Bentley Engineering, Inc. Wyss Associates, Inc.



ATTACHMENT F

Supplementary Information Regarding Lakes on the Oahe Trails Golf Course

<u>Lake Number</u>	<u>Lake Elevation</u>	<u>Surface Acres</u>	<u>Peak Capacity</u>
One	1654.00	3.98 Acres	21.86 Acre Feet
Two	1652.00	1.97 Acres	10.13 Acre Feet
Three	1646.00	6.54 Acres	51.17 Acre Feet
Four	1638.00	5.58 Acres	17.34 Acre Feet
Five	1657.00	<u>4.98 Acres</u>	<u>14.76 Acre Feet</u>
TOTALS		23.05 Acres	115.26 Acre Feet



☐ 315 S. Main • Box 357 • Bowman, ND 58623
Phone: (701) 523-3340 • Fax: (701) 523-5243

☒ 206 W. Dakota • Box 23 • Pierre, SD 57501
Phone: (605) 224-1123 • Fax: (605) 224-0659

Registered in North Dakota, South Dakota, and Montana

June 29, 1998

Eric Groulund
Water Rights Program
Department of Water and Natural Resources
Joe Foss Building
523 E. Capitol Avenue
Pierre, SD 57501-3181



RE: Water Permit for Irrigation - Oahe Trails Development

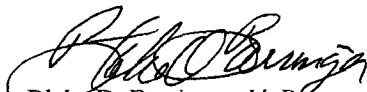
Dear Mr. Groulund:

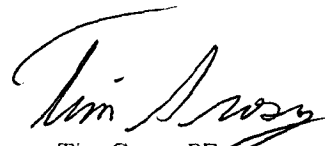
Enclosed please find an application for a permit to appropriate water for irrigation from the Oahe Reservoir. This application is being submitted on behalf of Bruce Peterson. The water will be used to water the landscape of a new golf course and housing development being planned for the Spring/Cow Creek Area.

Information contained in Attachment A (Area of Tracts in the Oahe Trails Development) is a map based on plats recorded in the Sully County Registrar of Deeds Office. Attachment C represents the results of an engineering survey of the proposed water intake bay on Spring Creek. Both attachments are hereby certified as accurate.

If you require further information about this applications, please feel free to call us at (605)224-1123.

Sincerely,


Blake D. Barringer, V. Pres.
Brosz Engineering, Inc.


Tim Grosz, PE
Brosz Engineering, Inc.

Enclosures

cc: File I:\oahetrl\irrigate.doc

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6088-3, Oahe Trails Resort

ADDRESS: COUNTY: Sully/Hughes

DATE: July 1, 1998 TELEPHONE:

RE: Call to Dave Jagim, Brosz Engineering

COMMENTS:

I called Mr. Jagim who is the engineering consultant for the water right permit application for Oahe Trails Resort. In reviewing the application I had two questions.

I stated Attachment B indicates that lake No. 1 would be used as the regulating lake, however, based on a review of the map it appeared that lake No. 5 (51 acre feet capacity) appeared to be in the location and the size to be regulating lake. Mr. Jagim indicated that Attachment B was in error and that lake No. 3 was to be the regulating lake. Lake No. 3 will be where water from the Missouri River will be diverted prior to irrigation of the proposed development and the diversion for maintaining the water level in the 4 other lakes.

I also stated that Blake Barringer originally indicated the intake would use a wet well type of concept (a vertical caisson type of design with a radial line connecting Lake Oahe to the caisson). However, the narrative with the application indicates a pipeline type of intake. Mr. Jagim indicated that the pipeline type of intake with a jet pump and screen is how they now plan to divert from Lake Oahe.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Henderson

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Oahe Trails Resort, Water Permit Application No. 6088-3

ADDRESS: COUNTY: Sully/Hughes County

DATE: July 1, 1998 TELEPHONE:

RE: Digitizing area

COMMENTS:

Based on the map submitted for Oahe Trails application, I digitized the areas outlined for irrigation to determine number of acres irrigated in each quarter. Their application broke out irrigated acres by tracts.

Approximate acreage to be irrigated by quarter section. Numbers are rounded off.

SE1/4 Section 33, T113N, R80W	145 acres
SW1/4 Section 33, T113N, R80W	120 acres
NW1/4 Section 33, T113N, R80W	75 acres
SE1/4 Section 32, T113N, R80W	65 acres
NE1/4 Section 32, T113N, R80W	95 acres
TOTAL	500 acres

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: 

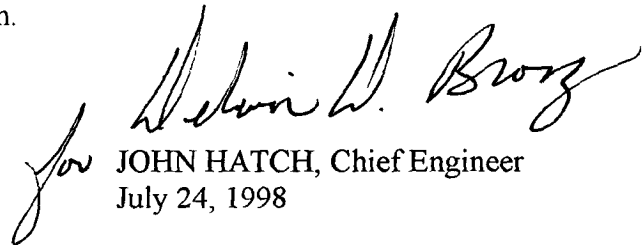
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6088-3, Oahe Trails Resort, L.L.C.**

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. 6088-3, c/o Bruce Peterson, 19602 Lake Place, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6088-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Water Permit No. 6088-3 authorizes five storage ponds with a combined storage capacity of 116 acre feet of water.

See report on application for additional information.


JOHN HATCH, Chief Engineer
July 24, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 28, 1998

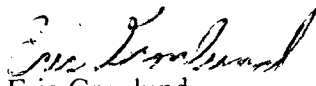
Oahe Trails Resort, LLC
%Bruce Peterson
19602 Lake Place
Pierre, SD 57501

Dear Mr. Peterson:

Water Permit Application No. 6088-3 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 Capital Journal printed at Pierre, SD (Ph # (605) 224-7301) and the Publisher of the Onida Watchman printed at Onida, SD (Ph # (605) 258-2604. 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 newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have 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 newspapers have 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.

C: Dave Jagim, Brosz Engineering, Inc.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 28, 1998

Onida Watchman
Box 245
Onida, SD 57564-0245

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6088-3 to Appropriate Water to be published twice. Please publish the first notice on August 6, 1998, 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 Oahe Trails Resort, LLC, %Bruce Peterson, 19602 Lake Place, Pierre, SD 57501 (Ph # (605) 945-1654).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6088-3

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

Date _____

We are in receipt of your letter of July 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6088-3 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
www.state.sd.us/denr

July 28, 1998

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6088-3 to Appropriate Water to be published twice. Please publish the first notice on August 6, 1998, 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 Oahe Trails Resort, LLC, %Bruce Peterson, 19602 Lake Place, Pierre, SD 57501 (Ph # (605) 945-1654).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6088-3

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

Date _____

We are in receipt of your letter of July 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6088-3 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 6, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6088-3 to Appropriate Water

Notice is given that Oahe Trails Resort, LLC, c/o Bruce Peterson, 19602 Lake Place, Pierre SD 57501 has filed an application for a water permit to appropriate 1.45 cubic feet of water per second (cfs) from the Missouri River located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5-T112N-R80W. Water will be diverted from the Missouri River to a storage lake (approximate storage capacity of 52 acre feet of water). This lake will act as a regulating pond and water will be diverted from the lake at a rate of 2.89 cfs for irrigation of up to 498 acres as part of the Oahe Trails golf course, housing development, surrounding greenways and parks. The acres to be irrigated are located in portions of the S $\frac{1}{2}$, NW $\frac{1}{4}$ Section 33 and the E $\frac{1}{2}$ Section 32 (Tracts 3 thru 10); all in T113N-R80W. Water will also be pumped from the lake to maintain 4 other lakes on the property described above. The combined storage capacity of these lakes is approximately 64 acre feet of water. Diversion of water under this application is not to be used as the potable water supply for Oahe Trails Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6088-3 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 August 24, 1998.

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.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, 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 6, 1998

August 13, 1998

Cost of Printing \$46.80

Peggy Warner
(Signature)

Legal Ad Representative
(Title)

August 14, 1998
(Date Signed)

No. 1852 2tdly 8/6, 8/13

NOTICE OF APPLICATION NO. 6088-3 to Appropriate Water

Notice is given that Oahe Trails Resort, LLC, c/o Bruce Peterson, 19602 Lake Place, Pierre SD 57501 has filed an application for a water permit to appropriate 1.45 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 NE 1/4 Section 5-T112N-R80W. Water will be diverted from the Missouri River to a storage lake (approximate storage capacity of 52 acre feet of water). This lake will act as a regulating pond and water will be diverted from the lake at a rate of 2.89 cfs for irrigation of up to 498 acres as part of the Oahe Trails golf course, housing development, surrounding greenways and parks. The acres to be irrigated are located in portions of the S 1/2, NW 1/4 Section 33 and the E 1/2 Section 32 (Tracts 3 thru 10); all in T113N-R80W. Water will also be pumped from the lake to maintain four other lakes on the property described above. The combined storage capacity of these lakes is approximately 64 acre feet of water. Diversion of water under this application is not to be used as the potable water supply for Oahe Trails Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6088-3 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 August 24, 1998.

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

Form 8



OK

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sully) SS

I, Alice Olson

certify that the attached printed Notice was taken

from the Onida Watchman

printed and published in Onida

County of Sully and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Thursday, Aug. 6, 1998

Thursday, Aug. 13, 1998

Cost of Printing \$ 40.37

Alice Olson
(Signature)

Publisher
(Title)

8-20-98

(Date Signed)

NOTICE OF APPLICATION NO. 6088-3 to Appropriate Water

Notice is given that Oahe Trails Resort LLC, c/o Bruce Peterson, 19602 Lake Place, Pierre, SD 57501 has filed an application for a water permit to appropriate 1.45 cubic feet of water per second (cfs) from the Missouri River located in the NW1/4 NE1/4 Section 5-T112N-R80W. Water will be diverted from the Missouri River to a storage lake (approximate storage capacity of 52 acre feet of water). This lake will act as a regulating pond and water will be diverted from the lake at a rate of 2.89 cfs for irrigation of up to 498 acres as part of the Oahe Trails golf course, housing development, surrounding greenways and parks. The acres to be irrigated are located in portions of the S1/2, NW1/4 Section 33 and the E1/2 Section 32 (Tracts 3 thru 10); all in T113N-R80W. Water will also be pumped from the lake to maintain 4 other lakes on the property described above. The combined storage capacity of these lakes is approximately 64 acre feet of water. Diversion of water under this application is not to be used as the potable water supply for Oahe Trails Resort.

Pursuant to SDCL46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6088-3 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 August 24, 1998.

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
31-32



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 10 1998

Oahe Trails Resort, LLC
Bruce Peterson
19602 Lake Place
Pierre, SD 57501

Dear Mr. Peterson:

Enclosed is Water Permit No. 6088-3 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,

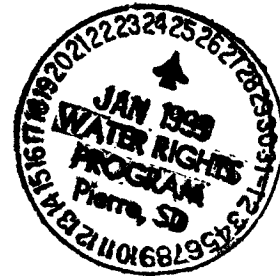
JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Dave Jagim, Brosz Engineering, Inc.

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 USEDate 10-1-98TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Bruce Peterson 101 Lake Place
(name) (address)
Pierre SD 57501 945-1654
(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. 6088-3.

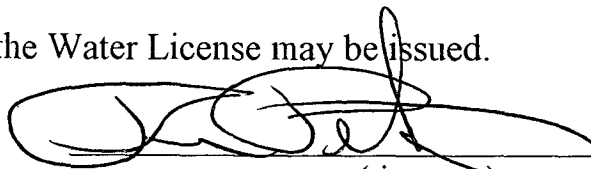
Water Permit No. 6088-3 states that the diversion system is to be constructed by 8-24-2003, and that the water is put to beneficial use by
(date)

8-24-2007
(date)

The diversion system was completed on Nov. 1, 1998.
(date)

Applying the water to beneficial use was completed on DEC. 1, 1998.
(date)

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


(signature)



6088-3
8274-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: OAHE TRAILS RESORT LLC, BRUCE PETERSON, 101 LAKE PL, PIERRE, SD 57501

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6088-3 & 8274-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 6088-3 & 8274-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6088-3 & 8274-3 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KIRIIF**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 19, 2026

6088-3

8274-3

Oahe Trails Resort
C/O Jon Hofer
3608 N Frontier RD
Ft Pierre, SD 57532

Dear Mr. Hofer,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us