

WATER PERMIT NO. 6135-3

Name of Applicant: Todd F Schulte

Address: PO Box 4, Salem SD 57058

Phone: 605 425-2747

Amount of Water Claimed: 10 gpm (0.22 cfs)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: McCook

Type of Waste Disposal System: septic tank

Location: 3 miles east of Salem

PRIORITY Date Received: 8-28-1995

Fee: \$50.00

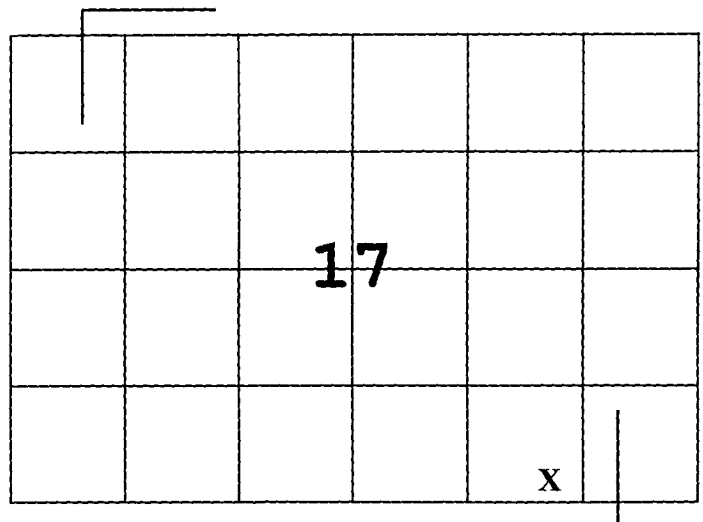
Corrected Application Received: 4-5-1999

Period of Annual Use: January 1 – December 31

Remarks: For use at the Outskirts Steakhouse

Diversion Point: SE ¼ SE ¼ Sec 17-T103N-R54W

Land to be Irrigated: NA



Depth of Well: 70 feet deep

Well Driller: unknown

Remarks: log not available

Type of Map: aerial

Prepared by: David Mehlhaf, NRCS

Reviewed and the Number Assigned on: 4-5-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6135-3**

Date of first receipt of application August 25, 1995.

Date of return to applicant for corrections, amendments or changes August 28, 1995.

Date of receipt of corrected application April 5, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6135-3 to Todd F Schulte, PO Box 4, Salem SD 57058 authorizing the use of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

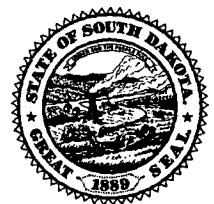
1. Water Permit No. 6135-3 appropriates 0.022 cubic feet of water per second (10 gallons per minute) from one existing well (Pleistocene Unknown) 70 feet deep located in the SE ¼ SE ¼ Section 17-T103N-R54W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use and may not exceed the amount of water needed for beneficial use for commercial use at the Outskirts Steakhouse.
3. The water is to be used during the following described annual period: January 1- December 31.
4. The date of approval of Permit No. 6135-3 is June 7, 1999.
5. The date from which applicant may claim right is April 5, 1999.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

AUG 6 1999

date

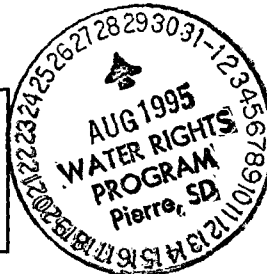


FORM 2: Application for uses other than irrigation

(type or print)

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

No. 6135-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Salem Special, Salem, SD
(office use only)



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

Check use of water:

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

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

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

1. Name of Applicant ~~THOMAS F. SCHULTE~~ TODD F. SCHULTE Phone 605-425-2747
(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address P.O. Box 4 SALEM State SD 57058
(Street, RR, or Box) 341 N. Beck (City) (Zip Code)

(2) Amount of water claimed 10562 *CFS or .022 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well Ohigmueiller's
TRACT ONE (1) IN THE SOUTHEAST QUARTER SE 1/4 OF SECTION SEVENTEEN
(12) Township ONE Hundred Three (103) North Range 54 County MCCOOK

5. County or counties where water will be used MCCOOK

6. Annual period during which water is to be used YEAR ROUND Jan 1 - Dec 31

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

THIS WELL SUPPLIES THE NEEDS FOR THE OUTSKIRTS STEAKHOUSE & LOUNGE
LOCATED 3 miles EAST OF SALEM S.D. LOCATED AT ABOVE (1)
LOCATION.

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 McCook)^{SS}

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

Signed Thomas F. Schulte

Subscribed and sworn to before me this 25th day of August 19 95

Notary Public

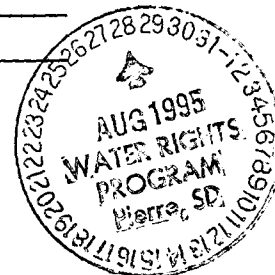
My Commission expires: 11-03-95

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 7'
- b) Casing Type Steel Diameter 5 1/2" Thickness 1/4"
- c) Screen Type _____ Diameter 5 1/2" Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: 1/2 mile - Farm
On applicants property _____ On property owned by others _____



2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic Tank with drain field
- b) System Capacity (gallons) UNKNOWN c) Year Constructed 20 yrs. old
- d) Connected to the City of _____ Sanitary System.

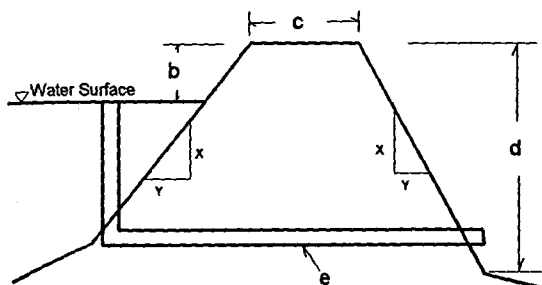
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

REPORT ON WATER PERMIT APPLICATION NO. 6135-3
for Todd F Schulte
April 29, 1999

Application No. 6135-3 propose to appropriate 0.022 cfs (10 gpm) from one existing well approximately 70 feet deep located in the SE 1/4 SE 1/4 of Section 17, T103N-R54W in McCook County. The water is for commercial use at the Outskirts Steakhouse.

AQUIFER - PLEISTOCENE UNKNOWN (PS-U)

The Pleistocene unknown aquifer is a buried outwash (sand and gravel) which is apparently under confined or artesian conditions at this site. The applicant did not supply much information on the existing well only indicating a depth of 70 feet. What information that is available is from neighboring wells and one that is apparently located in the same quarter section. None of these wells are completed at a depth of around 70 feet in fact most are at least one hundred feet deeper. Information is not available to determine if this well is constructed in accordance with SD Well Construction.

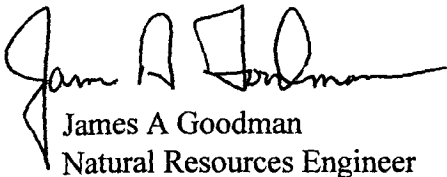
The Water Rights program does monitor observation wells in McCook County but nothing near the site of this application or in the same aquifer. Very little information is available concerning water levels in this area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area. The nearest permitted use is for the City of Salem located about three miles west. This application does not obtain water from the same source as Salem. Interference is not a concern. This diversion rate is relatively small and has been in use with no apparent problems.

CONCLUSIONS

1. Water is available from the aquifer. This is an existing and has been used for these purposes.
2. Interference is not a concern. The diversion is relatively small and drawdown created by pumping is not expected to be significant.
3. It cannot be determined if this well is completed in accordance with SD Well Construction Standards.
4. Wastewater is disposed of through a septic tank and drainfield.



James A Goodman
Natural Resources Engineer

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6135-3, Todd F Schulte**

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. 6135-3, Todd Schulte, PO Box 4, Salem SD 57058.

The Chief Engineer is recommending APPROVAL of Application No. 6135-3 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) it is in the public interest.

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
May 3, 1999



**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 PUBLICATOIN ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 11, 1999

Todd F. Schulte
P.O. Box 4
Salem, SD 57058

Dear Mr. Schulte:

Water Permit Application No. 6135-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Salem Special printed at Salem, SD (Ph # (605) 425-2361). 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
www.state.sd.us/denr

May 11, 1999

Salem Special
P.O. Box 220
Salem, SD 57058-0220

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6135-3 to Appropriate Water to be published twice. Please publish the first notice on May 20, 1999, 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 Todd F. Schulte, P.O. Box 4, Salem, SD 57058 (Ph # (605) 425-2747).

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

-----CU T HERE-----

No. 6135-3

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

Date _____

We are in receipt of your letter of May 11, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6135-3 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 May 20, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6135-3 to Appropriate Water

Notice is given that Todd F Schulte, PO Box 4, Salem SD 57058 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one existing well (Pleistocene Unknown) 70 feet deep located in the SE ¼ SE ¼ Section 17-T103N-R54W. The water is for commercial use at the Outskirts Steakhouse.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6135-3 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 June 7, 1999.

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 McCook) SS

I, Phyllis Knudson

certify that the attached printed Notice was taken

from the Salem Special

Salem, SD

printed and published in Salem, SD

County of McCook and

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

May 20, 1999

May 27, 1999

Cost of Printing \$37.19

Phyllis Knudson
(Signature)

Advertising Manager
(Title)

5/27/99

(Date Signed)

Public Notice

NOTICE OF APPLICATION NO. 6135-3 TO APPROPRIATE WATER

Notice is given that Todd F. Schulte, PO Box 4, Salem, SD 57058 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one existing well (Pleistocene Unknown) 70 feet deep located in the SE1/4SE1/section 17-T103N-R54W. The water is for commercial use at the Outskirts Steakhouse.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6135-3 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 June 7, 1999.

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.

5/20, 5/27



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 1995

Thomas Schulte
Outskirts Steakhouse and Lounge
PO Box 4
Salem, SD 57058

Dear Mr. Schulte:

I am contacting you regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

A business or an institution without a required water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you have a permit issued under another name, please contact us.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by April 14, 1995. If you have questions or need assistance contact Barry McLaury, Environmental Scientist (605-773-3352).

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 1995

Thomas Schulte
Outskirts Steakhouse and Lounge
PO Box 4
Salem, SD 57058

Dear Mr. Schulte:

I am writing to follow-up my March 15, 1995 letter regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. We have reviewed our records and can not locate a water permit for your business. **A business without a water permit has no legal right to the use of water. The Chief Engineer can issue a shut off order, if the illegal use of water continues.**

Please complete and return the application that was sent to you with my March 15, 1995 letter. Send the application, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by May 19, 1995. If you believe you already have a water permit, have a permit issued under another name, or need assistance, contact Barry McLaury, Environmental Scientist (605-773-3352).

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1995

Thomas F & Todd F. Schulte
PO Box 414
Salem SD 57058

Dear Sirs:

We have received your water permit application. Before we can continue processing the application, a map is required. The map needs to show the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance and then be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Aerial photos obtained from the local SCS or ASCS office work well. Personnel at those offices are qualified to sign the map, also.

I am assuming since a well log was not submitted with your application, a well log is not available. Is this a correct assumption?

If you have any questions, please contact this me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

*I Am Some what Confused With This map,
HOWEVER I AM Drawing you one on the Reverse
Side. if Any Questrons please Contact our local
ASCS OFFICE IN SALEM.*

*Thanks.
Tom*



North.

Black Top Road

West

East

This is my
Quarter
32 ACRES
PASTURE

Gravel Road

OUTSKIRTS
STEAKHOUSE

Highway 38

Well

Highway 88

South.

This ROAD is
3 miles EAST OF
SALEM (Hwy 88)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 4, 1996

Thomas F & Todd F. Schulte
611 N Nebraska St
Salem SD 57058

Dear Sirs:

On August 28, 1995, you submitted an application and fee for a permit to appropriate water for commercial use at The Outskirts Steakhouse & Lounge. The map submitted with the application did not meet legal requirements. Before we can process the application, a proper map is required.

The map needs to be prepared and signed by a Registered Land Surveyor, Registered Professional Engineer or by a government employee who regularly prepares maps as a part of his assigned duties. The map shall indicate the location of the well in relation to a section corner. Do you have a copy of a well completion report for the well? If so, please submit a copy of the report.

Obtaining a water permit ultimately benefits you and your business by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

If you have any questions on the application requirements, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 1997

Thomas F & Todd F Schulte
611 N Nebraska St
Salem SD 57058-9070

Dear Sirs:

A couple of years ago, you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for commercial use at the Outskirts (copy enclosed). A review of the file indicates the application is incomplete.

Is this well still being utilized by the Outskirts? If so, the application will be complete once the required map is submitted. The map needs to show the location of the well in relation to a section corner or quarter corner. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office has aerial photos which work well-someone at that office would be qualified to sign the map).

Mr. Schulte, if this well is used for commercial purposes, please take the time to complete the application by obtaining the map. Pursuant to South Dakota law a water permit is required prior to using water for commercial purposes. The water permit protects your right to use water. If the well is no longer used, please let me know and the application can be withdrawn and the fee refunded.

If you have any questions, please contact me. Your cooperation is appreciated.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



March 30, 1999

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Thomas F & Todd F Schulte
611 N Nebraska St.
Salem SD 57058-9070

Dear Sirs:

On August 28, 1995, you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for The Outskirts steakhouse & lounge (copy enclosed). A review of our file indicates the application has not been completed. Does a private well still supply water for this commercial use? If so, the following is required to complete the application:

- A map showing the location of the well in relation to a government section corner or quarter corner. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. aerial photo-local NRCS office).
- We are in receipt of the \$50 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

You can not legally divert water for commercial use without a water permit. If a private well no longer supplies water for this commercial use, let us know and the \$50 application fee can be refunded to you.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOT TO SCALE 1998

T2642

H-6

NHEL
1b 68.1

CRP-CP4
90-99
63.0

NHEL
1a 63.0

T2641 NHEL
1 13.0

T2738

T2432

NHEL
2 2.4

NHEL
1 26.6

NHEL
1 110.5

17

T1544

+

NHEL
1 130.8

T2061

Location of well
at Outskirts Steakhouse.

Daniel C. Meluhaf
Daniel C. Meluhaf
USDA-NRCS - Salem F.O.
103-54

NHEL
1 130.4

Well
5 x

T1506

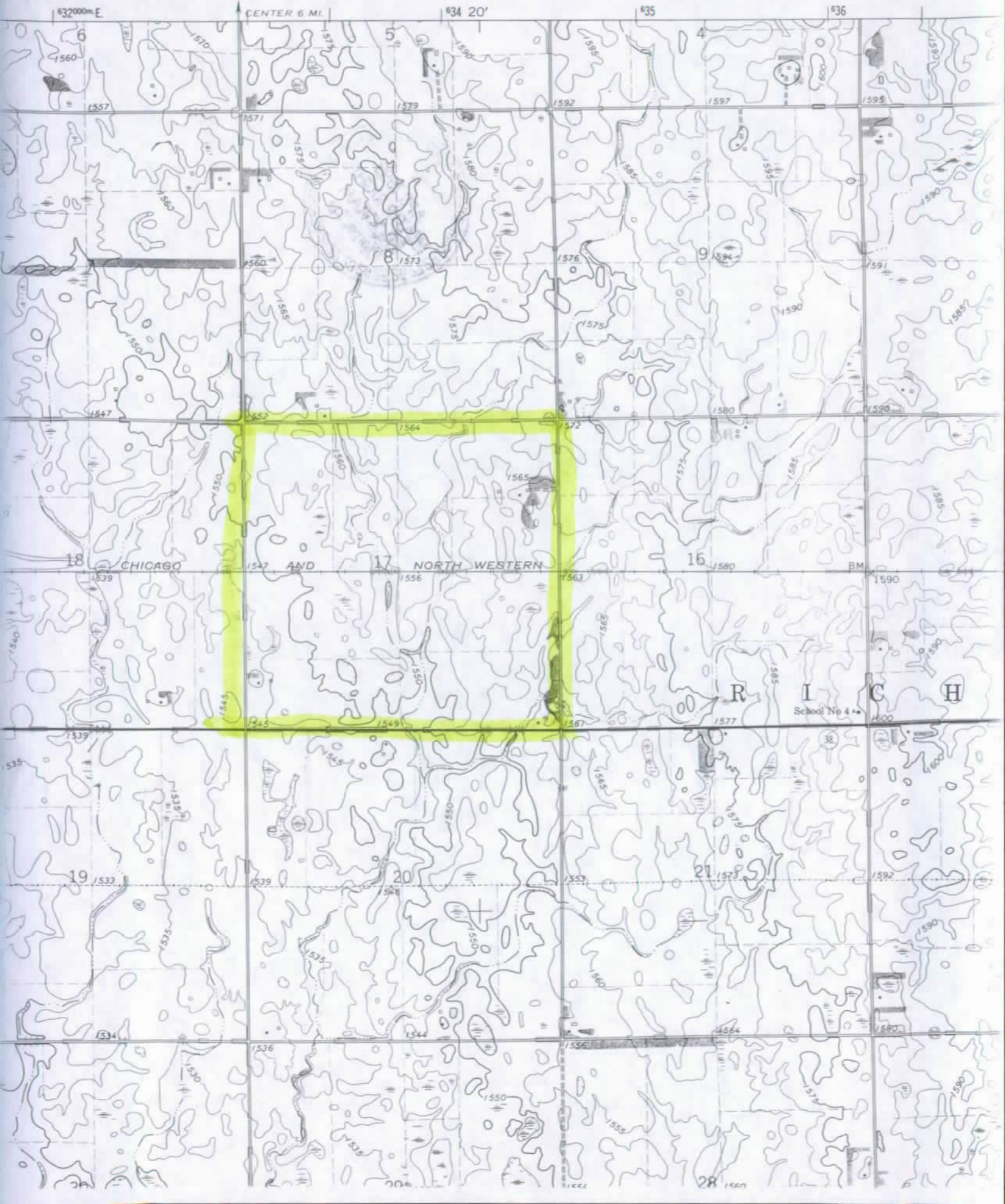
H-6

NHEL
1 8.1

6135-3

CI = 5'

1:24,000



RECEIPT

414600

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 28, 19 95

RECEIVED OF The Outskirts, Box 4, Salem, SD 57058

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

Fee for Application for Permit No. <u>61353</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch Kime
Chief Engineer

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416084

Pierre, _____ Appl 5, 19 99

RECEIVED OF Schulte's, Inc., (Thomas & Todd Schulte), P.O.Box 4, Salem, SD 57058
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>6135-3</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 _____
Chief Engineer

John Hatch

Water Rights Program - File Documentation

NAME: Christy Schulte – Outskirts Steakhouse & Lounge

ADDRESS: Salem

DATE: 4-1-99 **COUNTY:** McCook **TELEPHONE:**

RE: Pending Application

COMMENTS:

Christy Schulte called concerning my 3-3-1999 letter about their pending application. Mrs. Schulte stated neither husband or herself were aware they had applied for a permit.

I told ^{her} her the correspondence was probably received by Thomas Schultz. She indicated Thomas Schultz (father to Todd) is deceased and his name should be taken off the application. Their address is PO Box 4, 341 N Peck.

I explained the water permitting process. Mrs. Schultz stated she would work on getting the proper map and license fee back to us.

Karen Schlaak

Karen Schlaak
Environmental Scientist

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6135-3, Todd Schulte

ADDRESS: PO Box 4, Salem COUNTY: McCook

DATE: June 9, 1999 TELEPHONE:

RE: Publication Notice

COMMENTS:

The publication notice for Water Permit Application No. 6135-3 was published May 20 and 27, 1999. Upon receiving the proof of publication it was noted that the legal description has a minor error. The SE $\frac{1}{4}$ SE $\frac{1}{4}$ was published at the "SE1/4 SE1/". It was discussed among Water Right staff and determined that this did not invalidate the publication notice. The legal in its published form still clearly identifies the location of the diversion point.

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 Handberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1999

Todd F. Schulte
P.O. Box 4
Salem, SD 57058

Dear Mr. Schulte:

Enclosed is Water Permit No. 6135-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

TODD F SCHULTE
341 N PECK, PO BOX 4
SALEM SD 57078 0004

Address correction requested:

Outskirts Sportsbar
T&J INC.
Salem S.D. 57058

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 6135-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: PLEISTOCENE SERIES
Management Unit: UNNAMED CREEK

County: MCCOOK
Pumping Pt. Legal: SEC 17-T103N-R54W
Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: _____ gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

Business was sold Aug 1 2000
To Terry Northerm + Jan Luken
@ above address

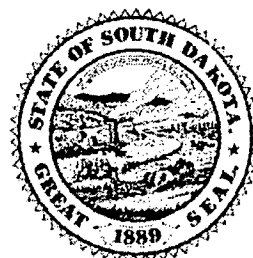
Contact Person:

John Luken

Telephone No:

425-2747

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.



Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2001

No. 6135-3

Outskirts Sportsbar
T & J Inc.
c/o John Luken
Salem SD 57058

Dear Mr. Luken:

Thank you for returning the 2000 SD Water Use Questionnaire. The form indicates a change of ownership has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6135-3. The water permit is currently listed in the name of Todd F Schulte.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 2001

6135-3

John Luken
T & J Inc.
Outskirts Sportsbar
Salem, SD 57058

Dear Sir:

On January 31, 2001, we contacted you regarding ownership of Water Permit No. 6135-3, currently listed in the name of Todd F Schulte. The permit authorizes diversion of ground water for commercial purposes. Our January letter included a "Notice of Transfer of Ownership" form for use in filing the ownership change. To date, we have not heard from you concerning the ownership change.

In the event you no longer have the original transfer of ownership form, I am including an additional one. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires that any sale, grant, lease, conveyance or other transfer of a Water Permit to appropriate water be filed with our program within ninety days. If you are not the owners of the property described in the permit, please let us know. I have enclosed a copy of the permit for your review.

Thank you in advance for your help.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 3, 2001

6135-3

John Luken
T & J Inc.
Outskirts Sportsbar
Salem, SD 57058

Dear Sir:

On January 31st and April 26th, we contacted you regarding ownership of Water Permit No. 6135-3, currently listed in the name of Todd F Schulte. The permit authorizes diversion of ground water for commercial purposes. To date, we have not heard from you concerning the ownership change.

In the event you no longer have the original transfer of ownership form, I am including an additional one. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires that any sale, grant, lease, conveyance or other transfer of a Water Permit to appropriate water be filed with our program within ninety days. **If you are not the owners of the property described in the permit, please let us know.**

Thank you in advance for your help.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2003

No. 6135-3

John Luken
T & J Inc
Outskirts Sportsbar
Salem SD 57058

Dear Mr. Luken:

A review of our files indicates that several letters have been sent to you regarding the ownership of Water Permit No. 6135-3-3. Our files indicate this water permit is currently listed in the name of Todd F Schulte. To date, we have not received a response from you.

Enclosed is another partially completed *Notice of Transfer of Ownership* form. Please review and complete the form, making any necessary corrections or additions. The form should be signed by the present owner and returned to our office with a required filing fee of \$2.50. The check or money order can be made payable to the "Water Rights Program".

If this well is no longer being utilized for commercial purposes at the Outskirts Sportsbar or if you are no longer the owner, please let us know.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

Permit No. 6135-3
Vermillion 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, **November 9, 2010**, made a thorough examination of the water use system constructed by **McCook County Wildlife Club** of **PO Box 159, Salem SD 57058** holder of Permit No. **6135-3**, bearing the priority of **April 5, 1999** authorizing the diversion of **0.022** cu. ft. per second of the waters of **Pleistocene unknown aquifer** for **commercial** purposes, in **McCook** County.

Inspection contact & relationship
to permit holder, if applicable:

Troy Schwans – Treasurer (605) 425-2361 work; 421-1979 cell
Roger Jackson – Member (605) 421-0943 cell

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm:
- 2) Depth(s) 70 feet
- 3) Well log is available no
- 4) Comment:

Casing:

- 1) Diameter 6 inches
- 2) Length _____ feet
- 3) Type stainless steel

Screen:

- 1) Type stainless steel
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make Goulds
- 2) Model C48A93A06
- 3) Size
- 4) Capacity 10 GPM

Motor:

- 1) Make Goulds
- 2) Model No.
- 3) Horsepower rating ½ hp

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

- 1) Type pvc
- 2) Size 1½ inches
- 3) Length 85 feet

C. Works used to apply water to beneficial use:

Plumbing system for toilets and sinks.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17-T103N-R54W, 240' N and 295' W of the SE corner (43.717413/-97.329599). The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

Water supply for toilets and sinks at the facility.

The license should be issued for 0.022 cfs.

All structures, wells and lands on map yes

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

License once the transfer of ownership to the McCook County Wildlife Club is received.


Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: November 12, 2010

WATER RIGHT NO. 6135-3
McCook County Wildlife Club
November 12, 2010

R54W



SCALE

0 165 330 660 990 1,320 Feet

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 23, 2010

No. 6135-3

McCook County Wildlife Club
Troy Schwans, Treasurer
PO Box 159
Salem SD 57058

Dear Mr. Schwans:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6135-3. The water permit is currently listed in the name of Todd Schulte.

The transfer form should be checked over for accuracy and **signed by the new owner.** Upon completion, return the form to our office with a required filing fee of \$50.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/29, 20 10

RECEIVED OF McCook Co Wildlife Club Troy Schwan PO Box 159 Salem SD 57058

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6135-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04679

By

Lubal Erbe

Chief Engineer

RECEIVED

NOV 29 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6135-3

Date: 11/24/10

I/We request that Water Right/Permit No. 6135-3

formerly owned by: Todd Schulte

be transferred to: (name & address) McCook County Wildlife Club, PO Box 159, Salem SD 57058

Telephone No. 605-425-2361

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

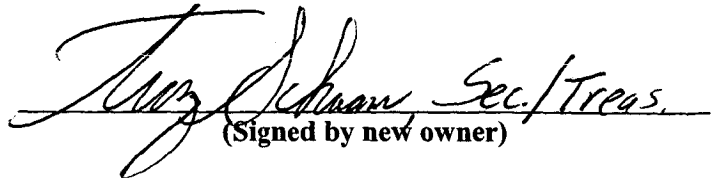
one well located in the SE ¼ SE ¼ Section 17-T103N-R54W

I/We understand that the validity of Water Right/Permit No. 6135-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We McCook County Wildlife Club, the new owner, certify that the above information is true and correct.
by Troy Schwans, Sec./Treas.


(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

FEB 11 2011

6135-3

McCook County Wildlife Club
c/o Troy Schwan
PO Box 159
Salem SD 57058

Dear Mr. Schwan:

Enclosed is Water License No. 6135-3. This is the final water right document completing the process of obtaining a Water Right. Also, included with the license is a map prepared by Lynn Beck, staff engineer who conducted the investigation and the receipt in the amount of \$50.00 which you paid for the transfer of ownership.

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. 6135-3, 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 the water is used beneficially, as stated in the Water License, State Water Laws provide a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6135-3

(1) Todd F. Schulte, Salem SD made Application No. 6135-3, April 5, 1999 for a water permit to divert 0.022 cubic feet of water per second from groundwater (one well), McCook County, South Dakota for commercial purposes. Permit No. 6135-3, with a priority date of April 5, 1999 was approved June 7, 1999 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On November 29, 2010, Water Permit No. 6135-3 was transferred to McCook County Wildlife Club, PO Box 159, Salem SD 57058.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6135-3 is issued a license, bearing a priority date of April 5, 1999 to appropriate 0.022 cubic feet of water per second from groundwater for commercial purposes.

The diversion point is located: 240 feet north and 295 feet west of the southeast corner Section 17-T103N-R54W (SE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6135-3.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 11 2011

date

