

WATER PERMIT NO. 6316-3

Name of Applicant: The Howard Athletic Club, Inc.

Address: PO Box 11, Howard SD 57349 Phone: 605 772-4669

Amount of Water Claimed: 0.089 cfs (40 gpm) Total Acres: 30 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Miner

Type of Waste Disposal System:

Location: east edge of Howard

PRIORITY Date Received: 2-27-2002

Fee: \$150

Corrected Application Received: 3-21-2002

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: ~~NE~~ $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 2-T106N-R56W

Land to be Irrigated: W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 2-
T106N-R56W

Depth of Well: 200 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

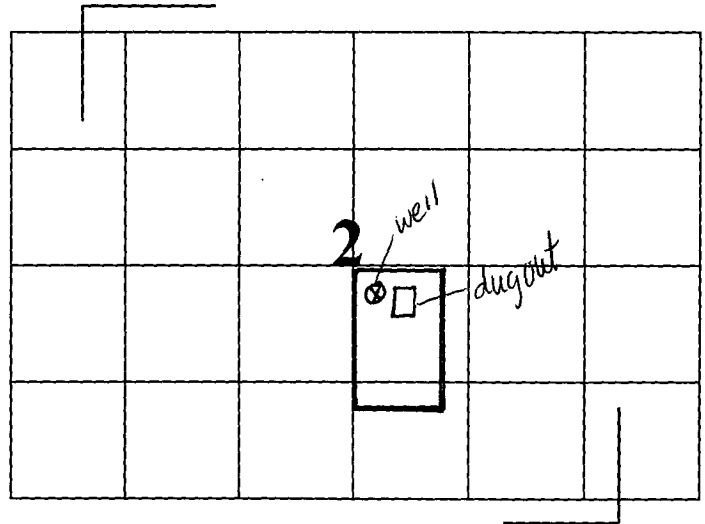
Type of Map: aerial

Prepared by: Christ M Borger, Miner Co. FSA

Reviewed and the Number Assigned on: 3-27-2002

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6316-3

Date of first receipt of application February 27, 2002.

Date of return to applicant for corrections, amendments or changes February 27, 2002.

Date of receipt of corrected application March 27, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6316-3 to the Howard Athletic Club, Inc., c/o Gerald H. Adler, Pres., PO Box 11, Howard SD 57349 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. 6316-3 appropriates 0.089 cubic feet of water per second (cfs) [40 gallons per minute] from one well (Howard Aquifer) 200 feet deep located in the NW ¼ SE ¼ Section 2 to irrigate approximately 30 acres of a golf course located in the W ½ SE ¼ Section 2; all in T106N-R56W. Water will be diverted from the well to a dugout prior to application to the land. The dugout will also receive incidental surface runoff and may intercept a shallow ground water source. Water may then be diverted from the dugout at a rate of 0.20 cfs to irrigate the land. The dugout is located in the NW ¼ SE ¼ Section 2-T106N-R56W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is February 27, 2002.
4. The date of approval of Permit No. 6316-3 is June 10, 2002.
5. One-fifth of the construction is to be completed on or before December 10, 2004.
6. All construction is to be completed on or before June 10, 2007.
7. Water is to be put to beneficial use on or before June 10, 2011.
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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

JUN 13 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6316-3</u>	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Miner Co. Pioneer, Howard</u> <u>57349</u>	

RECEIVED
FEB 27 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.

(Use predates Mar 2, 1955)

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

- Name of Applicant THE HOWARD ATHLETIC CLUB INC. Phone 772-4669
(check one) Owner Tenant/lessee
- Mailing Address P.O. Box 11 Howard State S.D. 57349
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.089 *CFS or 40 **GPM ***AF Total Acreage 30
(*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)
NE 1/4 NE 1/4 SEC 2 TWP 106 N R 56 W
NW 1/4 SE 1/4 County MINER
- County or counties where water will be used MINER
- Annual period during which water is to be used APRIL OCT. 31
- 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
LAND IS LEASED FROM CITY OF HOWARD			
WELL IS 10' FROM OLD WELL - BUT ONLY 200' DEEP			
W 1/2 SE 1/4 Sec 2-T106N-R56W	30		
SEE LEASE AGREEMENT			

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

GOLF COURSE SEE ATTACH SHEET

WATER IS PUMPED INTO DUG-OUT, THEN ON GOLF COURSE

STATE OF SOUTH DAKOTA) SS
County of MINER

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, GERALD H. ADLER, 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 Gerald H. Adler PRES.

Subscribed and sworn to before me this 25 day of February 20 02

[Signature]
Notary Public signature

Exp. July 2005

Supplemental Information

(type or print in ink)

SEE ATTACH SHEET

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5 Depth 200
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ 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) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

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 _____

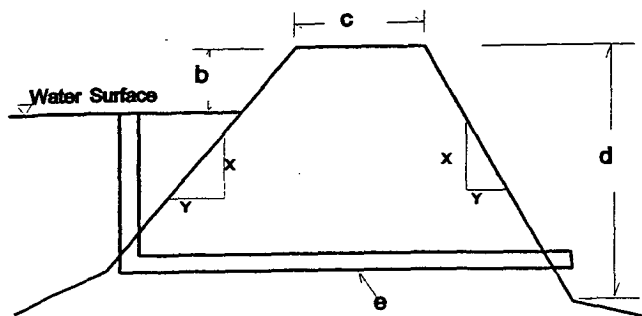
3. Dugout Information

- a) Surface Dimensions 40 FT x 100 FT Depth 8 FT
- 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

LEASING AGREEMENT

THIS AGREEMENT, made and entered into this 20th day of April, 1966, by and between the City of Howard, Miner County, South Dakota, owner of the real estate herein described, and the Howard Athletic Club, Inc., of Howard, Miner County, South Dakota, tenant, WITNESSETH:

That the owner does hereby agree to lease and the tenant hereby agrees to rent the following described premises, towit:

Lots Seven (7) and Eight (8) of Ward's First Addition to the City of Howard; and

The unplatted portion of the Southeast Quarter (SE $\frac{1}{4}$) of Section Two (2), Township One Hundred Six (106) North, Range 56, West 5th P.M. lying north of Farmers Avenue Extended, in the City of Howard, containing thirty (30) acres more or less, according to to the U.S. Government survey, in Miner County, South Dakota

for the period of sixty (60) years, terminating on March 1, 2026, for the annual rental of \$1.00 per year.

It is hereby covenanted that said second party is to have and to hold said premises, just as they are, without any liability or obligation on the part of the said lessor for making any alteration, improvements or repairs of any kind on or about said premises, and that said lessee will keep and maintain the said

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

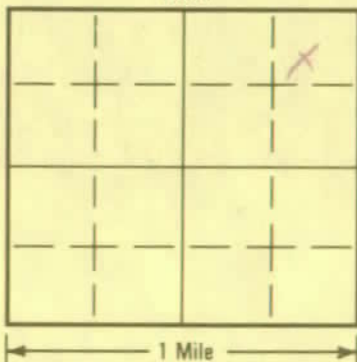
Location NE 1/4 NE 1/4 Sec 2 Twp 106 Rg 56
County Miner North

Please mark well location with an "X"

W

E

Well Completion Date

6/13/01

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>5</u>	FT <u>0</u>	FT <u>170</u>	IN <u>8 3/4</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Sand</u>	<u>5</u>	lb./gal <u>0</u>	ft. <u>0</u>	ft. <u>20</u>
<u>clay</u>	<u>2</u>	lb./gal <u>20</u>	ft. <u>20</u>	ft. <u>150</u>

Describe grouting procedure

into 150 ft.SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial PVCSlot Size 0.12 Set From 170 Feet to 190 Feet

Other information

Gravel packedWAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

NO, Why Not? _____

Laboratory sent to for water quality analysis

 Well Owner: City of Howard
 Business Name: Golf course
 Address: Howard S.P.

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>Gravel</u>	<u>0</u>	<u>18</u>
<u>Blue clay</u>	<u>18</u>	<u>174</u>
<u>Gravel</u>	<u>174</u>	<u>186</u>
<u>chalk</u>	<u>186</u>	<u>200</u>

STATIC WATER LEVEL 110 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: 40 bbl/min☐ BailedAir compressor☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

 RECEIVED
 FEB 27 2002

WATER RIGHTS PROGRAM

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Producers Well Drilling

Signature of License Representative:

[Signature]

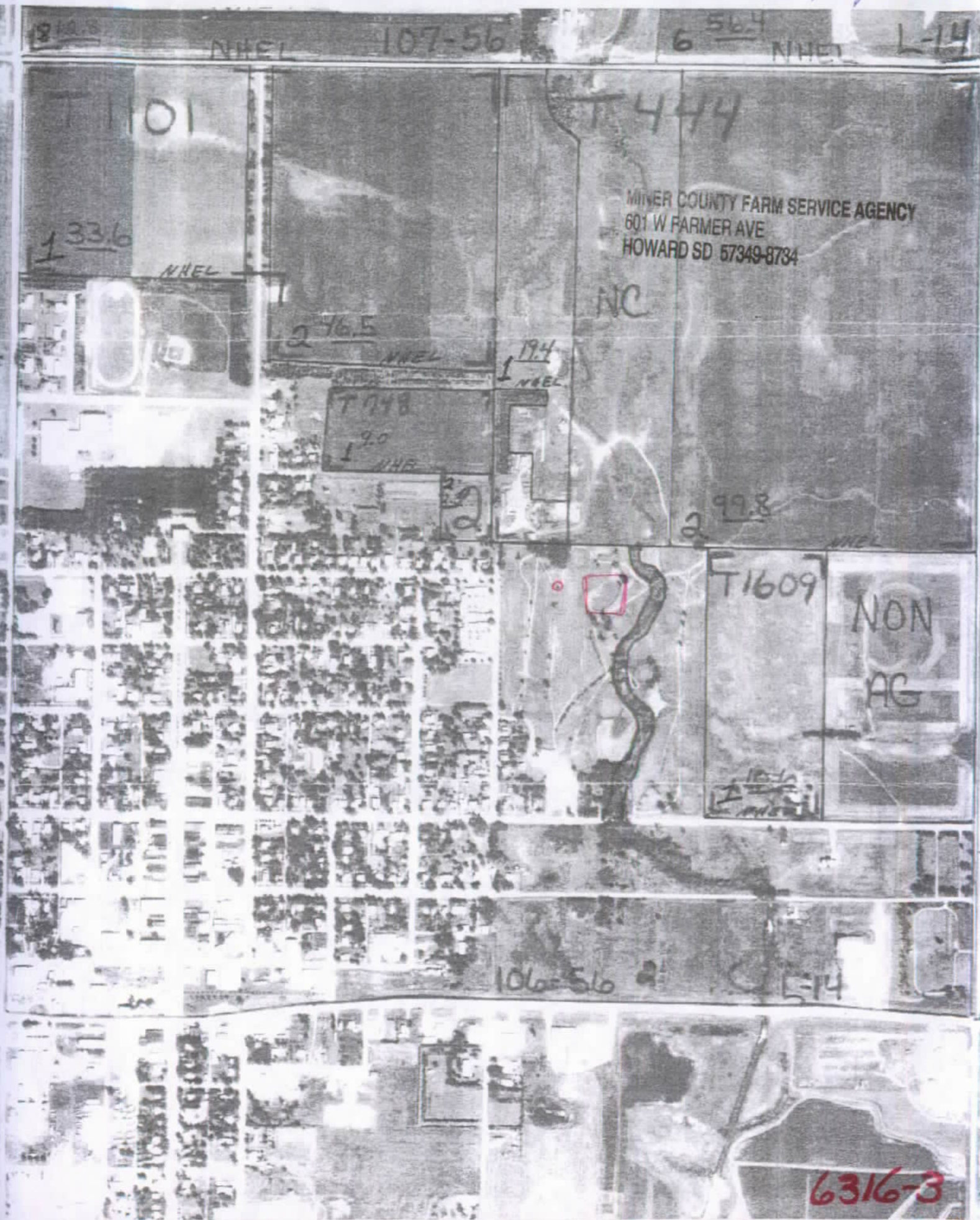
Signature of Well Owner or Equitable Property Holder:

Date: _____

☐ = DUGOUT
* = WELL

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

Chad M. Borge
Program Tech



6316-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417103

Pierre, February 27, 2002

RECEIVED OF Howard Athletic Club, Inc., Howard, SD 57349
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

Darland Ebele
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 26, 2001

City of Howard
Larry Gauger, Mayor
PO Box 705
Howard SD 57349-0705

Dear Mayor Gauger:

A well driller's report filed by Pullman Well Drilling shows that they completed a new well for the City of Howard on June 13, 2001. The report states the well produced 40 gallons per minute and was to be used for irrigation of the golf course.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. Please complete the forms and return by January 1, 2002.

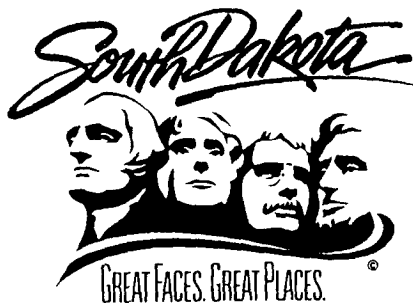
If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 21, 2002

City of Howard
Larry Gauger, Mayor
PO Box 705
Howard SD 57349-0705

Dear Mayor Gauger:

On November 26, 2001, the City of Howard was sent applications forms for a permit to appropriate water based on a well completion report. The report indicated the well produced 40 gallons per minute and was to be used to irrigate the golf course. Enclosed is a copy of that letter. To date, we have not received a response regarding the application.

Enclosed is another set of application forms and instruction sheet. Please complete the application and have it signed and notarized and return to us by April 1, 2002.

Obtaining a water permit that accurately reflects your water use ultimately benefits the city by protecting it's right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, the city must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program
Phone: (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

February 27, 2002

The Howard Athletic Club Inc.
c/o Gerald H. Adler, Pres.
PO Box 11
Howard SD 57349

Dear Mr. Adler:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of a golf course. The application is being returned in order for you to complete following:

Please complete Item No. 2, Total Acreage and Item No. 7, Land Description & Acres.

Enclosed is the map submitted with the application. The map needs to show the location of the well and dugout in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Our suggestion is to obtain an aerial photo map from your local Natural Resource Conservation Service. Someone from that office will be qualified to sign the aerial photo map also.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 21, 2002

The Howard Athletic Club Inc.
c/o Gerald H. Adler, Pres.
PO Box 11
Howard SD 57349

Dear Mr. Adler:

In reference to your *Application for a Permit to Appropriate Water* for irrigation of a golf course, the application states the diversion rate from the well to the dugout will be 40 gallons per minute. What is the proposed diversion rate from the dugout onto the golf course?

Please give me a call with this amount, we can then proceed with processing the application. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

Water Rights Program - File Documentation

NAME: Jerry Adler, Howard Athletic Club

ADDRESS: PO Box 11, Howard SD 57349

DATE: 3-27-2002 **COUNTY:** MI **TELEPHONE:** 605 772-4669

RE: Pending Application

COMMENTS:

Jerry Adler called regarding my March 21st letter. Mr. Adler stated they will pumping approximately 90 gpm from the dugout onto the golf course.

He further stated they have 4 sprinklers on each green and can run 5 at one time. Each sprinkler head is rated at 3 gpm.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT NO. 6316-3
For Howard Athletic Club, Inc.
May 1, 2002

Application No. 6316-3 proposes to appropriate 0.089 cfs (40 gpm) from one well approximately 200 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 2 to irrigate approximately 30 acres of a golf course located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 2; all in T106N R56W in Miner County. Water will be diverted from the well to a dugout prior to application to the land. Water may be diverted from the dugout at a rate of 0.20 cfs (90 gpm) to the land. The dugout is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 2, T106N R56W.

AQUIFER - HOWARD (HO)

The Howard is a buried outwash (sand and gravel) which is under confined or artesian conditions in this area. The aquifer overlies the Niobrara Formation, which is also considered an aquifer in this area. The aquifer underlies 165 square miles and contains an estimated 530,000 acre-feet of water in storage in Miner County (Koch, 1988). Ground water movement is from northeast to southwest across eastern Miner County (Koch, 1988).

The driller's log filed with the application indicates gravel (Howard Aquifer) from 174 to 186 feet below land surface lying directly upon chalk (Niobrara Formation). The completed well had a static water level of 110 feet below land surface and was capable of producing 40 gpm using air to develop.

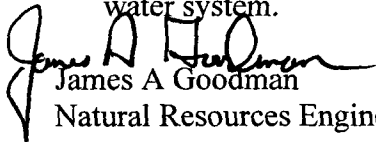
The Water Rights Program monitors two observation wells in this area. MR-86B is an observation well completed into the Howard aquifer and located about one-half mile northwest of this application. Water levels for this well show response to pumping in the area and also indicate recharge over the past ten years. The other observation well, MR-86A, is completed into the Codell Formation a deeper aquifer at this site and apparently not hydraulically connected to the Howard aquifer. Hydrographs for these two wells are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

REVIEW OF EXISTING WATER RIGHTS/PERMITS

The only other water permits/rights in the area belong to the city of Howard. The City of Howard now obtains water from Kingbrook Rural Water System. Interference is not a concern. The hydrograph for the observation well indicates that drawdown does occur but apparently the city does not use the Howard aquifer as a water supply very often. In addition, the applicant intends to use a dugout that may collect some incidental surface runoff from the area or may intercept a shallow ground water source. If the later is the case it may not be advisable to pump well water into a dugout just to have the dugout leak that water out into the shallow source.

CONCLUSIONS

1. Water is available from the Howard aquifer.
2. The aquifer is confined and under artesian conditions. Pumping will create some drawdown as is shown by the observation well hydrograph. This is not expected to be significant or cause any adverse effect. Interference is not a concern.
3. The City of Howard now obtains water from Kingbrook Rural Water System.
4. This well authorized by this application must be constructed in accordance with SD Well Construction Standards. The well filed with the application is constructed in accordance with the standards.
5. The applicant intends to pump at a greater rate from the dugout than from the well. This is a reasonable request for a golf course. The only caution is to make sure that the dugout will hold water and not lose the pumped water into the shallow ground water system.

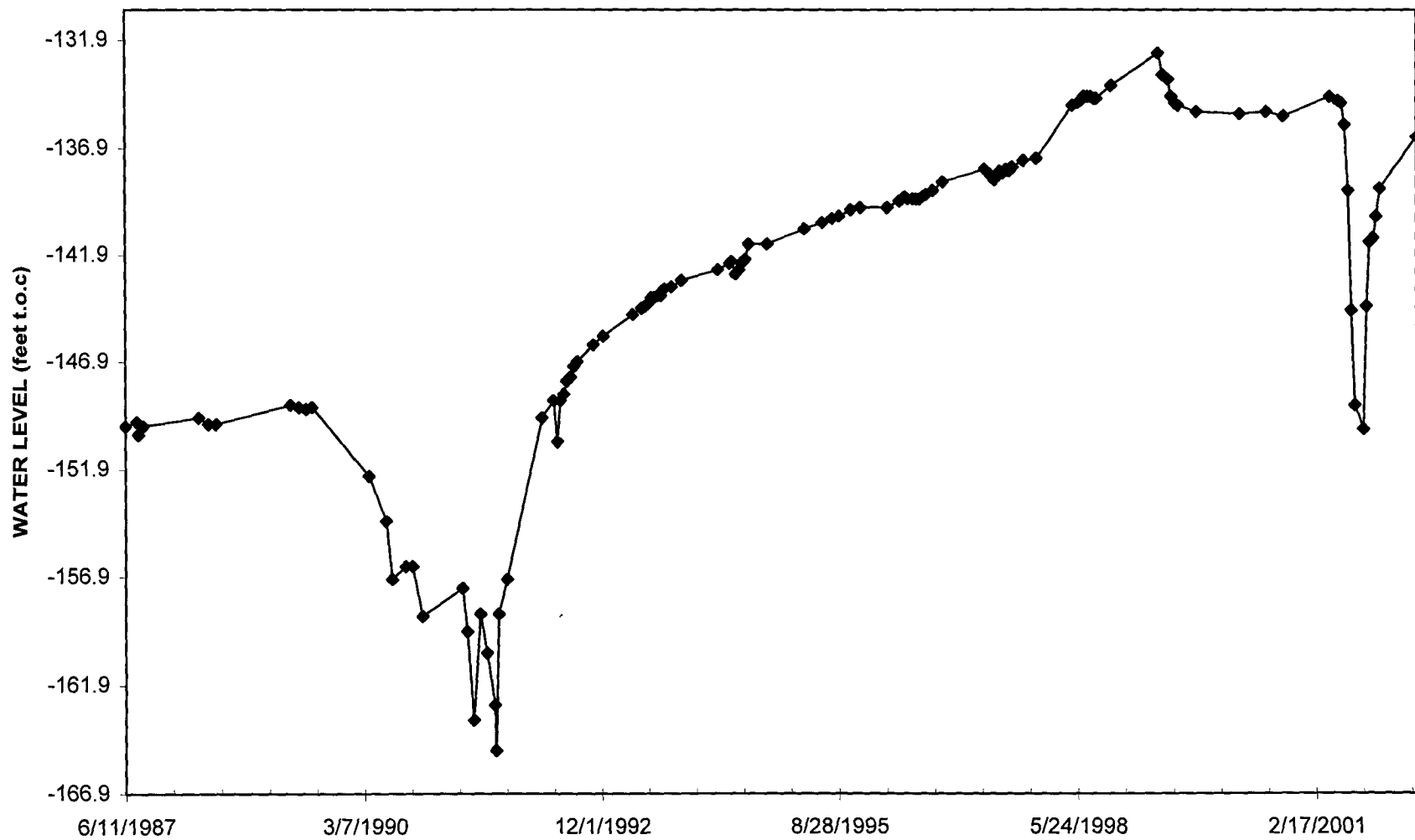

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

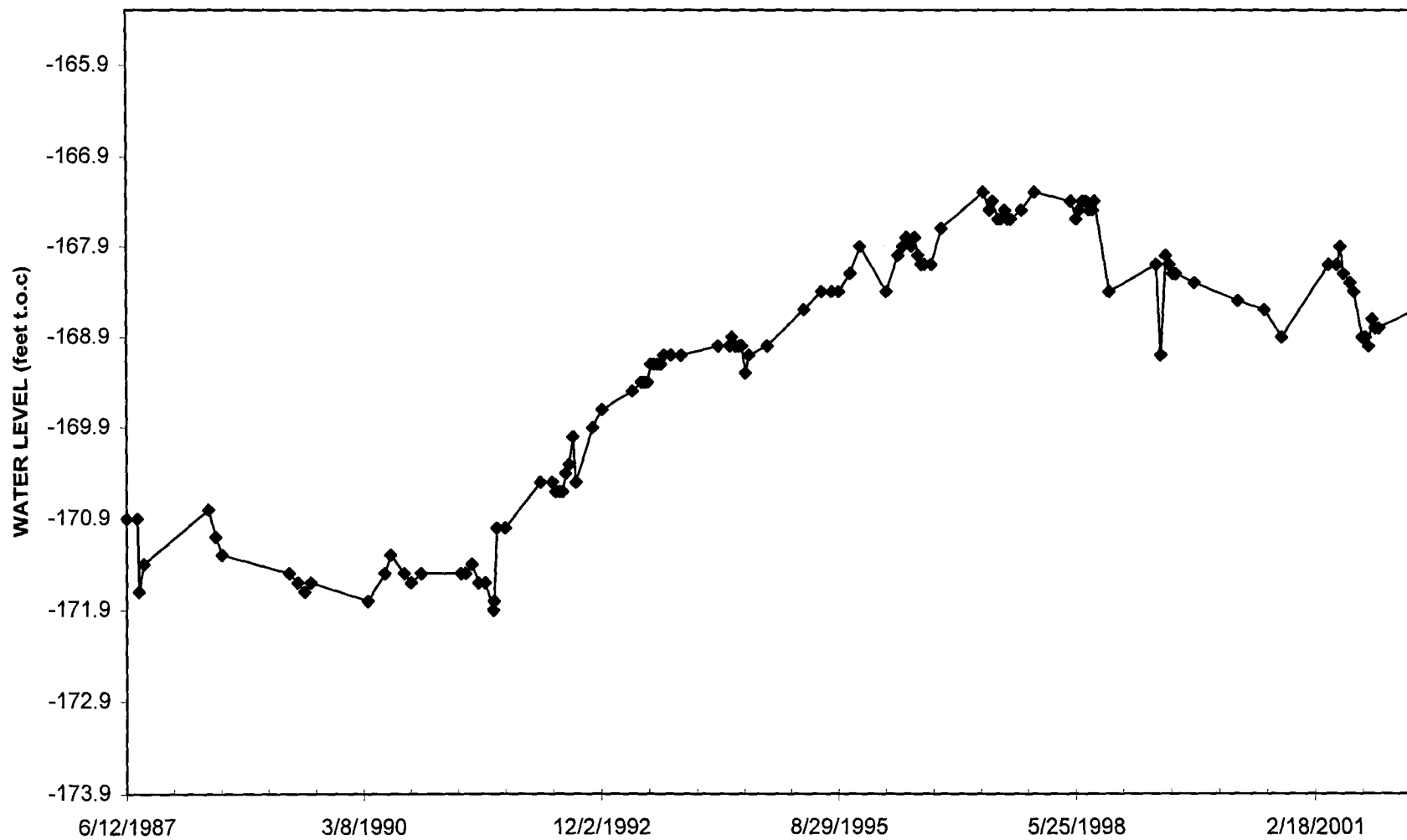
Koch, N.C., S.D. Mcgarvie, 1988, Water Resources of Miner County, South Dakota,
Water-Resources Investigations Report 86-4035, USGS, Huron, SD, 57350.

Water Rights, 2002, Unpublished Observation Well Data for Miner County, SD DENR,
DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
MR-86B**



**WATER RIGHTS' OBSERVATION WELL
MR-86A**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6316-3, Howard Athletic Club, 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. 6316-3, Howard Athletic Club, Inc., c/o Gerald H. Adler, PO Box 11, Howard SD 57349.

The Chief Engineer is recommending APPROVAL of Application No. 6316-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 14, 2002



**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.

May 15, 2002

Gerald H. Adler
The Howard Athletic Club, Inc.
PO Box 11
Howard SD 57349

Dear Mr. Adler:

Water Permit Application No. 6316-3 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 Miner Co. Pioneer printed at Howard, SD (Ph # 772-5644). 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 15, 2002

Miner Co. Pioneer
PO Box 220
Howard SD 57349

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6316-3 to Appropriate Water to be published twice. Please publish the first notice on May 23, 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 the Howard Athletic Club, Inc., c/o Gerald H. Adler, PO Box 11, Howard SD 57349 (Ph # 772-4669).

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. 6316-3

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

Date _____

We are in receipt of your letter of May 15, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6316-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Miner Co. Pioneer
Newspaper

NOTICE OF APPLICATION
NO. 6316-3 to

Appropriate Water

OK
Notice is given that the Howard Athletic Club, Inc., c/o Gerald Adler, PO Box 11, Howard, SD has filed an application for a water permit to appropriate 0.089 cubic feet of water per second (CFS) [40 gallons per minute] from one well (Howard Aquifer) 200 feet deep located in the NW 1/4 SE 1/4 Section 2 to irrigate approximately 30 acres of a golf course located in the W 1/2 SE 1/4 Section 2; all in T106N-R56W. Water will be diverted from the well to a dugout prior to application to the land. The dugout will also receive incidental surface runoff and may intercept a shallow ground water source. Water may then be diverted from the dugout at a rate of 0.20 cfs to irrigate the land. The dugout is located in the NW 1/4 SE 1/4 Section 2-T106N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6316-3 because 1) unappropriated water is available, 2) existing rights will

not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 2002.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Danny Schwans of said County and State, being duly sworn, on his oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Danny Schwans, and has been such newspaper during the time hereinafter mentioned; and that I, Danny Schwans, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice

headed Notice of Application No 6316-3
to Appropriate Water

a printed copy of which is hereunto attached, was printed and publishing in the regular and entire issue of said newspaper and not in a supplement, once each week for 2

successive weeks, the first publication being made on the 23rd day of May, 2002

and the last publication on the 30th day of May, 2002

The first publication being made on the day of 20.....

The second publication being made on the day of 20.....

The third publication being made on the day of 20.....

The fourth publication being made on the day of 20.....

The fifth publication being made on the day of 20.....

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said

The petition may be informal, amount of fees for publication of the annexed notice is \$51.39, but must include a statement benefit of said publisher; that no agreement or understanding for describing the petitioner's interest in the application, the in made with any person and that no part thereof has been agreed 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. whomever.

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
(May 23-30)

Danny Schwans
I, Danny Schwans, do hereby certify that the above notice was published on this 30th day of May, 2002

Brent Menger

and the publication expires the 14th day of May, 2003

RECEIVED

JUN 04 2002

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on May 23, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6316-3 to Appropriate Water

Notice is given that the Howard Athletic Club, Inc., c/o Gerald Adler, PO Box 11, Howard SD 57349 has filed an application for a water permit to appropriate 0.089 cubic feet of water per second (cfs) [40 gallons per minute] from one well (Howard Aquifer) 200 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2 to irrigate approximately 30 acres of a golf course located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2; all in T106N-R56W. Water will be diverted from the well to a dugout prior to application to the land. The dugout will also receive incidental surface runoff and may intercept a shallow ground water source. Water may then be diverted from the dugout at a rate of 0.20 cfs to irrigate the land. The dugout is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2-T106N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6316-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 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.



JUN 13 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

The Howard Athletic Club, Inc.
% Gerald H. Adler
PO Box 11
Howard, SD 57349

Dear Mr. Adler:

Enclosed is Water Permit No. 6316-3 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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 6-28-02

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
JUL 02 2002
WATER RIGHTS
PROGRAM

FROM:

HOWARD ATHLETIC CLUB INC.
(name)

P.O. Box 11
(address)

HOWARD S.D. 57349
(city, state, zip)

(605) 772-4669
(phone)

/ GERALD H. ADLER
PRES.

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. 6316-3 states that the water use system is to be constructed by

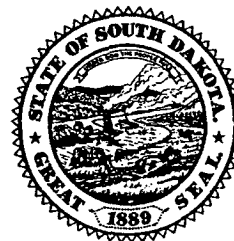
6-02, and water is to be put to beneficial use by 6-02.
(date) (date)

The water use system was completed on 6-02.
(date)

Applying the water to beneficial use was completed on 6-02.
(date)

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

Gerald H. Adler
(signature)





6316-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2003

6316-3

Gerald H Adler, Pres.
Howard Athletic Club, Inc.
PO Box 6
Howard SD 57349-0006

Dear Mr. Adler:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to PO Box 11, Howard SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

6316-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: HOWARD ATHLETIC CLUB, INC, GERALD H ADLER, PRES., PO BOX 6, HOWARD, SD 57349

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6316-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6316-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 6316-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



6316-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9203

Your item was delivered at 12:01 pm on January 15, 2004 in HOWARD, SD 57349. The item was signed for by T GLANZER.

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Enter label number:

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9203

HOWARD ATHLETIC CLUB, INC
GERALD H ADLER, PRES.
PO BOX 6
HOWARD SD 57349

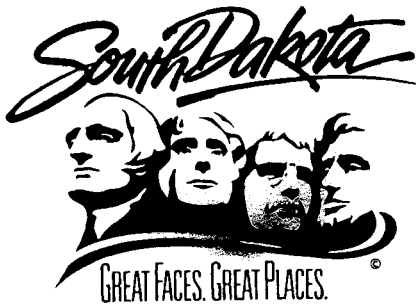
Waiver of Signature ☐ YES ☐ NO

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

January 22, 2004

6316-3

Howard Athletic Club Inc
PO Box 6
Howard SD 57349

Dear Sirs:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit No. 6316-3.

I completed a questionnaire for you based on a January 21st telephone conversation. 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
Environmental Scientist
Water Rights Program
(605) 773-3352



6316-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: HOWARD ATHLETIC CLUB, INC, PO BOX 6, HOWARD, SD 57349

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6316-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6316-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 6316-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



6316-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0469

Your item was delivered at 1:26 pm on January 25, 2005 in HOWARD, SD 57349. The item was signed for by D WEIDLER.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0469

HOWARD ATHLETIC CLUB, INC
PO BOX 6
HOWARD SD 57349

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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or call 1-800-222-1811

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PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2005

6316-3

Howard Athletic Club Inc
PO Box 6
Howard SD 57349

Dear Sir:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit No. 6316-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



6316-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: HOWARD ATHLETIC CLUB, INC, PO BOX 6, HOWARD, SD 57349

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6316-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6316-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 6316-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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: <http://denr.sd.gov/iq.aspx>

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 ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2014

6316-3

Howard Athletic Club Inc
PO Box 6
Howard SD 57349 0006

Dear Sir:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit No. 6316-3. 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
email: genny.mcmath@state.sd.us



6316-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: HOWARD ATHLETIC CLUB, INC, PO BOX 6, HOWARD, SD 57349 0006
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6316-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6316-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 6316-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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: <http://denr.sd.gov/iq.aspx>

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 3, 2016

6316-3

Howard Athletic Club Inc
PO Box 6
Howard SD 57349-0006

Dear Sir:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 6316-3. 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
email: genny.mcmath@state.sd.us

6316-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 29, 2020

6316-3

Howard Athletic Club
508 E Farmer Ave
Howard SD 57349 9017

Dear Sir:

Enclosed is a "Notice" dated October 23, 2020 concerning the 2020 irrigation questionnaire.

The notice was originally mailed to PO Box 6. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures

6316-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: HOWARD ATHLETIC CLUB, INC, 508 E FARMER AVE, HOWARD, SD 57349 9017
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6316-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6316-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 6316-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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://denr.sd.gov/iq> using this password: JAXSJO**

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 ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182

RETURN SERVICE REQUESTED

6316-3



7019 1120 0001 2910 5232



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1st NOTICE
2nd NOTICE 1/28/21
RETURNED 2/7/21

HOWARD ATHLETIC CLUB, INC
508 E FARMER AVE
HOWA NIXIE 553 DE 1

0002/09/21

RETURN TO SENDER
UNCLAIMED
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BC: 57501318299

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6316-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 2021

NOTICE

TO: Howard Athletic Club Inc, 508 E Farmer Ave., Howard SD 57349-9017

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 6316-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail to our office marked "**unclaimed**". The envelope indicated the post office notified you January 23rd & January 28th to pick up and sign for the certified mail before returning it to us on February 7th.

If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

I hereby certify that on February 16, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelope containing a "NOTICE OF UNCLAIMED CERTIFIED MAIL" dated February 16, 2021 involving 2020 Irrigation Questionnaires following water rights/permits:

Water Right No. 4472-3

Darrell Biddle, 37461 287th St., Geddes, SD 57342

Water Right No. 2350-3

Bill Boyer, River Valley Farms, PO Box 486, Alcester, SD 57001-0486

Water Right No. 5777-3

Gerald A. Person, 11288 SD Hwy 27, Britton SD 57430

Water Right No. 6666-3

Brian Vilhauer, President, Dakota Trails Golf Course Inc., PO Box 165, Corsica SD 57328

Water Right No. 6316-3

Howard Athletic Club Inc., 508 E. Farmer Ave., Howard SD 57349-9017

Water Right No. 1703-1 & 1704-1

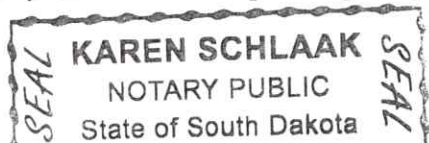
Mike & Debie Palmer, 7803 Palmer Ln., Rapid City SD 57702


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of February, 20 21.


Karen Schlaak Notary Public
My Commission expires April 1, 2025





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2021

6316-3

Howard Athletic Club Inc
508 E Farmer Ave
Howard SD 57349-9017

Dear Sirs:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit No 6316-3. 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,

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

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 20, 2022

NOTICE

TO: HOWARD ATHLETIC CLUB, INC, 508 E FARMER AVE, HOWARD, SD 57349 9017

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6316-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6316-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 6316-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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: LPCVKK**

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.

6316-5

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Delivered: Fri, Jan 21, 10:17 AM

Processed

In transit

Delivered

DATE	TIME	LOCATION	STATUS
Jan 21	10:17 AM	Howard, SD, United States	Delivered, left with individual
Jan 21	1:14 AM	Huron Sd Distribution Center	Departed USPS regional facility
Jan 20	9:48 PM	Huron Sd Distribution Center	Arrived at USPS regional facility

Data from usps.com

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Howard Athletic Club, Inc
508 E Farmer Ave
Howard SD 57349 9017

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Tax Refund Checks Are



Track Your Tax Refund

Still Waiting? Here Are
Two Ways to Track Your
Tax Refund

Instead of just blindly
waiting for this year's tax
refund to come through,
know that there are a





6316-3
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT

TO: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017

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

SUBJECT: One Year Suspension of Water Permit No. 6316-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Permit No. 6316-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaire.

If the 2021 irrigation questionnaire is received prior to April 4, 2022, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2022 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2022 unless the 2021 irrigation questionnaire is submitted by April 4, 2022.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2021 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2022, in Pierre, SD. The letter should include your reasons for not completing the 2021 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

6316-3

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

 Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

 Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220



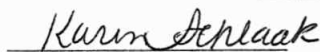
Genny McMath
 Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

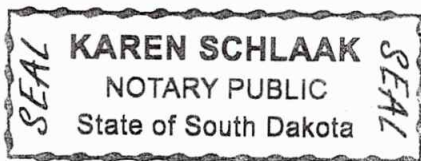
Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 5, 2022

6316-3

Howard Athletic Club Inc
508 E Farmer Ave
Howard SD 57349-9017

Dear Mr. Sir:

On March 2, 2022, the Water Management Board ordered Water Permit No. 6316-3 be suspended if the 2021 irrigation questionnaire was not received prior to April 4, 2022. The questionnaire information for your water permit has been received.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2022 irrigation season.

If you have any questions, please contact us.

Sincerely,

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
(605) 773-3352



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 24, 2024

6316-3

Howard Athletic Club Inc
c/o Gerald Adler
508 E Farmer Ave
Howard SD 57349

Dear Mr. Adler:

I am writing in regard to Water Permit No. 6316-3. The water permit authorizes diversion 0.089 cfs (approx. 40 gpm) of water from groundwater, one well, completed into the Howard Aquifer, for the irrigation of 30 acres in the W ½ SE ¼ Section 2, T106N-R56W.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Permit No. 6316-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 34 acres irrigated – only 30 acres authorized for irrigation
- Reported water use – 635.26 ac-ft of water (approximately 224.2 inches)
- Authorized water use – 60 acre-feet (30 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: Water Permit No. 6316-3 authorizes a diversion rate of 0.089 cubic feet of water per second (approx. 40 gallons per minute). The 2023 irrigation questionnaire you submitted lists a pump rate of 1000 gpm. A new permit would be required to increase the rate of diversion from 0.089 cfs to 2.22 cfs.

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 16, 2024

6316-3

Howard Athletic Club Inc
c/o Gerald Adler, Pres.
508 E Farmer Ave
Howard SD 57349

Dear Mr. Adler:

I am writing you regarding Permit No. 6316-3, held by Howard Athletic Club Inc.

Permit No. 6316-3 authorizes the irrigation of 30 acres of golf course, located in the W ½ SE ¼ Section 2, T106N-R56W. The permit authorizes diversion of 0.089 cfs (approximately 40 gpm), from one well into a dugout. Water may then be diverted from the dugout at a rate of 0.2 cfs to irrigate the golf course.

A recent inspection was conducted by a Water Rights Program staff engineer, for the purpose of licensing the irrigation system. The inspection found the well to be diverting 300 gpm, which is over 250 gpm more than authorized under Permit No. 6316-3.

Please find also enclosed, a partially completed irrigation permit application for the additional diversion rate. The inspection and licensing fee of \$200.00 will be waived, as it has already been paid under Permit No. 6316-3. Fees for this new application will total \$500.00. Checks can be made payable to the SD Water Rights Program. Payment may also be submitted over the phone by calling our Fiscal Office (605) 773-5559.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dave w/ Howard Athletic Club Inc – Howard SD

DATE: July 25, 2024

TELEPHONE: 605.851.0013

RE: Letter for additional permitting

COMMENTS:

Dave w/ Howard Athletic Club called me after receiving a letter stating additional permitting would be needed. He said that while he told Darrell the new pump was rated for 300gpm, that was not what the pump rate was set at. He went on to say that the pump rates are electronically set for 40gpm out of the well & 85gpm out of the holding pond, adding that if the pump rate was set to 300gpm they would be “blowing water lines everywhere”.

Since Dave’s reported rates are consistent with what is authorized under WP No. 6316-3, I told him he could disregard the letter for additional permitting, and we would proceed with licensing.



Amanda Dewell
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. **6316-3**

I have this day, **July 8, 2024**, made a thorough examination of the water use system constructed by **the Howard Athletic Club, Inc, PO Box 11, Howard, SD 57349** of Permit No. **6316-3**, bearing the priority of **February 27, 2002** authorizing the diversion of **0.089** cu. ft. per second of the waters of the **Howard Aquifer** for **irrigation** purposes, in **Miner** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Well Driller
- 2) No. of Wells 1
- 3) Depth(s) 190 feet
- 4) Well log is available Y

Comments: **Well pump recently repaired**

Casing:

- 1) Diameter 5 inches
- 2) Length 170 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 110 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 300 GPM

Motor:

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

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

- 1) Type Buried PVC
- 2) Size 4 inches
- 3) Length 400 feet

Comments:

C. Works used to apply water to beneficial use: Underground sprinkler system

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

If no, describe:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: **WELL LOCATION**
From the SE corner Sec 2 T106N R56W, 2370 ft N & 2440 ft W, Lat 44.01472 Long -97.51955 (NW ¼ SE ¼)
2. The works are capable of diverting and conveying to the place of use 0.089 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
legal description/acreage
All Land in Sec 2 T106N R56W
NW 1/4 SE 1/4 - 28 acres
SW 1/4 SE 1/4 - 2 acres

comprising a total of 30 acres of land and the license should be issued for 0.089 cfs.

3. All structures, wells and lands on map Y

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

FSA imagery and the ArcGIS software was used to estimate the irrigated acres.

I talked to Mr. Dave Hodges (605/851-0013), Grounds Superintendent, about the permit and he said the well pump was recently repaired and now can discharge 300 gpm. (SEE AMANDA'S FILE DOC)

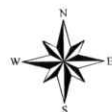
The current address is 508 E. Farmer Ave. in Howard.

Water is pumped from the well to a dugout which is used as a water source for irrigation of the golf course.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: **July 12, 2024**



0 365 730 1,460 2,190 2,920 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 30 2024

6316-3

Howard Athletic Club Inc
c/o Gerald Adler
508 E Farmer Ave
Howard SD 57349

Dear Mr. Adler:

Enclosed is Water License No. 6316-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6316-3**

(1) Howard Athletic Club Inc., 508 E Farmer Ave, Howard SD 57349, made Application No. 6316-3, February 27, 2002, for a water permit to divert 0.089 cubic feet of water per second from groundwater, one well (Howard Aquifer), Miner County, South Dakota for irrigation purposes. Water would be diverted from the well to a dugout prior to application to land. The dugout will also receive incidental surface runoff. Water may then be diverted from the dugout at a rate of 0.2 cubic feet of water per second. Permit No. 6316-3, with a priority date of February 27, 2002, was approved June 10, 2002, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 10, 2007, and for the application to beneficial use of water on or before June 10, 2011.

(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 0.089 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Well: 2,370 ft N & 2,440 ft W of the SE corner Section 2, T106N, R56W (NW ¼ SW ¼)
(Latitude 44.01472 & Longitude -97.51955)
- Dugout: 2,360 ft N & 2,000 ft W of the SE corner Section 2, T106N, R56W (NW ¼ SW ¼)
(Latitude 44.01449 & Longitude -97.51798)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 2, T106N, R56W
NW ¼ SE ¼ 28 acres SW ¼ SE ¼ 2 acres
TOTAL: 30 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Howard Athletic Club Inc., the holder and/or owner of Water Right No. 6316-3 is issued a license to appropriate water, the right to use 0.089 cubic feet of water per second (cfs) from groundwater, one well (Howard Aquifer), diverting the well water into a dugout, which will also receive incidental surface runoff, and then diverted out of the dugout at a rate of 0.2 cfs for irrigation purposes, with a priority date of February 27, 2002, from the locations specified in (2) of this license.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6316-3 and subject to 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 30 2024
date





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: HOWARD ATHLETIC CLUB, INC, 508 E FARMER AVE, HOWARD, SD 57349 9017

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6316-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6316-3 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) 6316-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 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 questionnaire(s) 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: DWLKSL**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 6, 2025

6316-3

Howard Athletic Club Inc
508 E Farmer Ave
Howard SD 57349

To whom it may concern:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 6316-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 5, 2026

6316-3

Howard Athletic Club Inc
C/O Cole (operator)
508 E Farmer Ave
Howard, SD 57349

Dear Cole:

I am writing in regard to your Water Right No. 6316-3. The water right authorizes the diversion of 0.089 cfs (approx. 40 gpm), from one well, Howard Aquifer, for the irrigation of 30 acres in the SE ¼ Section 2-T106N-R56W.

In reviewing your 2025 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 6316-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water per acre, per year. On the questionnaire you reported more water use. The following information is what was reported and what is authorized:

- 30 acres reported irrigated
- Reported water use – 87.69 acre-feet of water (approximately 35.08 inches per acre)
- Authorized water use – 60 acre-feet of water (30 acres x 2 ac-ft per year = 24 inches per acre)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. Often, irrigators do not keep track of their days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect accurate information to ensure everyone is limiting their use to the amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us