

WATER PERMIT NO. 6174-3

Name of Applicant: Cabela's Inc.

Address: 812 13th Ave, Sidney NE 69160 Phone: 308 254-8407

Amount of Water Claimed: 0.267 cfs (120 gpm) & 16.5 AF Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Davison

Type of Waste Disposal System:

Location: Mitchell

PRIORITY Date Received: 1-18-2000

Fee: \$225.00

Corrected Application Received:: 2-2-2000

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 27-

T103N-R60W

Land to be Irrigated: NA

Depth of Well: 383 feet deep

Well Driller: : Pullman Drilling

Remarks:

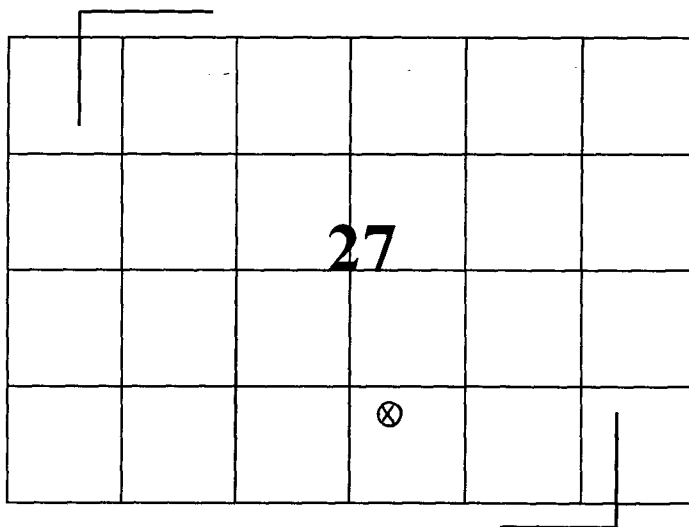
Type of Map: topo

Prepared by: Ellwyn A Nohr, PE

Reviewed and the Number Assigned on: 2-2-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6174-3

Date of first receipt of application January 18, 2000.

Date of return to applicant for corrections, amendments or changes January 18, 2000.

Date of receipt of corrected application February 2, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6174-3 to Cabela's Retail, Inc., c/o Al Lessman, 1 Cabela Dr., Sidney NE 69160 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. 6174-3 appropriates 0.267 cubic feet of water per second (120 gallons per minute) from one well (Dakota Formation) 383 feet deep located in the SW ¼ SE ¼ Section 27 to maintain a four acre lake (approximate 40 acre foot storage capacity) located in the SW ¼ SE ¼ Section 27; all in T103N-R60W.
2. The water appropriated shall be used for the purpose of supplying water for commercial and domestic uses and may not exceed the amount of water needed for beneficial use including supplying water for indoor aquariums.
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. 6174-3 is March 13, 2000.
5. The date from which applicant may claim right is January 18, 2000.
6. One-fifth of the construction is to be completed on or before September 13, 2002.
7. All construction is to be completed on or before March 13, 2005.
8. Water is to be put to beneficial use on or before March 13, 2009.
9. 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. The well authorized by Permit No. 6174-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

(continued)

Water Permit No. 6174-3

Cabela's Retail, Inc.

Page 2

3. No pumping from the well into the lake is authorized when the lake level is at or above 1,345.5 feet mean sea level.

WATER MANAGEMENT BOARD

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

APR 10 2000

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
805 773-3352

No. 6174-3 Hydrologic Unit 10160011
Basin DAMES RIVER
Newspaper DAILY REPUBLIC, MITCHELL, SD
(official 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 (over 18 gpm) ☐ Industrial ☐ Other

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1885) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment / Correction to Permit No. _____

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

- Name of Applicant Cabela's, Inc. Retail, Inc. Phone (308) 254 8407
Mailing Address 1124 S. Avenue I Cabela Dr. Sidney State Nebraska 69180
(Street, RR, or Box) (City)
- Amount of water claimed 0.267 *CFS or +/-120 ** GPM +/-16.5 ***AF
(* Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply: Groundwater
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
One well located in the SE 1/4 of Section 27, T 103 N, R 60W. (See attached map.)
dugout (small lake) SW 1/4 SE 1/4 Sec. 27 - T103N-R60W
- County or counties where water will be used Davison
- Annual period during which water is to be used January 1 through December 31.
- 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 will be used to provide water for an indoor aquarium and an outdoor it will be used to provide water for an indoor aquarium and will also keep adequate water for fish in a small lake on the Cabela's site.
It will also be put to domestic use to a limited extent.

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 DAVISON)

I, AL LESSMAN, 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.

RHONDA S. HOFFMAN
NOTARY PUBLIC
SOUTH DAKOTA

Subscribed and sworn to before me this

Signed:

13th

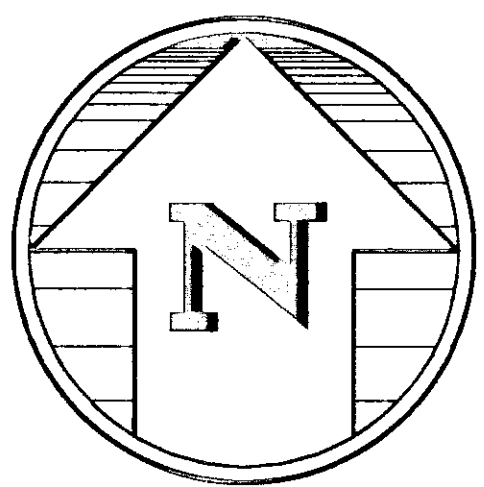
day of

January 11, 2000

My commission expires:

11/22/01

Rhonda S. Hoffman
Notary Public



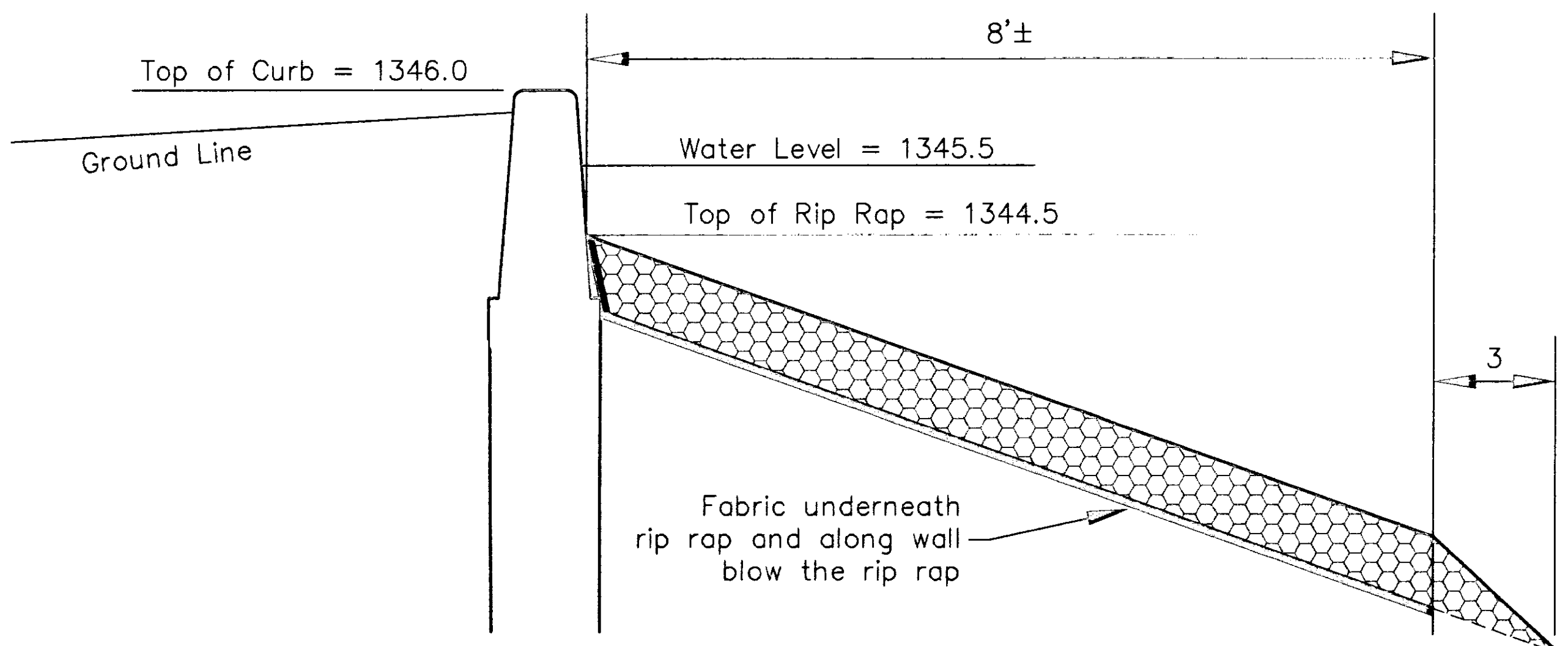
Scale: 1" = 20'

well driller

TOP LAKE WATER = ELEV. 1345.5

6174-3

Cabela Lake



Class A, S.D.D.O.T. Rip Rap
Min 10" thick x 17' with
3' tapered end section

KKE

Korsunsky Krank Erickson
Architects, Inc.

300 First Avenue North
Minneapolis, MN 55401
612/339-4200
FAX 342-9287



KRAUS-ANDERSON CONSTRUCTION CO.
CONTRACTORS & CONSTRUCTION MANAGERS
MIDWEST DIVISION

Cabela

CABELA'S RETAIL, INCORPORATED

MITCHELL
SOUTH DAKOTA

Schmucke Paul, Nohr Associates

SPRINT

ASSOCIATES

ENGINEERS - PLANNERS
SURVEYORS

620 North Lawler
P.O. Box 398
Mitchell, South Dakota
Zip 57301
Phone: (605) 996-7761
Fax: (605) 996-0015

SCHEMATICS

Cabela Lake Rip Rap Layout

No.	Date	Revision	Description

Project	98-08-1185-01	Sheet	
Date	12/18/99		
Drawn by	T.A.J.		
Checked by	E.A.N.		

Form 2A

(Complete applicable portions only)

Supplemental Information

(Type or print in ink)

1. Well information - Proposed Construction

a) Drill Hole Diameter 8 3/4" Depth 383'
 b) Casing Type PVC Diameter 6" Thickness 0.225"
 c) Screen Type PVC Diameter 5" Thickness 0.225"
 d) Gravel Pack Thickness 3" Length of Gravel Pack 73'
 e) Depth to Top of Water Bearing Material 318'
 f) Depth to Water (ground surface to water level) 65'
 g) Distance to nearest existing domestic well:
 On applicants property None On property owned by others More than 1000'

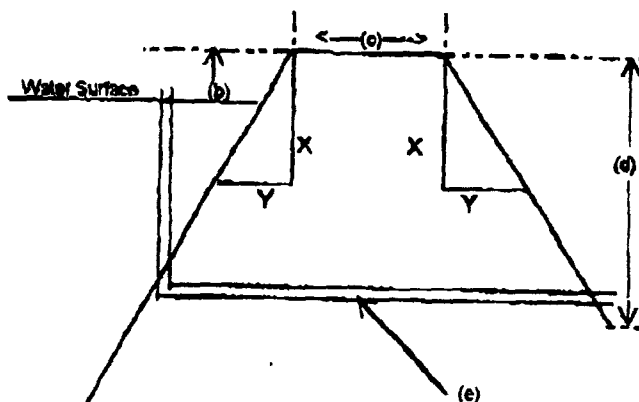
2. Dugout Information

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

3. 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, give 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



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416377

Pierre, February 2, 2000

RECEIVED OF Kraus-Anderson Construction Co., 8625 Rendova St. NE, Circle Pines, MN 55014
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6174-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By Harold Erbele 
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location ~~1/4~~ ~~1/4~~ Sec ~~27~~ Twp 103 Rg 60
 County SW SE 27 North
 Davison

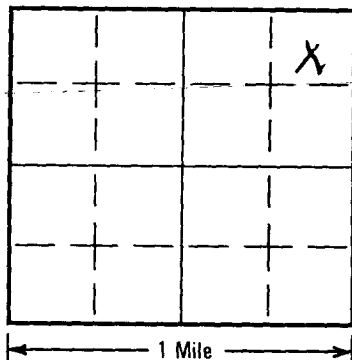
Please mark well location with an "X"

W

E

Well Completion Date

9/3/99



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from in field (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☒ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
 _____ LB/FT 5 IN 0 FT 310 FT 8 3/4 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
Cement 5 _____ lb./gal 0 ft. 20 ft
Vol. Clay 20 _____ lb./gal 20 ft. 300 ft

Describe grouting procedure _____

line to 300 ft.

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5 IN Length 77 FEET

Material PVC.

Slot Size 016 Set From 310 Feet to 383 Feet

Other information Gravel packed line to 310 ft.

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: pellets

NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: _____

Business Name: Cabelas Retail Incorporated

Address: Mitchell S.D.

601 E Quince St 57384

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
yellow clay	0	25
blue clay	25	88
chalk	88	106
shale	106	318
Fair sand	318	383

STATIC WATER LEVEL

6.5

Feet

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____

GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: 150 bpm

☐ Bailed

air compressed

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped

_____ ft. After _____ Hrs. pumped

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

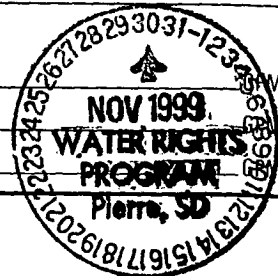
Drilling firm Pullmanwell Drilling

Signature of License Representative:

R. E. Kuehl

Signature of Well Owner or Equitable Property Holder:

Date: _____

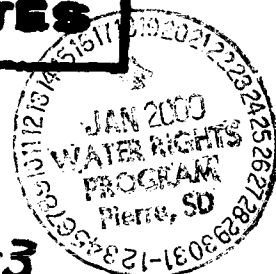


This is a detailed topographic map of a rural area in South Dakota, showing sections 26, 27, 28, 33, 34, and 35. The map includes features such as Dakota Wesleyan University, Cabela's Well, Sunset Memorial Park, and various roads and trails. A specific location is marked as the S.W. corner of S.E. 1/4 of Section 27.

Key features and labels on the map include:

- Section Numbers:** 26, 27, 28, 33, 34, 35.
- Geographic Features:** Dakota Wesleyan University, Cabela's Well, Sunset Memorial Park, Gravel Pit, Trailer Park, and various ponds and streams.
- Roads and Trails:** Highway 90, Highway 16, and various local roads and trails.
- Other Labels:** "S.W. corner of S.E. 1/4 of Section 27", "SECTION LINE", "VA LINE", "ARM 1351", "1345", "1330", "1324", "1360", "1343", "1342", "1302", "1312", "1320", "1326", "1340", "1341", "1342", "1343", "1344", "1345", "1346", "1347", "1348", "1349", "1350", "1351", "1352", "1353", "1354", "1355", "1356", "1357", "1358", "1359", "1360", "1361", "1362", "1363", "1364", "1365", "1366", "1367", "1368", "1369", "1370", "1371", "1372", "1373", "1374", "1375", "1376", "1377", "1378", "1379", "1380", "1381", "1382", "1383", "1384", "1385", "1386", "1387", "1388", "1389", "1390", "1391", "1392", "1393", "1394", "1395", "1396", "1397", "1398", "1399", "1400", "1401", "1402", "1403", "1404", "1405", "1406", "1407", "1408", "1409", "1410", "1411", "1412", "1413", "1414", "1415", "1416", "1417", "1418", "1419", "1420", "1421", "1422", "1423", "1424", "1425", "1426", "1427", "1428", "1429", "1430", "1431", "1432", "1433", "1434", "1435", "1436", "1437", "1438", "1439", "1440", "1441", 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"1942", "1943", "1944", "1945", "1946", "1947", "1948", "1949", "1950", "1951", "19

**SPN
ASSOCIATES**



6174-3

November 2, 1999

Al Lessman
Facilities System Liaison Coordinator
Cabelas Inc
812 13th Avenue
Sidney NE 69160

BOX 398 • MITCHELL, S. DAK. 57301 • PHONE (605) 996-7761 • FAX (605) 996-0015

RE: Cabela's Well Permit
Mitchell, South Dakota
SPN #9953.5

SCHMUCKER, PAUL, NOHR & ASSOCIATES

ENGINEERS
SURVEYORS

Dear Mr. Lessman:

Enclosed please find two copies of the water rights application for the above referenced project. Both need to be signed before a Notary Public and sent to the address on the form. There will be a fee for the water right. There may also be publication costs for "public notice" requirements. The Department of Environment and Natural Resources (DENR) will bill you for those costs once they receive the permit application.

Thank you for your attention to this matter. If there is any other information that you need, please contact our office.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES

Jay A. Larson, Project Administrator

JAL:rh

Enclosures



FILE



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 10, 1999

Al Lissman
Facilities Systems Liaison Coordinator
Cabela's Incorporated
812 13th Ave
Sidney NB 69160

Dear Mr. Lissman:

I am writing in regard to a well driller's report filed by Pullman Well Drilling. The report indicates a well was completed for Cabela's Inc. on September 3, 1999. According to South Dakota state law, a water right permit is needed for any water use except for reasonable, private domestic use.

Previous discussions with Jay Larson, with the engineering firm Schmucker, Paul and Nohr in Mitchell, indicate that they are working with you to prepare the *Application for a Permit to Appropriate Water* for water use at the Mitchell location. Our understanding is this well will be used for irrigating turf and landscaping around the facility and maintaining a 4 acre pond.

This is just a reminder that pursuant to South Dakota law, a water right permit is required prior to using water. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

January 14, 2000

BOX 398 • MITCHELL, S. DAK. 57301 • PHONE (605) 996-7761 • FAX (605) 996-0015

Karen Schlaak
Water Rights Program
Dept of Environment and Natural Resources
523 East Capitol
Pierre SD 57501

RE: Cabela's Well Permit
Mitchell, South Dakota
SPN #9953.5



SCHMUCKER, PAUL, NOHR & ASSOCIATES

**ENGINEERS
SURVEYORS**

Dear Ms. Schlaak:

Enclosed please find a water right application for a well at the Cabela's project in Mitchell. Also enclosed is a copy of the letter that we sent to Cabela's in relation to the application. In the letter we indicated that the application fee would be billed to the owner.

Thank you for your assistance in this matter.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES

Jay A. Larson, Project Administrator

JAL:rh

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2000

Al Lessman
Facilities System Liaison Coordinator
Cabela's Inc.
812 13th Ave
Sidney NE 69160

Dear Mr. Lessman:

Thank you for submitting the *Application for a Permit to Appropriate Water* for the Cabela's project in Mitchell SD. Enclosed is an invoice for the application filing fee.

You should be aware that we can not proceed with processing the application until the fee has been submitted.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: Jay Larson, Project Administrator
Schmucker, Paul, Nohr & Associates



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

* INVOICE *

Invoice No. 2020-8-01/18/2000

Al Lissman
Facilities Systems Liaison Coordinator
Cabela's Incorporated
812 13th Ave.
Sidney, NE 69160

Application Fee:	\$225.00
Final Inspection Fee:	\$ 50.00
Total Application Fee Due:	\$275.00

PLEASE PAY THIS AMOUNT:	\$275.00
--------------------------------	-----------------


KAREN SCHLAACK
Environmental Scientist
Water Rights Program
(605) 773-3352

January 24, 2000

BOX 398 • MITCHELL, S. DAK. 57301 • PHONE (605) 996-7761 • FAX (605) 996-0015

Karen Schlaak
Division of Water Rights
Dept of Environment and Natural Resources
523 East Capitol
Pierre SD 57501

RE: Cabela's Water Rights
Mitchell, South Dakota
SPN #9953.5



SCHMUCKER, PAUL, NOHR & ASSOCIATES

**ENGINEERS
SURVEYORS**

Dear Ms. Schlaak:

Enclosed please find a plan sheet that shows the profile of the lake at the Cabela's site. You will note that the lake has a proposed surface elevation of 1345.5 (MSL) and the lowest proposed depth is an elevation of 1329. This would make the lake approximately 16½ feet deep at its deepest point.

I believe this is the information that you were looking for. If you need additional information, please contact our office.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES

Jay A. Larson, Project Administrator

JAL:rh

Enclosure

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6174-3, Cabela's, Inc.**

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. 6174-3, Cabela's, Inc., c/o Al Lissman, Facilities Systems Liaison Coordinator, 812 13th Avenue, Sidney Nebraska 69160.

The Chief Engineer is recommending APPROVAL of Application No. 6174-3 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. 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. The well authorized by Permit No. 6174-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. No pumping from the well into the lake is authorized when the lake level is at or above 1,345.5 feet mean sea level.

See report on application for additional information.



Garland Erbele, Chief Engineer
February 14, 2000

REPORT ON WATER PERMIT APPLICATION NO. 6174-3

for Cabela's Inc.

February 8, 2000

Application No. 6174-3 proposes to appropriate 0.267 cfs (120 gpm) from one well approximately 383 feet deep located in the SW 1/4 SE 1/4 of Section 27 to maintain a small lake (16.5 acre feet annual diversion) located in the SW 1/4 SE 1/4 of Section 27; all in T103N-R60W in Davison County. The well will also provide water for indoor aquariums and domestic use.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale which is under confined or artesian conditions at this site. The aquifer underlies 340 square miles and contains an estimated 4.8 million acre feet of water in storage in Davison and Hanson Counties (Hansen, 1983). Nearly all of the stored water is within Davison County. The direction of water movement is basically from west to northeast across Davison County with the Dakota "pinching out" in the subsurface at about the Hanson-Davison County line. The driller's log filed with the application indicates glacial sediments from the surface to 88 feet, 88 feet to 106 feet chalk (Niobrara), 106 feet to 319 shale (Carlile-Greenhorn-Graneros) followed by sand from 318 feet to 383 feet (Dakota) all below land surface. The completed well had a static water level of 65 feet below land surface and was capable of producing 150 gpm using air to develop.

Water levels in the Dakota aquifer have declined about 100 feet in the Mitchell area since 1909 (Schoon, 1971). Data collected by the USGS from about 1960 to 1989 indicate a net water level decline for a Dakota aquifer domestic well of about 11 feet in the area northwest of Mitchell. These observations conform with records for the Dakota aquifer for other areas in South Dakota. In the early 1900's water levels declined at a greater rate than now. This phenomena is similar to an aquifer test. The magnitude of drawdown early in the test is greater than the drawdown later in the test when conditions begin to approach equilibrium.

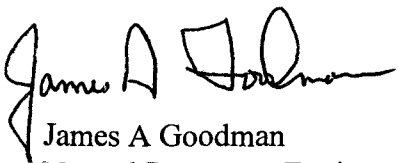
The Water Rights Program does monitor an observation well (AU-89A) completed into the Dakota formation located about 25 miles west of this application. A hydrograph for this well is included with this report. This data also indicates a continued decline in water levels for the Dakota Formation at a rate of about one-third foot per year (Water Rights, 2000).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights which obtain water from the Dakota formation in this area. Interference is not a concern. Most of the domestic wells in this area are completed into either the Niobrara or Codell Formations which are separated from the Dakota by shale and are not in hydraulic communication.

CONCLUSIONS

1. Water is available from the Dakota aquifer.
2. The aquifer is confined and under artesian conditions. Water levels will fluctuate as a result of pumping. This drawdown is not expected to cause adverse affects in the area. Interference is not expected to be a concern.
3. This well has been constructed in accordance with SD Well Construction Standards.
4. Well water will be used to maintain the water level in a constructed pond. The permit allows 16.5 acre feet per year to be used for this purpose.
5. This facility will also obtain water from and dispose of wastewater through the City of Mitchell.



James A Goodman
Natural Resources Engineer

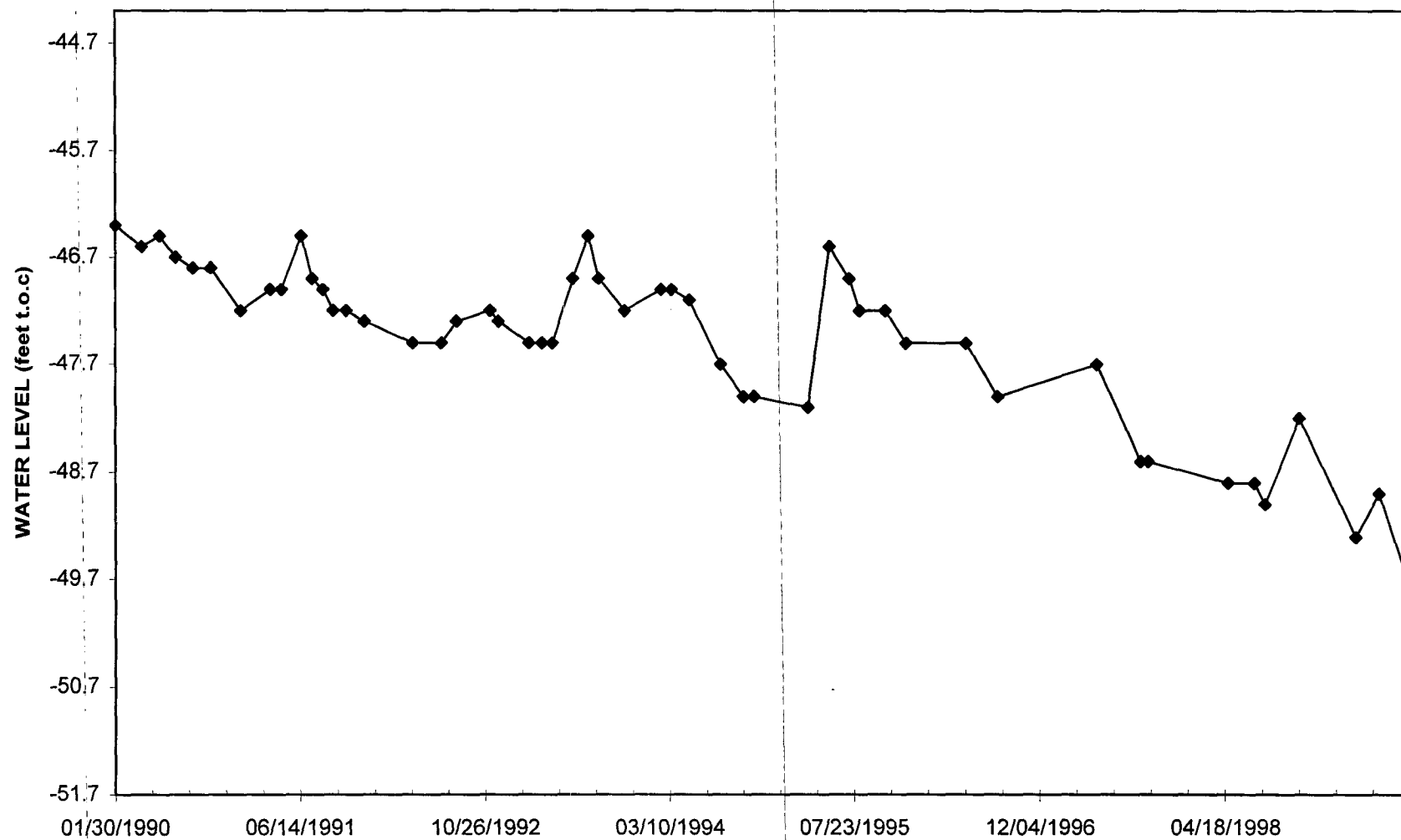
BIBLIOGRAPHY

Hansen, D.S., 1983, Water Resources of Hanson and Davison Counties, South Dakota, Water Resources Investigations Report 83-4108, USGS, Huron, SD, 57350.

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SDGS, Vermillion, SD, 57069.

Water Rights, 2000, Unpublished Observation well Data for the Dakota Formation, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
AU-89A**





**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.

February 15, 2000

Cabela's, Inc.
%Al Lissman
Facilities Systems Liaison Coordinator
812 13th Ave.
Sidney, NE 69160

Dear Mr. Lissman:

Water Permit Application No. 6174-3 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 Daily Republic printed at Mitchell, SD (Ph # (605) 996-5514). 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

c: Jay Larson, Schmucker, Paul, Nohr & Associates, Box 398, Mitchell, SD 57301

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

February 15, 2000

Daily Republic
P.O. Box 1288
Mitchell, SD 57301-1288

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6174-3 to Appropriate Water to be published twice. Please publish the first notice on February 23, 2000, 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 Cabela's, Inc., %Al Lissman, Facilities Systems Liaison Coordinator, 812 13th Ave., Sidney, NE 69160 (Ph # (308) 254-8407).

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. 6174-3

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

Date _____

We are in receipt of your letter of February 15, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6174-3 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 February 23, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6174-3 to Appropriate Water

Notice is given that Cabela's Inc., 812 13th Ave, Sidney NE 69160 has filed an application for a water permit to appropriate 0.267 cubic feet of water per second (120 gallons per minute) from one well (Dakota Formation) 383 feet deep located in the SW ¼ SE ¼ Section 27 to maintain a four acre lake (approximate 40 acre foot storage capacity) located in the SW ¼ SE ¼ Section 27; all in T103N-R60W. The well will also provide water for commercial and domestic uses, including supplying water for indoor aquariums.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6174-3 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 March 13, 2000.

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.

Affidavit of Publication



NOTICE OF APPLICATION

NO. 6174-3

to Appropriate Water

Notice is given that Cabela's Retail Inc. 1 Cabela Dr. Sidney, NE 69160 has filed an application for a water permit to appropriate 0.267 cubic feet of water per second (120 gallons per minute) from one well (Dakota Formation) 383 feet deep located in the SW 1/4 SE 1/4 Section 27 to maintain a four acre lake (approximate 40 acre foot storage capacity) located in the SW 1/4 SE 1/4 Section 27, all in T103N R60W. The well will also provide water for commercial and domestic uses, including supplying water for indoor aquariums.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6174-3 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 March 13, 2000.

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AFFIDAVIT OF PUBLICATION

STATE OF)
SOUTH DAKOTA)
COUNTY OF DAVISON)

Noel Hamiel of said county being first duly sworn, on oath says that he is the publisher of The Daily Republic, and that The Daily Republic is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2, as amended, published at Mitchell, Davison County, South Dakota; that affiant is and during all of said times was, an employee of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for 2 successive issues, bearing the following dates:

February 23	20 00	20
March 01	2000	20
	20	20

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 89.26, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Noel Hamiel

Subscribed and sworn to before me this
03 day of March A.B., 20 00.

Kathy Hoffmann

Notary Public

County of Hanson, S.D.

My Commission Expires: OCT 8 2003

In _____ Court
County of _____

Publisher's and Attorney's
Affidavit

Filed in the office of

on the _____ day of

_____, 20 ____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

Cabela's Retail, Inc.
%Al Lessman
1 Cabela Drive
Sidney, NE 69160

Dear Mr. Lessman:

Enclosed is Water Permit No. 6174-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 6174-3
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, August 26, 2004, made a thorough examination of the water use system constructed by Cabela's Retail, Inc., c/o Al Lessman of 1 Cabela Dr., Sidney NE 69160 holder of Permit No. 6174-3, bearing the priority of January 18, 2000 authorizing the diversion of 0.267 cu. ft. per second of the waters of ground water (Dakota Formation) for commercial/domestic purposes, in Davison County.

Inspection contact & relationship to permit holder, if applicable: **Jack Hinrichs**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Drilling
- 2) No. of Wells 1
- 3) Depth(s) 383 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 310 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 73 feet
- 3) Static water level 65 feet

Motor/Pump:

- 1) Make submersible
- 2) Size unknown
- 3) Capacity 100 GPM

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

Water is delivered via a distribution system to meet commercial and domestic needs including maintenance of the lake (approximately 4 surface acres) water level.

C. Compliance with Permit Requirements:

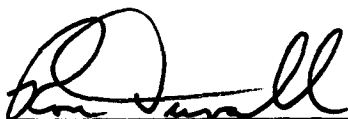
- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Well: 2,100 feet W and 900 feet N from the SE corner of section 27-T103N-R60W (SW $\frac{1}{4}$ SE $\frac{1}{4}$ - Latitude 43.69010, Longitude -98.01474).

The works are capable of diverting and conveying to the place of use 0.22 cu. ft. per second of water which is to be used for commercial/domestic purposes including maintaining the lake water level ($\approx$ 40 acre-feet capacity.)

Water has been put to beneficial use to the maximum extent and the license should be issued for 0.22 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: None



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: November 16, 2004

Scale: 1 inch equals 535 feet

750

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall

Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Nov 16, 2004

Water Right No. 6174-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 19 2004

6174-3

Al Lessman
Cabela's Retail Inc
1 Cabela Dr
Sidney NE 69160

Dear Mr. Lessman:

Enclosed is Water License No. 6174-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6174-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6174-3

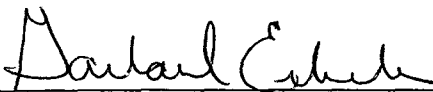
(1) Cabela's Retail, Inc, % Al Lessman, 1 Cabela Dr., Sidney, NE 69160 made Application No. 6174-3, January 18, 2000 for a water permit to divert 0.267 cubic feet of water per second from ground water (one well - Dakota Formation), Davison County, South Dakota for commercial and domestic purposes. Permit No. 6174-3, with a priority date of January 18, 2000 was approved March 13, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 13, 2005 and for the application to beneficial use of water on or before March 13, 2009.

(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, Cabela's Retail, Inc, % Al Lessman, 1 Cabela Dr., Sidney, NE 69160 the holder and/or owner of Water Right No. 6174-3 is issued a license, bearing a priority date of January 18, 2000 to appropriate 0.22 cubic feet of water per second from ground water (one well - Dakota Formation) for commercial and domestic purposes. The use includes maintaining the lake (approximately 4 surface acres) water level with an approximate storage capacity of 40 acre-feet.

The diversion point (well) is located 2,100 feet west and 900 feet north of the SE corner of Section 27, T103N, R60W (SW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6174-3 including the following qualifications:

- 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.
- The well authorized by Permit No. 6174-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- No pumping from the well into the lake is authorized when the lake level is at or above 1,345.5 feet mean sea level.



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

NOV 19 2004

date

