

WATER PERMIT NO. 6278-3

Name of Applicant: ROI, Inc. dba Roykota Resort

Address: 116199 Roykota Dr., Lake City SD 57247

Phone: 605 448-2551

Amount of Water Claimed: 0.12 cfs

Total Acres: 15

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Marshall

Type of Waste Disposal System:

Location: east side of Roy Lake or 2 miles south of Lake City

PRIORITY Date Received: 8-16-01

Fee: \$150

Corrected Application Received: 8-23-01

Period of Annual Use: April 15 – October 15

Remarks: irrigate a golf course

Diversion Point: SE ¼ SW ¼ Sec 27-T126N-R55W

Land to be Irrigated: SE ¼ SW ¼, SW ¼ SE ¼
Sec 27-T126N-R55W

Depth of Well: 250 feet

Well Driller: : M & W Drilling

Remarks:

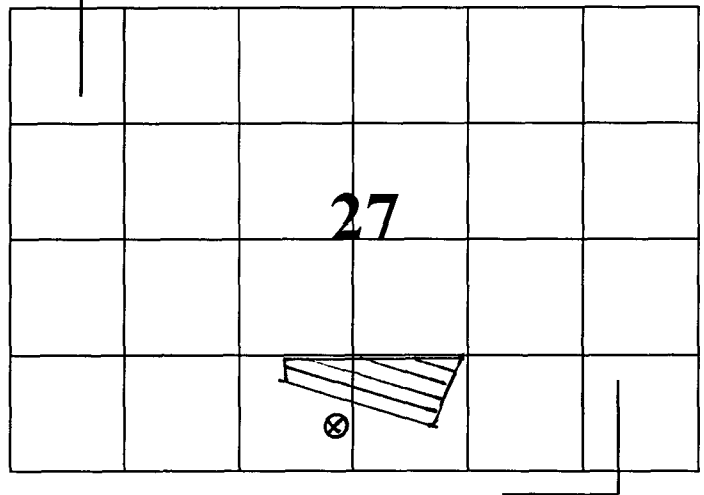
Type of Map: aerial

Prepared by: Kent L. Duerre, NRCS

Reviewed and the Number Assigned on: 8-23-01

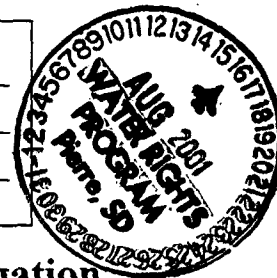
By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6278-3</u>	Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	
	Newspaper <u>Britton Journal, Britton</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ 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 ROI Inc DBA Roykota Resort Phone 605-448-3551
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 116799 Roykota Dr Lake City State SD 57247
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.12 *CFS or 55 **GPM ***AF Total Acreage 15
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in SE1/4 SE1/4
Sec 27 Twp 126N 54W (SE1/4 SW1/4) County MARSHALL
- County or counties where water will be used MARSHALL
- Annual period during which water is to be used APRIL 15 - OCT 15 Annually
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE1/4 SE1/4 Sec 27 Twp 126N 55W	13		
SW1/4 SE1/4 Sec 27 Twp 126N 55W	2		
SE1/4 SW1/4	2		
SW1/4 SE1/4	13		

- Give a description of the project. (Attach sheet if more space is needed)
 water is to irrigate 9 (nine) 3000 sq FT grass greens
 And 2000 ft of 100 ft wide Fairways on existing golf course

STATE OF SOUTH DAKOTA)
County of Marshall SS

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, Kent L. Puerre, 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 Kent L. Puerre

Subscribed and sworn to before me this 15th day of August 2001

Carroll D. Curran
Notary Public signature

Supplemental Information

Roykata Resort

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9 Depth 250 FT
- b) Casing Type PVC Diameter 5" Thickness Sch 80
- c) Screen Type PVC Diameter 5" Thickness Sch 80
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 204 FT
- f) Depth to Water (ground surface to water level) 30 FT
- g) Distance to nearest existing domestic well:
- On applicants property 1000 FT On property owned by others 900 FT

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

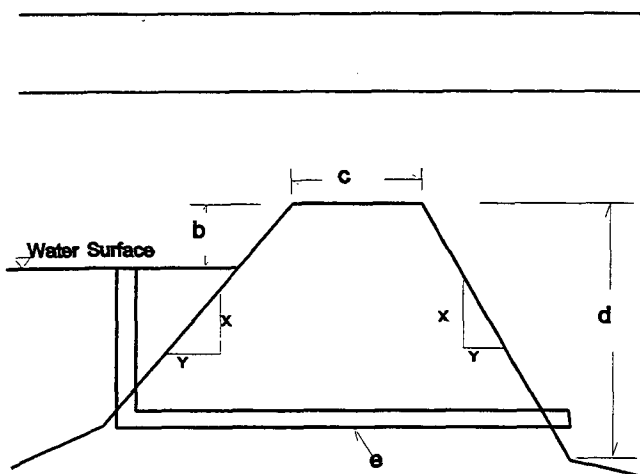
3. Dugout Information

- 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

SOUTH DAKOTA
WATER PERMIT NO. 6278-3

Date of first receipt of application August 16, 2001.

Date of return to applicant for corrections, amendments or changes August 16, 2001.

Date of receipt of corrected application August 23, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6278-3 to ROI, Inc., DBA Roykota Resort, 116799 Roykota Dr., Lake City SD 57247 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. 6278-3 appropriates 0.12 cubic feet of water per second (55 gallons per minute) from one well (Prairie Coteau Aquifer) 250 feet deep located in the SE ¼ SW ¼ Section 27 to irrigate 15 acres of a golf course located in portions of the SE ¼ SW ¼ and the SW ¼ SE ¼ Section 27; all in T126N-R55W.
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 15- October 15.
3. The date from which applicant may claim right is August 16, 2001.
4. The date of approval of Permit No. 6278-3 is October 22, 2001.
5. ~~One-fifth of the construction is to be completed on or before April 22, 2004.~~
6. All construction is to be completed on or before October 22, 2006.
7. Water is to be put to beneficial use on or before October 22, 2010.
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. 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. 6278-3 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.

WATER MANAGEMENT BOARD

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

DEC 07 2001
date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416890

Pierre, August 16, 20 01

RECEIVED OF Roykota Resort, 116799 Roykota Dr, Lake City SD 57247
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 _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

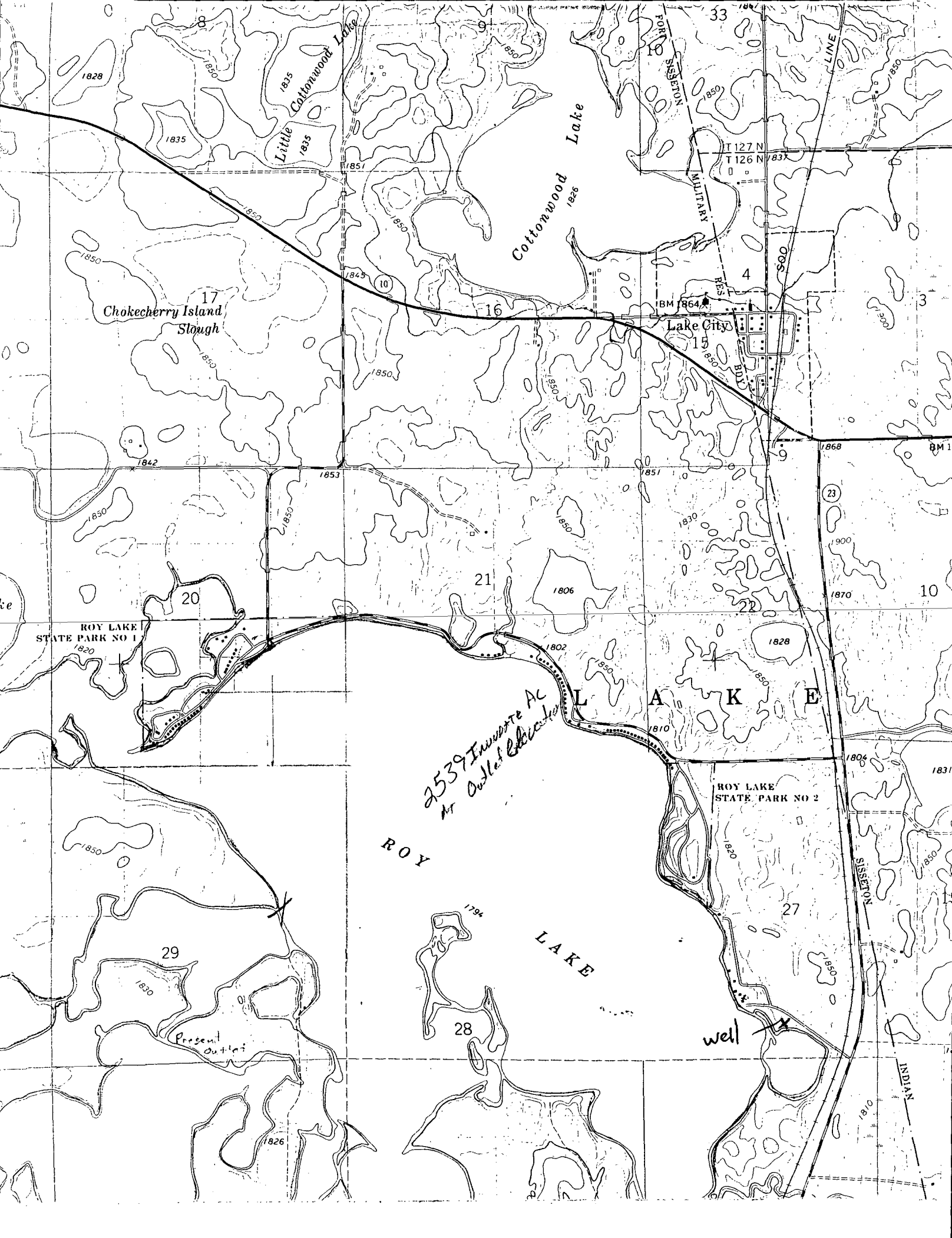
(Any Other Work Provided by Law)	Total	200 00

By

Harland Erbelev
Chief Engineer /K5

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP





17
Chokecherry Island
Slough

ROY LAKE
STATE PARK NO 1

2539 Inmate AC
At Outlet Education

ROY

LAKE

ROY LAKE
STATE PARK NO 2

well

INDIAN

Lake City

Cottonwood Lake

Little Cottonwood Lake

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6278-3

10-85

Location SE 1/4, SE 1/4 Sec 27 Twp 126 Rg 54

County

Marshall

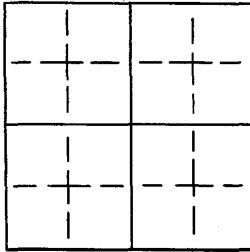
North

55W

Please mark well location with an "X"

W

E



1 mile

Well Completion Date 8-4-01

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>6 1/2</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>220</u> FT	<u>9</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 35 FEETWhat is grouting material? Neat CementIf cement, number of sacks? 10Describe grouting procedure pumped cement down Tremie line to 35'What was grout weight? 1 bag to 6 gal water LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 30 FEETMaterial PVCSlot Size 0.020 Set From 220 Feet To 240 FeetSlot Size 0.040 Set From 240 Feet To 250 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Bent Grout 200-35 in Tremie PipekgWas well disinfected upon completion? ☒ YES ☐ NOExplain chlorinated water To Flush ChlorineBacteriological analysis ☒ YES ☐ NOLaboratory sent to state Health Dept

Well Owner:

Name

Rockota Resort ROI Inc.

Address

Lake City SD 57247

Well Log:

Depth

Formation

From

To

Top Soil02yellow clay228Blue clay2835sand3540Blue clay4080Blue clay Till80132sand132136Blue clay136204sand204235Coarse sand235250STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other: specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: set Submersible Pump and measured the Drawdown

Pumping Level Below Land Surface

23 ft. After 2 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

RECEIVED

FEB 11 2002

WATER RIGHTS PROGRAM

This well was drilled under license # 434

And this report is true and accurate.

Drilling firm M. W. Drilling

Signature of License Representative:

G. W. S.

Signature of Well Owner:

Tom Clapham

Date

8-10-01

2-11-02



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

~~August 16, 2001~~

Aug 22, 2001

From: ROI Inc. dba Roykota Resort
Ken L. Duerre
116799 Roykota Dr.
Lake City SD 57247

Dear Mr. Duerre:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Roykota Resort. In order to complete the application the following is required.

Enclosed is the aerial photo submitted with the application. On the map, please outline the location of the 15 acres to be irrigated. = note area highlighted in yellow

Item No. 4 of the application states the well is located in the SE ¼ SE ¼ Section 27-T126N-R54W. Enclosed is a copy of a topographic map for the area. It appears that the location of the well is the SE ¼ SW ¼ Section 27. Do you agree with this location? *yes I do - note area on topog map*

If you have any questions, please contact me.

Sincerely,

To: Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352

enclosures

*I hope this is all info
you need call if
questions 698-3923*

Kond





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6278-3, ROI, 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. 6278-3, ROI, Inc., dba Roykota Resort, c/o Kent L. Duerre, 116799 Roykota Drive, Lake City SD 57247.

The Chief Engineer is recommending APPROVAL of Application No. 6278-3 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. 6278-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 24, 2001

REPORT ON WATER PERMIT APPLICATION NO. 6278-3
for ROI, Inc.
September 10, 2001

Application No. 6278-3 proposes to appropriate 0.12 cfs (55 gpm) from one well approximately 250 feet deep located in the SE 1/4 SW 1/4 of section 27 to irrigate 15 acres of a golf course located in portions of the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 of section 27; all in T126N R55W in Marshall County.

AQUIFER - PRAIRIE COTEAU (PCO)

The Prairie Coteau is a buried outwash (sand and gravel) which is under artesian conditions at this site. The aquifer underlies 492,800 acres and contains an estimated 1.478 million acre feet of recoverable water in storage in Marshall County (Hedges, 1982). The driller's log filed with the application indicates mostly clay from the surface to a depth of 204 feet with sand from 204 to 235 feet and coarse sand from 235 to 250 feet. This is the aquifer and producing zone. The completed well had a static water level of 20 feet below land surface and the well was capable of producing 50 gpm with three feet of drawdown.

The county study report (Koch, 1975) indicates that an aquifer Koch named either the Marday or the Eden is probably the source of ground water for this application. Both of these aquifers and others were grouped together in the later study and called the Prairie Coteau aquifer system.

The Water Rights Program does not monitor any observation wells completed into the Prairie Coteau aquifer in this area. Water level records are available only for the shallow Coteau Lakes aquifer in this area.

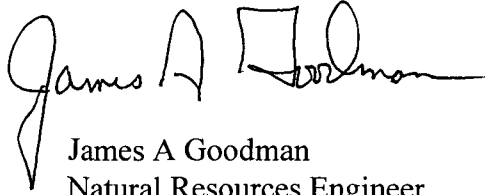
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 5588-3 (0.033 cfs, 138 feet deep) also for the Rykota Resort which is located about 900 northwest of this application. The well for this application and the existing permitted well are not completed into the same water source and should not affect one another. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Prairie Coteau aquifer system.
2. The aquifer is confined and under artesian conditions at this site. Drawdown created by pumping at this relatively small rate is not expected to be significant. Initial testing indicates only three feet of drawdown in the production well when pumped at a rate of 50 gpm. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.

4. The applicant already holds water permit No. 5588-3 which is located near this application. The source of water for each appears to be different and interference is not a concern.

A handwritten signature in black ink, appearing to read "James A. Goodman". The signature is fluid and cursive, with a large initial "J" and "G".

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Koch, N.C., 1975, Geology and Water Resources of Marshall County, South Dakota, Bulletin 23, SD DENR, SDGS, Vermillion, SD, 57069.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 24, 2001

Britton Journal
Box 69
Britton, SD 57430-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6278-3 to Appropriate Water to be published twice. Please publish the first notice on October 3, 2001 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 ROI, Inc. , dba Roykota Resort, Attn: Kent L. Duerre, 116799 Roykota Dr. , Lake City, SD 57247 (Ph # 605-448-2531).

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. 6278-3

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

Date _____

We are in receipt of your letter of September 24, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6278-3 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 57501-3182
www.state.sd.us/denr

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

September 24, 2001

ROI Inc. dba Roykota Resort
Kent L. Duerre
116799 Roykota Dr.
Lake City, SD 57247

Dear Mr. Duerre:

Water Permit Application No. 6278-3 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 Britton Journal printed at Britton, SD (Ph # 605-448-2281). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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.

Instruction to Newspaper - Publish first Notice on October 3, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6278-3 to Appropriate Water

Notice is given that ROI, Inc. dba Roykota Resort, 116799 Roykota Dr, Lake City SD 57247 has filed an application for a water permit to appropriate 0.12 cubic feet of water per second (55 gallons per minute) from one well (Prairie Coteau Aquifer) 250 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 to irrigate 15 acres of a golf course located in portions of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; all in T126N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6278-3 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 October 22, 2001.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Marshall.

2T(Oct. 3-10)

NOTICE OF APPLICATION NO. 6278-3 TO APPROPRIATE WATER

Notice is given that ROI, Inc. dba Roykota Resort, 116799 Roykota Dr., Lake City, SD 57247 has filed an application for a water permit to appropriate 0.12 cubic feet of water per second (55 gallons per minute) from one well (Prairie Coteau Aquifer) 250 feet deep located in the SE1/4SW1/4 Section 27 to irrigate 15 acres of a golf course located in portions of the SE1/4SW1/4 and the SW1/4SE1/4 Section 27; all in T126N-R55W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6278-3 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.

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county, being first duly sworn on oath says that he is publisher of the BRITTON JOURNAL, a weekly newspaper printed and published in the City of Britton, in the County of Marshall, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks, next prior to the publication of the notice herein mentioned and is printed wholly or in part in an office at said place of publication;

that the

Notice of Application No. 6278-3
To Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

October 3, 2001

October 10, 2001

that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever, and that the fee for the publication thereof

Thirty-two and $\frac{61}{100}$

DOLLARS

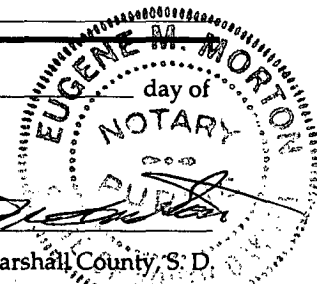
Subscribed and sworn to before me this

October

A. D., 2001

Eugene M. Morton - Notary Public - S. Dak.
My Commission Expires June 18, 2002

Notary Public, Marshall County, S. D.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DEC 07 2001

ROI, Inc.,
Roykota Resort
116799 Roykota Dr
Lake City SD 57247

Dear Sir:

Enclosed is Water Permit No. 6278-3 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

RECEIVED

SEP 20 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-18-07TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Tom Epsahl - Roy Roth Reservoir
(name)116749 Roy Roth Dr
(address)LAKY CITY, SD 57247
(city, state, zip)605-448-2551
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6278-3 states that the water use system is to be constructed by

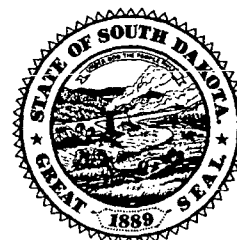
10-22-06, and water is to be put to beneficial use by 10-22-2010.
(date) (date)

The water use system was completed on 10-18-06.
(date)

Applying the water to beneficial use was completed on Sept 1 - 2007.
(date)

You may schedule an investigation so that the water license may be issued.

Tom Epsahl
(signature)



Permit No. 6278-3
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, **September 18, 2007**, made a thorough examination of the water use system constructed by **ROI Inc, dba RoyKota Resort** of **116799 RoyKota Dr., Lake City, SD 57247** holder of Permit No. **6278-3**, bearing the priority of **August 16, 2001** authorizing the diversion of **0.12** cu. ft. per second of the waters of the **Prairie Coteau Aquifer** for **Irrigation** purposes, in **Marshall** County.

Inspection contact & relationship to permit holder, if applicable: **Tom Opsahl, Mgr., ⁴488-2551**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Manikowski Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **250** feet
- 4) Well log is available **Y**
- 5) Comments **Information for the casing and screen is taken from Form 2A as the well log was not properly filled out.**

Casing:

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

Screen:

- 1) Type **Plastic**
- 2) Length **Unknown** feet
- 3) Static water level **20** feet

Pump:

- 1) Make **Grundfos Submersible**
- 2) Model
- 3) Size **5 hp**
- 4) Capacity **50** GPM

Report of Examination of Works

Permit No. ~~5588-3~~
6279-3

B. Compliance with Permit Requirements:

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

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

Approximately 655 feet north and 2470 feet east of the SW corner of Section 27-T126N-R55W
(N 45.69071, W -97.41235) (SE ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second of water which is to be used for Commercial Use. Water has been put to beneficial use to the maximum extent as follows:

Section 27-T126N-R55W

SW ¼ SE ¼ - 13 acres

SE ¼ SW ¼ - 2 acres

Total: 15 acres

The license should be issued for 0.11 cfs.

All structures, wells and lands on map Y

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



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **January 7, 2008**

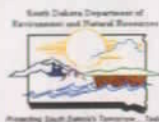
ROI, Inc., dba RoyKota Resort
116799 Roykota Dr
Lake City, SD 57247

Water Permit No. 5588-3 and 6278-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 7, 2008



0 315 630 1,260 1,890 2,520 Feet



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 27 2000

5588-3
6278-3

Tom Opsahl, Manager
Roykota Resort
116799 Roykota Dr.
Lake City SD 57247

Dear Mr. Opsahl:

Enclosed are Water License Nos. 5588-3 and 6278-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed is a receipt for \$50.00 which you paid for the investigation and issuance of the Water License. Also, included is a map prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5588-3 and 6278-3, 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 Licenses, 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. 6278-3

(1) ROI, Inc., dba Roykota Resort, 116799 Roykota Dr, Lake City SD 57247 made Application No. 6278-3, August 16, 2001 for a water permit to divert 0.12 cubic feet of water per second from groundwater (one well), Marshall County, South Dakota for irrigation purposes. Permit No. 6278-3, with a priority date of August 16, 2001 was approved October 22, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 22, 2006 and for the application to beneficial use of water on or before October 22, 2010.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 20, 2007. The *Notice* stated the diversion system was completed on October 18, 2006 and the water placed to beneficial use on September 1, 2001.

(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. 6278-3 is issued a license, bearing a priority date of August 16, 2001 to appropriate 0.11 cubic feet of water per second from groundwater to irrigate 15 acres.

The diversion point is located: approximately 655 feet north and 2,470 feet east of the southwest corner of Section 27-T126N-R55W (SE ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 27-T126N-R55W	SW ¼ SE ¼	13 acres
	SE ¼ SW ¼	2 acres
	Total	15 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6278-3 including the following now applicable 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. 6278-3 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.


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

JUN 27 2008
date



RECEIVED

OCT 08 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 6278-3

Date: 10-1-09

I/We request that Water Right/Permit No. 6278-3 formerly owned by:

Roykota Resort ROT Inc be transferred to:

New Owner Name: Roy View Golf Course Roy View LLC

Address: 116750 Roykota Dr

City, State, Zip LAKE CITY SD 57247 Telephone No. 605-448-2727
2386-Home

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

☒ I understand that the validity of Water Right/Permit No. 6278-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Tom Opsahl, the new owner, certify that the above information is true and correct.

Tom Opsahl
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/8, 20 09

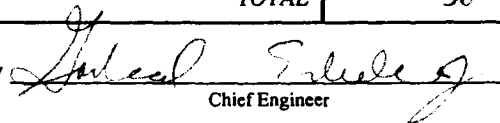
RECEIVED OF Roy View LLC 116750 Roykota Dr Lake City SD 57247

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>6278-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 64110

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 14, 2009

6278-3

Tom Opsahl
Roy View LLC
Roy View Golf Course
116750 Roykota Dr
Lake City SD 57247

Dear Mr. Opsahl:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 6278-3. The ownership change has been completed. The water right formerly held by Roykota Resort ROI Inc is now listed in the name of Roy View LLC dba Roy View Golf Course.

Enclosed is your Receipt No. 04226 in the amount of \$50.00. You may keep this for your records.

The application you submitted for change of diversion point is being processed separately. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

6278-3

RECEIVED

OCT 08 2009

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6278-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) SACL 46-5-13.1
no addition

1. Name of Applicant Roy View Golf Course Roy View LLC Phone 605-448-2386
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 116750 Roy View Dr Lake City State SD 57247
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed _____ *CFS or 50 **GPM _____ ***AF Total Acreage _____
(*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 270' deep

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Marshall
1 well sec 27 T126N R55W

5. County or counties where water will be used Marshall

6. Annual period during which water is to be used May - Oct starting 2010

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 Sec 27 T126N R55W	13	SE 1/4 SW 1/4 Sec 27 T126N R55W	2

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

Dig new well, old well is on property sold
old well will be sealed by well driller B. Manikowski
to be completed June 1, 2010

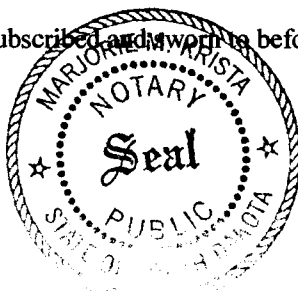
STATE OF SOUTH DAKOTA) SS
County of Marshall

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, Tom Opsahl, 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 Tom Opsahl

Subscribed and sworn to before me this 6 day of October 2009



Marjorie M. Kriska
Notary Public signature

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter ? Depth 270'
- b) Casing Type PVC Diameter 5" Thickness SCH 80
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 199'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
On applicants property none On property owned by others NH

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

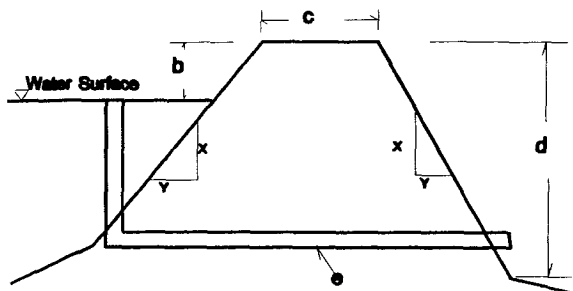
3. Dugout Information

- 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

RECEIVED

OCT 08 2009

ROI, Inc., dba RoyKota Resort
116799 Roykota Dr
Lake City, SD 57247

WATER RIGHTS
PROGRAM

Water Permit No. 5588-3 and 6278-3



Mitch De Luca

Approval of a Change of Diversion Point

NAME: Roy View LLC – Roy View Golf Course

ADDRESS: 116750 RoyKota Drive, Lake City SD 57247

DATE: June 23, 2010 **COUNTY:** Marshall **TELEPHONE:** 605 448-2727

BACKGROUND:

Water Right No. 6278-3 appropriates 0.11 cubic feet of water per second (50 gpm) from one well to be completed into the Prairie Coteau Aquifer located in the SE ¼ SW ¼ Section 27, T126N, R55W. The water is used for irrigation of 15 acres located in the SW ¼ SE ¼, SE ¼ SW ¼ Section 27, T126N, R55W. This is for irrigating a small golf course.

Roy View LLC has filed a request to change the location of the well approximately 600 feet north west of the location it was drilled in 2001 when the water permit was originally obtained. The new is still in the SE ¼ SW ¼ Section 27, T126N, R55W. The request indicates the original well is on land that has been sold and it will be sealed by the well driller when the new well is drilled.

Spoke with Tom Opsahl on June 23, 2010 to inquiry about the status of the original well since it was on property sold to another individual when the property transaction took place. Mr. Opsahl stated it was part of the agreement that the old well be plugged. He stating this plugging did take place by the driller (Manikowski) when he was there to drill the new well.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 6278-3 is the Prairie Coteau Aquifer. The depth of the original well is 250 feet and the proposed replacement well is completed into this source at a total depth of 270 feet. The new well has been drilled but the Water Rights Program has not received the well completion report from the driller yet

No additional appropriation of water is requested. The existing water right authorizes a total diversion of 0.11 cfs (50 gpm) from the well. The request states that only 50 gpm is intended to be the capacity of the new well

- **Review of Existing Diversions**

The map provided with the request shows the new well's proximity in relation to another existing well held by ROI, Inc. (5588-3) which is for commercial use at the resort. Mr. Opsahl has indicated that the resort well is plugged. The change in well location will put the new well approximately 180 closer (480 feet away instead of 650 feet) to the resort well. Even if the resort well is not abandoned, the permit holder can manage diversions. Roy Lake is developed with numerous lake cabins. A review of well completion

reports in the sections encompassing Section 27 finds seven domestic wells (5 wells in Section 21, one well in Section 22 and one well in Section 27). Well depths range from 61 feet to 185 feet. Inference is not a concern. The nearest domestic well is 170 feet deep and approximately 980 feet north east of the new well location. This presumes the well driller's portrayal of the well location is correct.

A review of water rights in the area was also conducted. There are surface water rights for the various area lakes held by Department of Game, Fish and Parks. These will not be impacted by this change. There are no other water rights from ground water within a two mile radius. The closest water right from the Prairie Coteau Aquifer is held by Lake City approximately 2 ½ miles to the north. The distance between wells and small diversion rate will certainly limit the potential for interference between wells.

CONCLUSION

- The change in the well location does not appropriate additional water.
- The replacement well is to be completed in the Prairie Coteau Aquifer. The source of water remains the same.
- Interference is not expected to be a concern.
- Existing domestic wells will not be adversely impacted by authorizing this change in well location.
- The abandoned well has been plugged.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change of diversion point of well location be authorized.

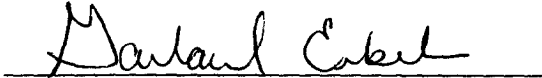


Eric Gronlund

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer

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

June 24, 2010

Tom Opsahl
RoyView LLC
116750 Roykota Drive
Lake City SD 57247

Dear Mr. Opsahl:

I am writing in regard to the request to change the location of the well authorized by Water Right No. 6278-3.

Water Right No. 6278-3 appropriates 0.11 cubic feet of water per second (50 gpm) from one well to be completed into the Prairie Coteau Aquifer located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T126N, R55W. The water is used for irrigation of 15 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T126N, R55W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in the well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. If the peak rate diverted from the new well exceeds the authorized amount of 0.11 cubic feet of water per second, a new water right permit will need to be obtained.

The abandoned well shall be plugged in accordance the South Dakota Well Construction Standards.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

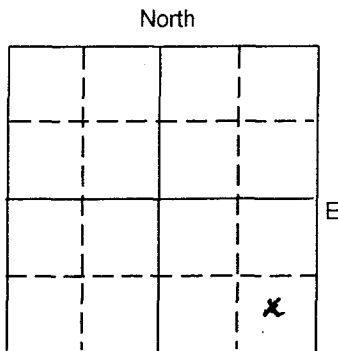
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6278-3

11-02

Location SE 1/4 SE 1/4 Sec 27 Twp 126 Rg 54

County Marshall



Please mark well location with an "X"

Well completion Date 6-7-10

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

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>class 5000</u>	<u>5</u> IN	<u>+1</u> FT	<u>232</u> FT	<u>9</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type High Solids Bentonite Grout No. of Sacks 14 Bags Grout Weight 8.82 Lb/gal From 0 Ft To 210 Ft
Describe grouting procedure Tremie line Bottom to Top

SCREEN: ☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 30 Feet
Material PVC
Slot Size 1020 Set From 232 Feet to 262 Feet
Other information Red Flint Sandpack 60 to 65

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? chlorinated water

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Business Name: Roy View Golf Course

Address1:

Address2:

City, State, Zip: Lake City, SD 57247

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Yellow clay</u>	<u>2</u>	<u>21</u>
<u>Gravel</u>	<u>21</u>	<u>27</u>
<u>Blue clay Till</u>	<u>27</u>	<u>145</u>
<u>Gravel</u>	<u>145</u>	<u>152</u>
<u>Blue clay Till</u>	<u>152</u>	<u>230</u>
<u>Medium sands</u>	<u>232</u>	<u>262</u>
<u>Blue clay and sand layers</u>	<u>262</u>	<u>280</u>

STATIC WATER LEVEL 45 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Air lift

☐ Bailed

☐ Other

Pumping Level Below Land Surface

145 Ft. After 2 Hrs. pumped 75 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED
JAN 20 2011
WATER RIGHTS PROGRAM

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm: Manikowski Well Drilling, Inc.

Signature of License Representative Raymond Manikowski

Signature of Well Owner or Equitable Property Holder:

Date:

Please return **WHITE COPY** to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501

6278-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 14, 2022

6278-3

8408-3

Robert Novotny
10035 County Rd 19
Lidgerwood ND 58053

Dear Mr. Novotny:

I am contacting you regarding Water Right No. 6278-3 and Water Permit No. 8408-3, both listed under Roy View LLC. They authorize irrigation of the golf course by Lake City SD. The manager of the golf course notified our program that you purchased the land back in September 2021.

Since ownership has changed, both Nos. 6278-3 and 8408-3 will need to be transferred. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of Water Right No. 6278-3 and Water Permit No. 8408-3 for your records. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

6278-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date July 5, 2022RECEIVED OF Robert A Novotny 10035 County Rd 19 Lidgerwood ND 58053

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. _____	\$ _____
Fee for Filing Transfer Form <u>6278-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By *Eric Gronlund*
 Chief Engineer
vm

6278-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 6, 2022

6278-3
8408-3

Robert Novotny
10035 County Rd 19
Lidgerwood ND 58053

Dear Mr. Novotny:

We received the transfer forms and filing fees from you July 5th for changing ownership on Water Right No. 6278-3 and Water Permit No. 8408-3, both listed under Roy View LLC.

I am returning the forms back to you for completion. The area highlighted in yellow needs to be completed with the name you want to have them transferred to. If you want them directly into your name that is fine or if you want them in the golf course name or something else, write the name and address in the blank provided.

The filing fees have already been paid and no further fees are necessary. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

PAID

JUL 5 2022

Ck# 7456

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL 05 2022

OFFICE OF
WATER

No. 6278-3

Date RECEIVED

JUL 22 2022

OFFICE OF
WATER

I/We request that Water Right No. 6278-3

formerly owned by: Roy View LLC

be transferred to: (name & address)

Robert A. Novotny
10035 Cty. Rd 19
58053
Lidgerwood ND
Telephone No. 701-538-2483

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

15 acres within the S 1/2 Section 27, T126N, R55W (golf course)

I/We understand that the validity of Water Right No. 6278-3 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 Robert Novotny, the new owner, certify that the above information is true and correct.

(Signed by new owner)

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 25, 2022

6278-3
8408-3

Robert Novotny
10035 County Rd 19
Lidgerwood ND 58053

Dear Mr. Novotny:

We have received the completed transfer forms for changing ownership on Water Right No. 6278-3 and Water Permit No. 8408-3.

The ownership changes have been completed. Nos. 6278-3 and 8408-3, formerly held by Roy View LLC are now listed under your name.

The receipts for the filing fees you paid are enclosed. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: ROBERT A NOVOTNY, 10035 CTY RD 19, LIDGERWOOD, ND 58053

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 6278-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 8408-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 8408-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 6278-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UQKRGL**

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

March 6, 2023

6278-3
8408-3

Robert A Novotny
10035 Cty Rd 19
Lidgerwood ND 58053

Dear Mr. Novotny:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit Nos. 6278-3 and 8408-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: ROBERT A NOVOTNY, 10035 CNTY RD 19, LIDGERWOOD, ND 58053

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 6278-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 8408-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 8408-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 6278-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VHYBUT**

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

January 14, 2025

NOTICE

TO: ROBERT A NOVOTNY, 10035 CNTY RD 19, LIDGERWOOD, ND 58053

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 6278-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 8408-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 8408-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 6278-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

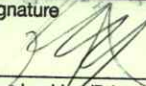
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **EXLMXM****

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.

6278-3

8408-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Agent ☒ Addressee X 	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
ROBERT NOVOTNY 10035 COUNTY RD 19 LIDGERWOOD ND 58503		ROBERT NOVOTNY	03/14/25
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
9590 9402 6392 0303 3255 18			
7021 1970 0000 9489 7493			
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	



6278-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2025

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Robert A Novotny, 10035 County Rd 19, Lidgerwood ND 58503

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: Amendment to Water Right No. 6278-3

On March 5, 2025, the Water Management Board amended Water Right No. 6278-3 to add the follow qualification:

“This Water Right is subject to the Irrigation Water Use Questionnaire being submitted each year.”

This action was taken by the Board for failure to return the 2024 irrigation questionnaire. The addition of this qualification means that failure to submit the required irrigation questionnaire in the future could result in suspension or cancellation of the Water Right.

Please contact Amanda Dewell (605) 773-3352 with any questions.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--|
| ☐ Return Receipt (hardcopy) | \$ | |
| ☐ Return Receipt (electronic) | \$ | |
| ☐ Certified Mail Restricted Delivery | \$ | |
| ☐ Adult Signature Required | \$ | |
| ☐ Adult Signature Restricted Delivery | \$ | |

Postmark
Here

Post

\$

Total

\$

Seni

Stre

City

ROBERT A NOVOTNY

10035 COUNTY RD 19

LIDGERWOOD ND 58503

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7021 1970 0000 9489 7585

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF AMENDMENT OF WATER RIGHT, NOTICE OF ENTRY OF ORDER (ONE & THREE YEAR SUSPENSION OF WATER RIGHTS) dated March 6, 2025, via certified mail to the following parties.

Walter Heine
PO Box 145
Blunt SD 57522

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

James & Joan McElhany
45840 SD Hwy 22
Castlewood SD 57223

Layna Saathoff
46044 199th St
Bruce SD 57220

Makens Oak Tree LLP
c/o Michael Makens
PO Box 274
Clark SD 57552

John or Byran Uecker
PO Box 573
Wagner SD 57380

Selby Community Golf Course
201 S Railway St
Selby SD 57472

Lane Tekrony
47840 180th St
Clear Lake SD 57226

Charlotte Nichols
c/o Philip Nichols
7497 Rolling Meadow Dr
West Chester OH 45069

Saddle Butte Angus
c/o Larry May
20545 May Rd
Interior SD 57750

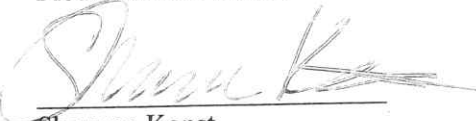
Robert Novotny
10035 County Rd 19
Lidgerwood ND 58503

Stop Drop Lock Inc
c/o Karl Schenk
44352 308th St
Mission Hills SD 57046

Todd Block
PO Box 114
Roslyn SD 57261

Ryan Edwards
25331 Yellow Eagle Rd
White River SD 57579

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont SD 57769


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



8408-3 3 6278-3

ALERT: SEVERE WEATHER IN THE SOUTHEAST AND CENTRAL U.S AND WINTER STORMS IN ...

USPS Tracking®

FAQs >

Tracking Number:

Remove X

7021197000094897585

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at a postal facility at 8:52 am on March 14, 2025 in LIDGERWOOD, ND 58053.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Postal Facility

LIDGERWOOD, ND 58053

March 14, 2025, 8:52 am

See All Tracking History

Feedback

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package



6278-3

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6278-3

Date: 4-18-25

I/We request that Water Right/Permit No. 6278-3 formerly owned by:

Robert Novotny - Lidgerwood ND

be transferred to:

New Owner Name:

Roy View Country Club LLC

Address:

116750 Roykota Drive mobile: 605-268-0398

City, State, Zip

Lake City, SD 57247 email: thomassatrang@gmail.com

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

Section 27-T126N-R55W

SW 1/4 SE 1/4 - 13 acres

SE 1/4 SW 1/4 - 2 acres

TOTAL: 15 acres

☒ I understand that the validity of Water Right/Permit No. 6278-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Thomas E. Satrang, the new owner, certify that the above information is true and correct.

Thomas E. Satrang President
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 25th, 2025

RECEIVED OF Roy View Country Club LLC 116750 Dakota Drive Lake City SD 57247

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. _____	\$ _____
Fee for Filing Transfer Form #6278-3 and #8408-3	\$ <u>100.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>100.00</u>

By Mark Mayer
Chief Engineer

Se