

WATER PERMIT NO. 6430-3

Name of Applicant: Sutton Bay Golf, LLC

Address: 28950 Sutton Bay Trail, Agar SD 57520

Phone: 60 264-5530

Amount of Water Claimed: 0.22 cfs

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: recreation, fish & wildlife propagation

County: Sully

Type of Waste Disposal System:

Location: 12 miles northwest of Agar

PRIORITY Date Received: 6-20-03

Application/License Fee: \$275

Corrected Application Received: 7-9-03

Period of Annual Use: April 1 – December 1

Remarks: going to fill 3 small ponds and possible the dam authorized by Permit No. 6269-3

Diversion Point: well – NW ¼ SE ¼ Sec 3; 3 stock

dams – SW ¼ Sec 11; all in T116N-R79W

Land to be Irrigated: NA

Depth of Well: 2200 feet

Well Driller: :

Remarks:

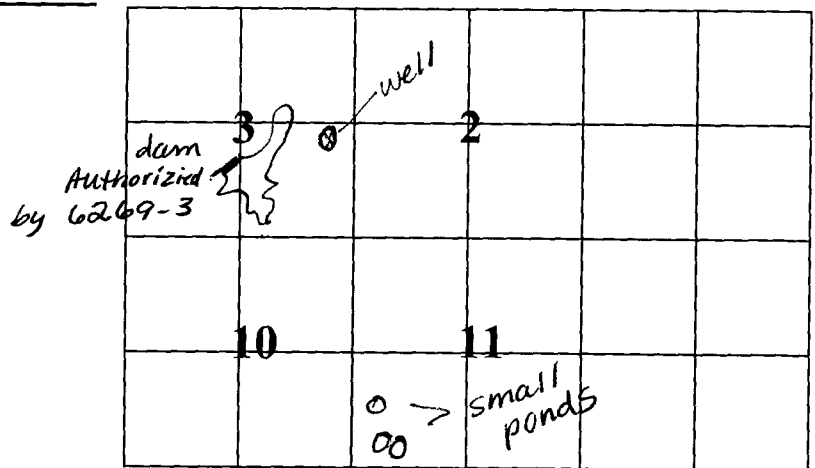
Type of Map: plat

Prepared by: John R. Shafer

Reviewed and the Number Assigned on: 7-9-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6430-3**

Date of first receipt of application June 20, 2003.

Date of return to applicant for corrections, amendments or changes June 23, 2003.

Date of receipt of corrected application July 6, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6430-3 to Sutton Bay Golf LLC, 28950 Sutton Bay Trail, Agar SD 57520 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. 6430-3 appropriates 0.22 cubic feet of water per second from one well (Inyan Kara Formation) 2200 feet deep located in the NE ¼ SE ¼ Section 3-T116N-R79W. Water will be diverted from the well to fill 3 ponds (approximately 1 acre-feet of total storage) located in the SW ¼ Section 11-T116N-R79W. Well water may also be utilized to supplement and maintain the 100 acre-feet storage dam located in the NE ¼ SW ¼ Section 3-T116N-R79W authorized by Water Permit No. 6366-3.
2. The water appropriated shall be used for the purpose of fish, wildlife and recreational uses 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: April 1 – December 1.
4. The date of approval of Permit No. 6430-3 is September 22, 2003.
5. The date from which applicant may claim right is June 20, 2003.
6. One-fifth of the construction is to be completed on or before March 22, 2006.
7. All construction is to be completed on or before September 22, 2008.
8. Water is to be put to beneficial use on or before September 22, 2012.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. No pumping is authorized from the well into a pond or dam when water is discharging from the pond/dam receiving the flow.

WATER MANAGEMENT BOARD

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

OCT 10 2003

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>6430-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Onida Watchman, Onida</u>

RECEIVED
JUN 20 2003
WATER RIGHTS
PROGRAM

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 Sutton Bay Golf LLC Phone 605-264-5530
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 28950 Sutton Bay Trail Agar State SD 57520
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.22 *CFS or 100 **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 Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in the
NE 1/4 of the SE 1/4 of Sect 3 T116N-R79W 3 ponds
SW 1/4 Sec 11 - T116N-R79W County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used April 1 - Dec. 1
- 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)

WE want to dig a well to use the H₂O to divert to small ponds for habitat development & may also use the H₂O to help fill our dam that we currently have a permit for.

STATE OF SOUTH DAKOTA) SS
County of Sully

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, Mark Amundson, 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 Mark Amundson

Subscribed and sworn to before me this 7th day of July 20 03

Shirley W. Wooten

Notary Public signature



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 4 1/2" Depth 2200 ft
- b) Casing Type Copper Diameter 2" Thickness _____
- c) Screen Type Perf. Diameter 2" Thickness _____
- d) Gravel Pack NA Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material 2000 ft
- f) Depth to Water (ground surface to water level) 2000 ft
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile 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 _____

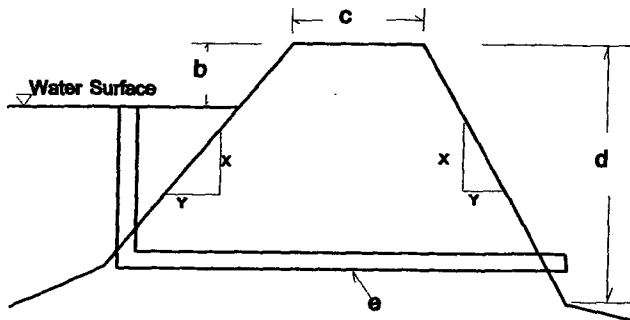
3. Dugout Information

- a) Surface Dimensions _____ 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

Date June 23, 20 03

RECEIVED OF Sutton Bay Golf, LLC, 28950 Sutton Bay Trail, Agar SD 57520

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

Fee for Application for Permit No. <u>6430-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6430-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No.

007368

By

Darland Ebel

Chief Engineer

gm



June 23, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECEIVED
JUL - 9 2003
**WATER RIGHTS
PROGRAM**

Mark L Amundson
Sutton Bay Golf LLC
28950 Sutton Bay Trail
Agar SD 57520

Dear Mr. Amundson:

Thank you for submitting the *Application for a Permit to Appropriate Water*. We have received the application filing fee and additional information requested by Eric Gronlund.

The application is being returned because it needs to be signed by you and notarized. Upon receipt of the signed application, further processing will continue.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



Sutton Bay

Eric

Here is the permit
application we discussed.
Any questions, please
give me a call.

Thank,

Mary
Henderson



Sutton Bay

RECEIVED

JUN 23 2003

WATER RIGHTS
PROGRAM

Eric

Here is the map of
where the small ponds
are. They are shallow
dryants for habitat.

Also enclosed is the
check. Let me know if you
have other questions

Thank

Mark

MAP OF SULLY COUNTY



Legend

SURFACE_TYPE	GRADED	COUNTY BOUNDARY
BITUM	GRAVEL	SECTION LINES
CONCRETE	PRIMITIVE	
	UNIMPROVED	
	RAILROAD	

POTTER COUNTY

R79W

= Shelter Belt

= Stock Dams.
3-4' deep
30' wide 100' long

172 ST

Well Location



6

5

4

3

2

1

173 ST

7

8

9

10

11

12

174 ST

18

17

16

15

14

13

TROY

175 ST

19

20

21

22

23

24

176 ST

SD HWY 1804

292 AVE

24

25

30

29

28

27

26

25

Brosz Engineering, Inc.

3030 Airport Road | PO Box 23, Pierre, SD, 57501 | 605-224-1123 | <http://www.broszengineering.com>

Project:

Map For Well Permit

Created by:

6430-3
Ernie Canode

Date: 6/03 Revised:

Copyright 2002 Brosz Engineering, Inc. All rights reserved. Reproduction and redistribution prohibited without permission.

REPORT ON APPLICATION NO. 6430-3
For Sutton Bay Golf, LLC
August 18, 2003

Application No. 6430-3 proposes to appropriate 0.22 cfs (100 gpm) from one well approximately 2200 feet deep located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 3, T116N R79W in Sully County. Water will be diverted from the well to fill 3 ponds (approximately one acre-feet total storage) for fish, wildlife and recreational uses located in the SW $\frac{1}{4}$ of section 11, T116N R79W. Well water may also be utilized to supplement and maintain the 100 acre-feet storage dam located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 3, T116N R79W authorized by Water Permit No. 6366-3.

AQUIFER – INYAN KARA (INKR)

The Inyan Kara is a buried sand, sandstone and shale which is under confined or artesian conditions at this site. The aquifer underlies 1058 square miles and contains an estimated 8.887 million acre-feet of recoverable water in storage in Sully County (Hedges, 1982). The aquifer is large and extends into and is hydraulically connected into all the counties surrounding Sully County. The well is expected to be a free flowing at the land surface, with a shut in pressure of around 100 psi or greater and a flow of 100 or more gpm. This would compare with other Inyan Kara wells in the general area.

This well would have to be completed in accordance with SD Well Construction Standards. That means, in this instance, the well would have to be grouted from the top of the aquifer to the land surface. The slim-hole exception listed in ARSD 74:02:04:36 would not be appropriate for this water use.

Very little water level data is available for this area. Over the years when a new well has been drilled there is some specific one-time water level data available. Also some data is available from the old SD-5 program which was a cooperative effort between the state of South Dakota and the US Geological Survey. Only one observation well has been completed into the Inyan Kara aquifer in Eastern South Dakota. This is observation well ED-85B and records for this well show little if any fluctuation in water levels (Water Rights, 2003).

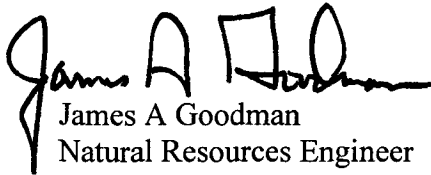
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights for water from the Inyan Kara in this area. There are domestic wells which obtain water from this aquifer in this general area. Interference is not a concern. Most of the Inyan Kara wells free flow at the land surface in this area and must be valved to control the amount of water needed and capable of being shut in to prevent the waste of water.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.

2. The aquifer is confined and under artesian conditions at this site. This well will free flow at this site and must be completed in accordance with SD Well Construction Standards. This well must be valved and controlled in order to prevent the waste of water.
3. Interference is not expected to be a concern.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Water Rights, 2003, Unpublished Observation Well Data for the Inyan Kara Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6430-3, Sutton Bay Golf LLC**

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. 6430-3, Sutton Bay Golf LLC, c/o Mark Amundson, 28950 Sutton Bay Trail, Agar SD 57530.

The Chief Engineer is recommending APPROVAL of Application No. 6430-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. No pumping is authorized from the well into a pond or dam when water is discharging from the pond/dam receiving the flow.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 26, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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.**

August 26, 2003

Sutton Bay Golf LLC
% Mark Amundson
28950 Sutton Bay Trail
Agar SD 57530

Dear Mr. Amundson:

Water Permit Application No. 6430-3 for recreation, fish & wildlife propagation 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 Onida Watchman printed at Onida, SD (Ph # 605-258-2604). 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

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

August 26, 2003

Onida Watchman
PO Box 245
Onida SD 57564-0245

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6430-3 to Appropriate Water to be published twice. Please publish the first notice on September 4, 2003 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 Sutton Bay Gold, LLC, % Mark Amundson, 28950 Sutton Bay Trail, Agar, SD (Ph # 605-264-5530).

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. 6430-3

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

Date _____

We are in receipt of your letter of August 26, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6430-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on September 4, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6430-3 to Appropriate Water

Notice is given that Sutton Bay Golf, LLC c/o Mark Amundson, 28950 Sutton Bay Trail, Agar SD 57530 has filed an application for a water permit appropriate 0.22 cubic feet of water per second from one well (Inyan Kara Formation) 2200 feet deep located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3-T116N-R79W. Water will be diverted from the well to fill 3 ponds (approximately 1 acre-feet of total storage) located in the SW $\frac{1}{4}$ Section 11-T116N-R79W for fish, wildlife and recreational uses. Well water may also be utilized to supplement and maintain the 100 acre-feet storage dam located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3-T116N-R79W authorized by Water Permit No. 6366-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6430-3 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 September 22, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)

Alice Olson of said County and State, being first duly sworn on her oath, says that THE ONIDA WATCHMAN is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Alice Olson, and has been admitted to the United States mail under the second class mailing privilege at all the times hereinafter mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the legal/display advertising department thereof and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed

Notice of Application No. 6418-3 to Appropriate Water

A printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication made THURSDAY, the 28th day of August, 2003, and the last publication on THURSDAY, the 4th day of September, 2003, and that \$37.70 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publisher of said newspaper; that no arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.

Alice Olson

Subscribed and sworn to me this

11th day of September, 2003

(SEAL)

My commission expires 4-24-2004

Marilyn T. Berg

Notary Public in and for Sully County, South Dakota

**NOTICE OF
APPLICATION NO. 6430-3
to Appropriate Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6430-3 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 September 22, 2003.

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. Pimer, Secretary
Department of Environment and
Natural Resources



OCT 10 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Sutton Bay Gold LLC
%Mark Amundson
28950 Sutton Bay Trail
Agar SD 57530

Dear Mr. Amundson:

Enclosed is Water Permit No. 6430-3 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

Water Permit No. 6430-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have made a thorough examination of the water use system constructed by Sutton Bay Golf, LLC of 28950 Sutton Bay Trail, Agar, SD 57520 holder of Permit No. 6430-3, bearing the priority of June 20, 2003 authorizing the diversion of 0.22 cu. ft. per second and the storage of 1.0 acre-feet of the waters of the Inyan Kara Formation for Recreation, Fish and Wildlife Propagation purposes, in Sully County.

Inspection contact & relationship **Don Smith (881-1545 cell)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) Approx. 2,200 feet
- 4) Well log is available N
- 5) Comment: The only well information available was provided by the applicant on Form 2A with the permit application.

Casing:

- 1) Diameter 2 inches
- 2) Length Unknown feet
- 3) Type Copper

Screen:

- 1) Type Perforated
- 2) Length Unknown feet
- 3) Static water level Flowing

B. Compliance with Permit Requirements:

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

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

Well:

Approximately 860 feet north and 2,251 feet east of the SW Corner of Section 3-T116N-R79W
(N 44.88710, W -100.36405) (SE ¼ SW ¼)

North Pond:

Approximately 1,130 feet north and 805 feet east of the SW Corner of Section 11-T116N-R79W
(N 44.87027, W -100.32241) (SW ¼ SW ¼)

South Pond:

Approximately 700 feet north and 1,015 feet east of the SW Corner of Section 11-T116N-R79W
(N 44.86920, W -100.32169) (SW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.04 cu. ft. per second of water and storing 1.0 acre-feet of water which is to be used for Recreation, Fish and Wildlife Propagation.

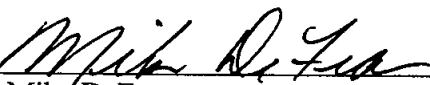
The license should be issued for 0.04 cfs and 1.0 acre-feet of storage.

All structures, wells and lands on map Y

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

Water Permit No. 6430-3 authorizes the diversion of 0.22 cfs of water from 1 well located in the NE ¼ SE ¼ Section 3-T116N-R79W. Water from the well is to be used to fill 3 small ponds with an approx. total storage capacity of 1 acre-feet located in the SW ¼ Section 11-T116N-R79W. Water from the well may also be utilized to supplement and maintain the 100 acre-feet storage dam located in the NE ¼ SW ¼ Section 3-T116N-R79W authorized by Water Permit No. 6366-3.

At the time of the inspection, water from the well was controlled by a valve to allow diversion of water at a rate of 20 gpm, through pipe, to fill only 2 ponds at the location authorized by the permit. The representative of Sutton Bay Golf was asked if water from the well had ever been diverted to the 100 acre-feet dam authorized and constructed under Water Permit No. 6366-3. He stated water from the well had never been used to supplement or maintain the 100 acre-feet dam, but would like to retain the option to allow the well to supplement the dam if needed. The representative for Sutton Bay Golf stated that the well could be setup to allow water from the well to flow downhill to the dam.

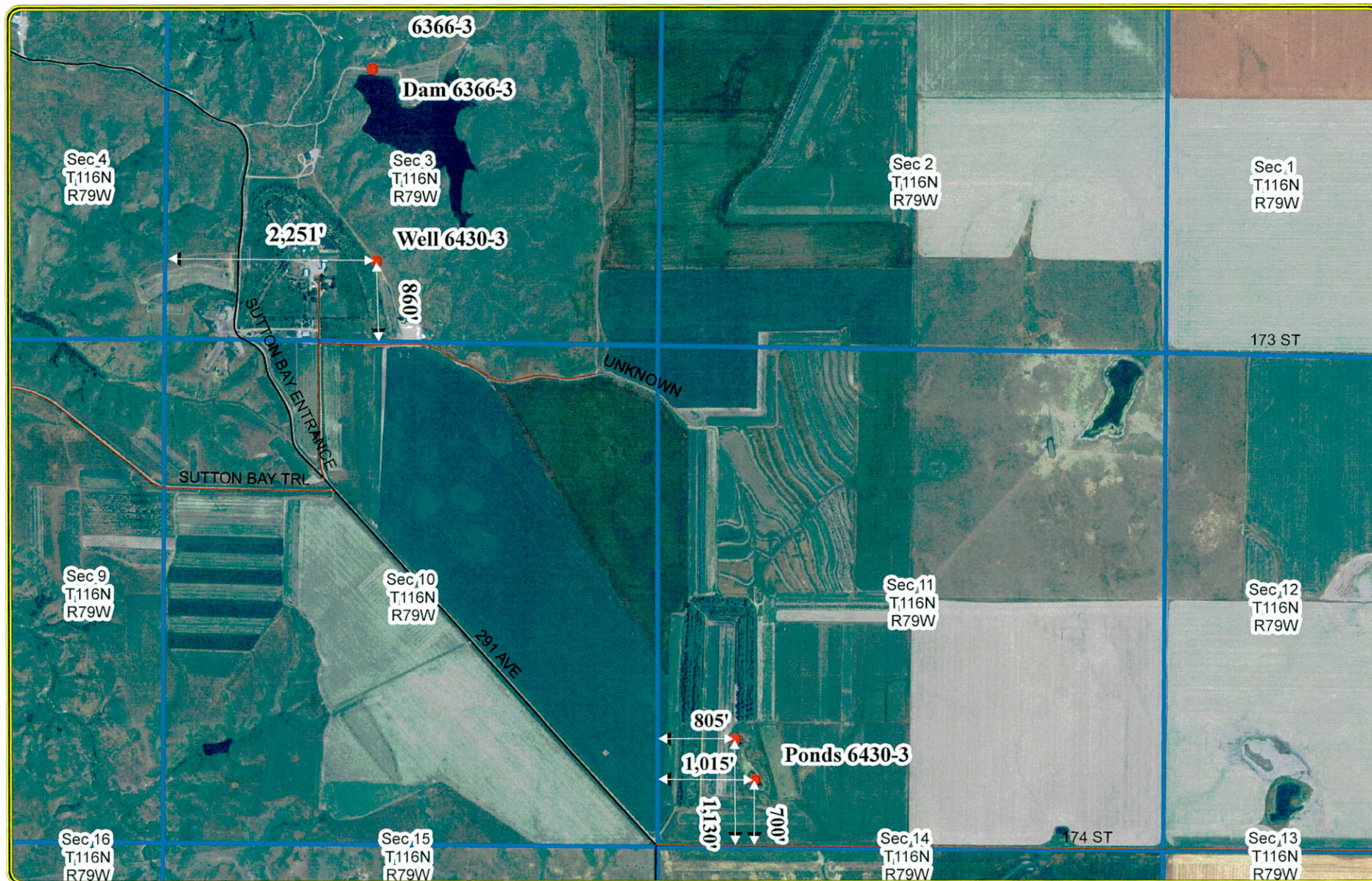

Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

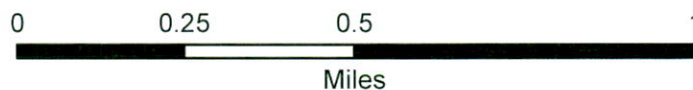
Date report completed: May 18, 2015

Sutton Bay Golf, LLC

Water Permit No. 6430-3



Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 15, 2015



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Sutton Bay Golf, LLC

ADDRESS: 28950 Sutton Bay Trail, Agar, SD 57520

DATE: May 19, 2015

COUNTY: Sully

TELEPHONE: (605) 264-5530

AUTHORITY:

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

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

The only well information available was provided by the applicant on Form 2A with the permit application.

Water Permit No. 6430-3 authorizes the diversion of 0.22 cfs of water from 1 well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3-T116N-R79W from the Inyan Kara aquifer. The application report for this permit indicated a well constructed into the Inyan Kara aquifer in this area would be expected to be free flowing at the land surface and must be valved to control the amount of water needed.

At the time of the inspection, the actual location of the well authorized by Water Permit No. 6430-3 was located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3-T116N-R79W. Water from the well was controlled by a valve to allow diversion of water at a rate of 0.04 cfs (20 gpm). This would be consistent with the well having been completed into the Inyan Kara aquifer as authorized.

- **If irrigation, no new land is irrigated**

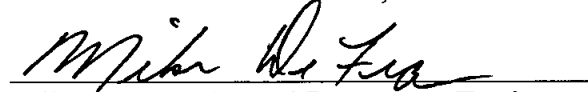
This permit is not for irrigation. The water is used to supply water for Recreation, Fish and Wildlife propagation.

- **Review of Existing Diversions**

There are no other nearby water permits/rights authorized to divert water from the Inyan Kara in this area.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mike DeFea, Natural Resources Engineer
Water Rights Program

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

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 27 2015

6430-3

Don Smith
Sutton Bay Golf LLC
28950 Sutton Bay Trail
Agar SD 57520

Dear Mr. Smith:

Enclosed is Water License No. 6430-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 6430-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6430-3

(1) Sutton Bay Golf LLC, 28950 Sutton Bay Trail, Agar SD 57520 made Application No. 6430-3, June 20, 2003 for a water permit to divert 0.22 cubic feet of water per second from ground water, one well (Inyan Kara Formation) to be diverted into 3 ponds (1.0 acre foot total storage capacity) located in Sully County, South Dakota and used for fish & wildlife propagation and recreational purposes. Permit No. 6430-3, with a priority date of June 20, 2003 was approved September 22, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 22, 2008 and for the application to beneficial use of said water on or before September 22, 2012.

An investigation conducted for licensing purposes found the well authorized under Permit No. 6430-3 was not in the authorized location. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in location of the diversion point does not increase the potential for interference with existing water rights.

(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 0.04 cubic feet of water per second for beneficial use. The location of the well and the ponds are as follows:

- ***Well:** approximately 860 feet north & 2,251 feet east of the SW corner of Section 3, T116N, R79W (SE $\frac{1}{4}$ SW $\frac{1}{4}$);
- **North pond:** approximately 1,130 feet north & 805 feet east of the SW corner of Section 11, T116N, R79W (SW $\frac{1}{4}$ SW $\frac{1}{4}$);
- **South pond:** approximately 700 feet north & 1,015 feet east of the SW corner of Section 11, T116N, R79W (SW $\frac{1}{4}$ SW $\frac{1}{4}$).

***The well may also supplement the 100 acre feet storage dam authorized by Water Right No. 6366-3.**

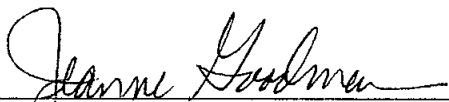
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Sutton Bay Golf LLC, 28950 Sutton Bay Trail, Agar SD 57520 the holder and/or owner of Water Right No. 6430-3 is issued a license to appropriate water, the right to use 0.04 cubic feet of water per second from ground water – one well (Inyan Kara Formation) to be diverted to two ponds (approximately one acre foot total storage) with a priority date of June 20, 2003 from the locations specified in (2) of this license for fish & wildlife propagation and recreational purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6430-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

- No pumping is authorized from the well into a pond or dam when water is discharging from the pond/dam receiving the flow.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

AUG 27 2015

date

