

WATER PERMIT NO. 6284-3

Name of Applicant: Bud's Resort

Address: RR 1 Box 83, Waubay SD 57273

Phone: 605 947-4490

Amount of Water Claimed: 0.009 (4 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial

County: Day

Type of Waste Disposal System:

Location: Enemy Swim Lake

PRIORITY Date Received: 12-10-2001

Fee: \$50

Corrected Application Received::

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ NW ¼ Sec 15-
T123N-R53W

Land to be Irrigated: NA

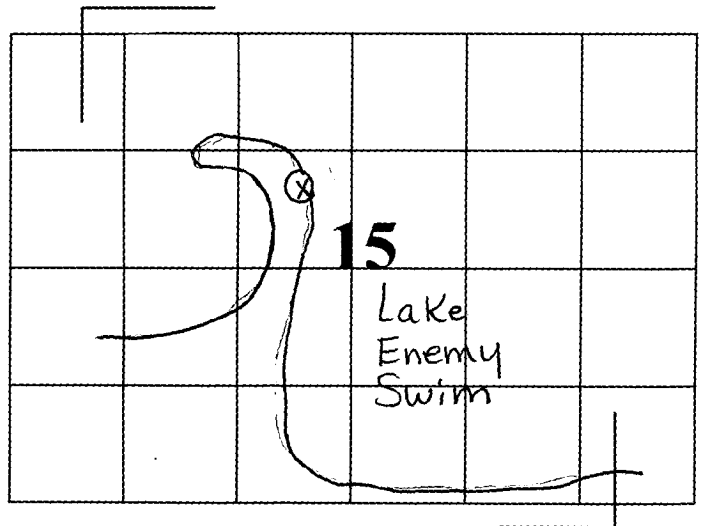
Depth of Well: 10 feet deep

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Stacy J Johnson



Reviewed and the Number Assigned on: 12-20-01

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6284-3**

Date of first receipt of application December 10, 2001.

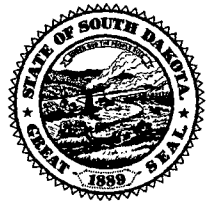
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6284-3 to Bud's Resort, RR 1 Box 83, Waubay SD 57273 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6284-3 appropriates 4 gallons per minute from one well (Coteau Lakes Aquifer) 10 feet deep located in the SE ¼ NW ¼ Section 15-T123N-R53W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use in a bait and repair shop and may not exceed the amount of water needed for beneficial use.
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. 6284-3 is February 11, 2002.
5. The date from which applicant may claim right is December 10, 2001.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

MAY 31 2002
date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6284-3</u>	(office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Reporter & Farmer, Webster</u>	



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

Check use(s) 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, 1955) ☐ Future Use Reservation
(check one)
Place to Beneficial Use Water Reserved by Future Use Permit No. _____
Amendment/Correction to Permit No. _____

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

- Name of Applicant Bud's Resort Phone 605-947-4490
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR 1 BOX 83 Waubay. State S.D. 57273
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.009 *CFS or 4.0 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply _____
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well for bait in Section 15 T123N.-R53W on Lot 2 of
Sub. 101-2 (SE 1/4 NW 1/4) County DAY.
- County or counties where water will be used DAY
- Annual period during which water is to be used 12 months Jan 1 - Dec 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 is a small driven sandpoint drive into ground 10' pumps water out for 1/2 small bait tanks and 1 wash room in Bait and repair shop. Used 12 months of the year.

STATE OF SOUTH DAKOTA)
County of DAY 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, Dennis Feldmeyer, 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 Dennis Feldmeyer

Subscribed and sworn to before me this 7th day of December 20 01

CONNIE L. WAGNER
Notary Public - South Dakota
My Commission Expires March 27, 2005

Connie L. Wagner
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 1 1/4" Depth 10'
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type #70 Sandpoints Diameter 1 1/4" Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 1 1/2 ft.
- g) Distance to nearest existing domestic well:
On applicants property 55' On property owned by others 65'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic tank.
- b) System Capacity (gallons) 1000 Year Constructed 1994
- c) Connected to the City of None Sanitary System None

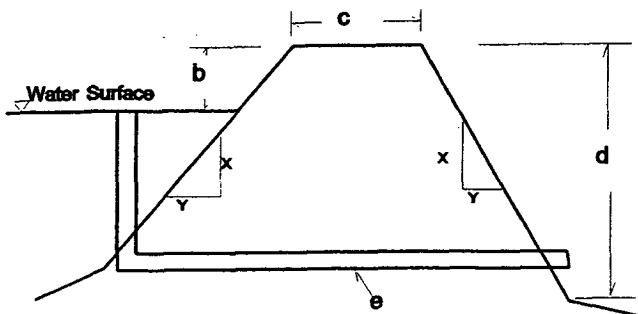
3. Dugout Information

- 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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417013

Pierre, DECEMBER 10, 2001

RECEIVED OF Eud's Resort, Dennis Feldmeyer, Rt 1 Box 83, Waubay, SD 57273
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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By Darland Erbe
Chief Engineer *gmt*

REPORT ON WATER PERMIT APPLICATION NO. 6284-3
For Bud's Resort
January 10, 2002

Application No. 6284-3 proposes to appropriate 0.009 cfs (4 gpm) from one well approximately 10 feet deep located in the SE ¼ NW ¼ of section 15, T123N R53W in Day County. The water is for commercial use in a bait and repair shop.

AQUIFER – COTEAU LAKES (COL)

The Coteau Lakes aquifer is an outwash (sand and gravel) which is under predominantly water table conditions in this area. The aquifer underlies 58,200 acres and contains an estimated 130,910+ acre-feet of recoverable water in storage in Day County alone (Hedges, 1982). The aquifer extends into Roberts and Codington Counties to the east and south. The Coteau Lakes aquifer is hydraulically connected to some area lakes and this application is obviously hydraulically connected to Enemy Swim Lake.

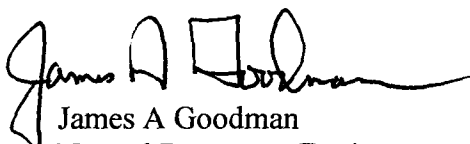
The Water Rights Program monitors one observation well, RB-81C, which is completed into the Coteau Lakes aquifer and located about three miles east of this application. The water level for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer can sustain additional withdrawals (Water Rights, 2002). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four other water right/permit Nos. 5599-3, 5648-3, 5569-3 and 5570-3 which obtain water from the Coteau Lakes aquifer and are within one-half mile of this application. This application is for the same facility as Nos. 5569-3 and 5570-3. Interference is not a concern. This request is only for four gallons per minute and any drawdown will not be significant.

CONCLUSIONS

1. Water is available from the Coteau Lakes aquifer.
2. The aquifer is under water table conditions. Pumping at the rate requested by this application would not affect any other water user.
3. This well is a sandpoint and is not constructed in accordance with SD Well Construction Standards.
4. Apparently this well is used for a bait shop, repair shop and washroom. This well should be sampled frequently to determine if the water is safe for consumption.

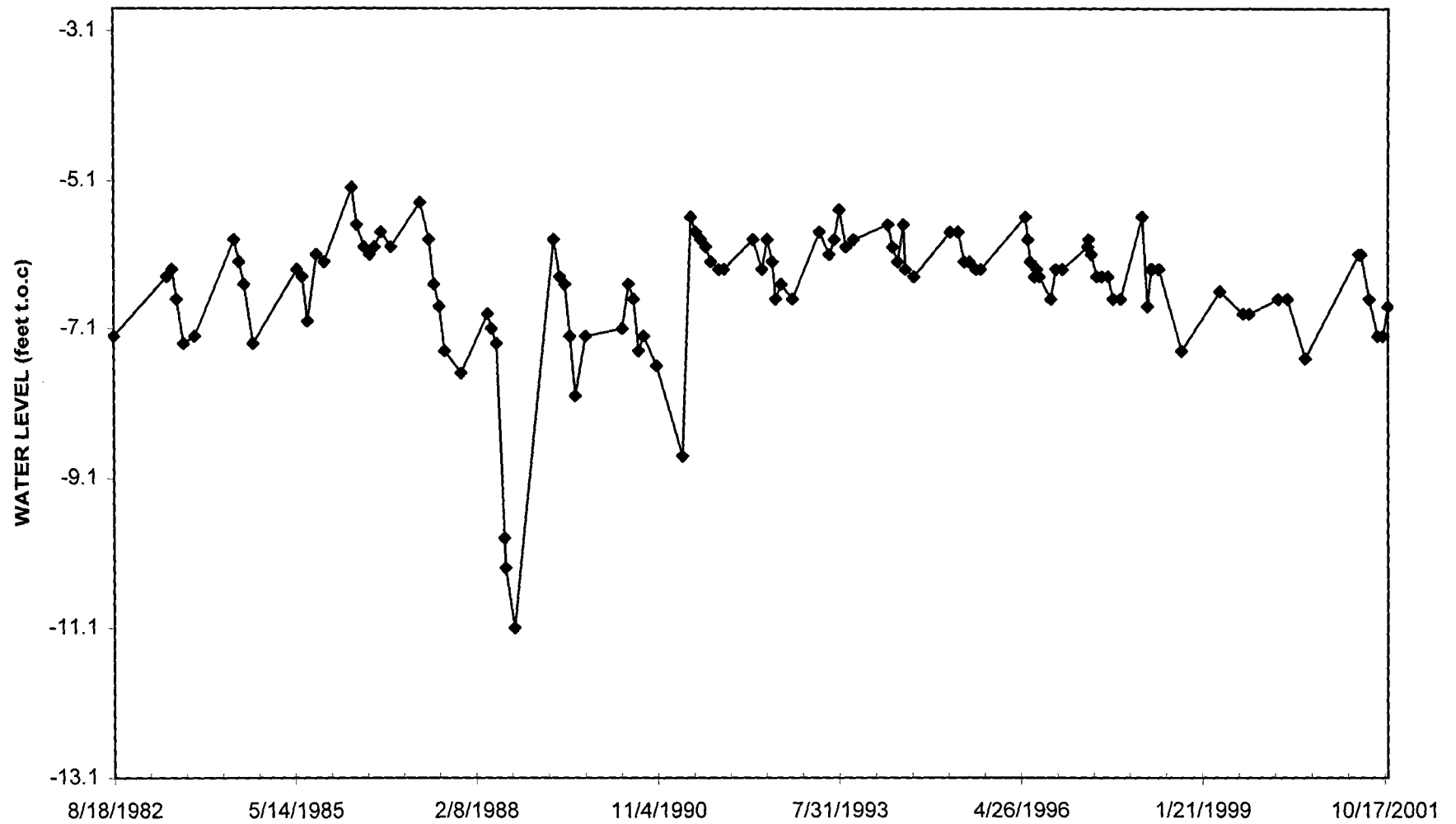

James A Goodman
Natural Resources Engineer

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.

Water Rights, 2002, Unpublished Observation Well Records for the Coteau Lakes Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
RB-81C**





**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. 6284-3, Bud's Resort**

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. 6284-3, Bud's Resort, c/o Dennis Feldmeyer, RR 1 Box 83, Waubay SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 6284-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 11, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2002

Reporter & Farmer
Box 30
Webster, SD 57274-0030

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6284-3 to Appropriate Water to be published twice. Please publish the first notice on January 21, 2002 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 Dennis Feldmeyer, Bud's Resort, RR 1 Box 83, Waubay, SD 57273 (Ph # 605-947-4490).

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. 6284-3

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

Date _____

We are in receipt of your letter of January 14, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6284-3 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.

January 11, 2002

Dennis Feldmeyer
Bud's Resort
RR 1 Box 83
Waubay, SD 57273

Dear Mr. Feldmeyer:

Water Permit Application No. 6284-3 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 Reporter & Farmer printed at Webster, SD (Ph # 605-345-3356). 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.

AFFIDAVIT OF PUBLICATION

County of Day
State of South Dakota,

SS.

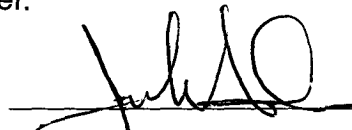
OK

John Suhr, of said county and state being duly sworn on oath, says: That the Reporter & Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, John Suhr, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed Water Application, Bud's Resort, a printed copy of which is hereunto attached, was printed and published in the said newspaper two successive and complete issues as follows:

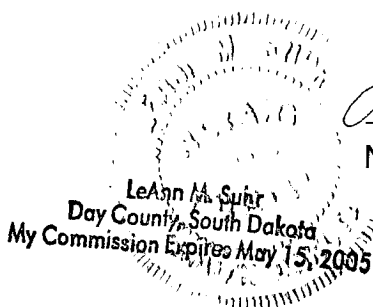
First Publication	Jan. 21, 2002;
Second Publication	Jan. 28, 2002;
Third Publication	;
Fourth Publication	;
Fifth Publication	;

That the full amount of fees for publication of the annexed notice is \$42.44 and inures solely to the Reporter & Farmer, published by The Day County Printing company, that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid any person whomsoever.

Subscribed and sworn to before me this 28th day of January, 2002.



Notary Public, Day County, South Dakota



Notice of application

(First Jan. 21)

NOTICE OF APPLICATION

No. 6284-3 to Appropriate Water

Notice is given that Bud's Resort, RR1 Box 83, Waubay, SD 57273 has filed an application for a water permit to appropriate four gallons per minute from one well (Coteau Lakes Aquifer) 10 feet deep located in the SE1/4NW1/4 Section 15-T123N-R53W. The water is for commercial use in a bait and repair shop.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6284-3 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

to appropriate water

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 Feb. 8, 2002.

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
(Last Jan. 28)



Instruction to Newspaper - Publish first Notice on January 21, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6284-3 to Appropriate Water

Notice is given that Bud's Resort, RR 1 Box 83, Waubay SD 57273 has filed an application for a water permit to appropriate 4 gallons per minute from one well (Coteau Lakes Aquifer) 10 feet deep located in the SE ¼ NW ¼ Section 15-T123N-R53W. The water is for commercial use in a bait and repair shop.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6284-3 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 February 8, 2002.

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.

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Dennis Feldmeyer

File No. 6284-3

Address: County: Butte

Date: February 14, 2002 **Telephone:** (605) 947-4490

RE: Bait Well Capacity

Comments: I told Dennis that I looked at the Simer products website to find out the capacity of his pump for his bait well. I told him that there was no information listed for a 1/3 horsepower (hp) motor. From the information on the website the pump Dennis uses for bait has the capability of pumping at a rate greater than 4 gallons per minute (gpm). I asked Dennis if he is going to pump at a rate greater than 4 gpm from his bait well. He told me that he would not be pumping his bait well at a rate greater than 4 gpm.



Stacy J. Johnson
Natural Resources Project Engineer

Permit Nos. 5569-3, & 6284-3

James River - Water District

Other permit/license(s) associated with project: 5570-3

Contact Person & Address: Dennis Feldmeyer RR1 Box 83, Waubay SD 57273

Report Of Examination Of Works

On, **October 17, 2001**, I made a thorough examination of the water use system constructed by **Bud's Resort** of **RR1 Box 83, Waubay SD 57273** holder of Permit No. **5569-3 (one well)**, bearing the priority of **July 26, 1991**, authorizing the diversion of **0.018** cu. ft. per second and **(Follow up on February 12, 2002)** Permit No. **6284-3 (one well)** bearing the priority of **December 10, 2001**, authorizing the diversion of **0.009** cu. ft. per second the waters of **two Coteau Lakes Aquifer wells** for **commercial** purposes, in **Day** County.

The system is in the following condition **good**. The point of diversion is located **Water Permit No. 5569-3 Well: from the SW corner of Section 15 T123N-R53W it is 2127 feet east and 3593 feet north** with a longitude of **-97.280039** and a latitude of **45.437763**. The point of diversion is located **Water Permit No. 6284-3 Well: from the NW corner of Section 15 T123N-R53W it is 1462 feet north and 2112 feet east** with a longitude of **-97.280445** and a latitude of **45.438314**. The works are capable of diverting and conveying to the place of use **0.027** cu. ft. per second of water that is to be used for **commercial purposes**. The license should be issued for **0.027** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information: Water Permit No. 5569-3

- 1) Well Drilling Firm: Wells dug by Dennis Feldmeyer and his father
- 2) No. of Wells 2
- 3) Depth(s) 22 feet
- 4) Well log is available no

Casing:

- 1) Diameter unknown inches
- 2) Length unknown feet
- 3) Type unknown

Screen:

- 1) Type Sand point
- 2) Length unknown feet
- 3) Static water level 16-18 feet

Pump\ Motor:

- | | |
|-----------------------------------|------------------------------------|
| 1) Pump Make <u>unknown</u> | 2) Pump Model <u>unknown</u> |
| 3) Capacity <u>8</u> GPM | 4) Motor Make <u>Dayton</u> |
| 5) Motor Model No. <u>unknown</u> | 6) Horsepower rating <u>0.5</u> hp |

Distribution System:

- 1) Type Galvanized pipe 2) Size 0.5 or 0.75 inches 3) Length 100 feet

Report On the Specifics of the System

Diversion Point Information: Water Permit No. 6284-3

- | | |
|---|------------------------------------|
| 1) Well Drilling Firm: <u>Wells dug by Dennis Feldmeyer</u> | 2) No. of Wells <u>2</u> |
| 3) Depth(s) <u>10</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|--------------------------------|-------------------------------|
| 1) Diameter <u>1.25</u> inches | 2) Length <u>unknown</u> feet |
| 3) Type <u>Galvanized</u> | |

Screen:

- | | |
|---------------------------------------|---------------------------|
| 1) Type <u>Sand point #70</u> | 2) Length <u>2.5</u> feet |
| 3) Static water level <u>1.5</u> feet | |

Pump\ Motor:

- | | | |
|--|------------------------------------|--|
| 1) Pump Make <u>Siemer</u> | 2) Pump Model <u>2805E</u> | |
| 3) Capacity <u>22</u> GPM <u>Permit holder has reduced the amount of water to 4 gpm.</u> | 4) Motor Make <u>Emerson</u> | |
| 5) Motor Model No. <u>unknown</u> | 6) Horsepower rating <u>0.3</u> hp | |

Distribution System:

- | | | |
|--------------------------------|----------------------------|-------------------------|
| 1) Type <u>Galvanized pipe</u> | 2) Size <u>1</u> inches | 3) Length <u>1</u> feet |
| 1) Type <u>PVC pipe</u> | 2) Size <u>0.75</u> inches | 3) Length <u>4</u> feet |

Stacy J. Johnson

Stacy J. Johnson

Natural Resources Project Engineer

DENR, Water Rights Program

2-28-02

Date



Water Permit No. 6284-3 Well

From the NW corner it is 1462 feet south and 2112 feet east

Water Right No. 5570-3 Well

From the SW corner it is 2017 feet east and 3520 feet north

Water Permit No. 5569-3 Well

From the SW corner it is 2127 feet east and 3593 feet north

Section 15 T123N-R53W

Stacy J Johnson
2-13-02

Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program

0.3 0 0.3 0.6 Miles

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6284-3

(1) Bud's Resort, RR 1 Box 83, Waubay SD 57273 made Application No. 6284-3, December 1, 2001 for a water permit to divert 0.009 cubic feet of water per second (cfs) (4 gallons per minute) from groundwater (one well), Day County, South Dakota for commercial purposes. Permit No. 6284-3, with a priority date of December 10, 2001 was approved February 11, 2002 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

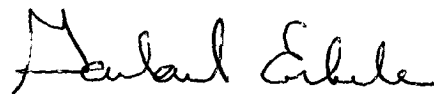
Water Permit No. 5569-3 authorizes 0.018 cfs (8 gallons per minute) from one well with a July 26, 1991 priority date. The applicable portions of No. 5569-3 are incorporated into No. 6284-3.

Vested Water Right No. 5570-3 authorizes 0.21 cfs (9.5 gallons per minute) from one well with an October 1, 1951 priority date.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.027 cubic feet of water per second for beneficial use. The location of the diversion points are: (No. 5569-3) - 2,127 feet east and 3,593 feet north of the southwest corner; (No. 6284-3) - 1,462 feet north and 2,112 feet east from the northwest corner; both in Section 15-T123N-R53W (SE ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bud's Resort, RR 1 Box 83, Waubay SD 57273 the holder and/or owner of Incorporated Water Right No. 6284-3 is issued a license to appropriate water, the right to use 0.027 cubic feet of water per second from groundwater (two wells) with priority dates of July 26, 1991 (0.009 cfs) and December 10, 2001 (0.018 cfs) from the locations specified in (2) of this license for commercial use. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 6284-3. and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 31 2002

date





MAY 31 2002

Bud's Resort
Dennis Feldmeyer
RR 1 Box 83
Waubay SD 57273

Dear Mr. Feldmeyer:

Enclosed are Water Permit and License No. 6284-3 and Reissued Vested Right No. 5570-3. These are the final water right documents completing your process of obtaining Water Rights.

The well authorized by No. 5569-3 has been incorporated into No. 6284-3 as explained on the license. No. 5570-3 is being reissued to reflect actual water use.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by these water rights, 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

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5569-3
5570-3
6284-3