

WATER PERMIT NO. 7196-3

Name of Applicant: Prairie View Country Club

Address: PO Box 87, Gary SD 57237

Phone: 605 881-1114

Amount of Water Claimed: 0.78 cfs

Total Acres: 27

Source of Water Supply: groundwater (2 wells) and 6 ponds (40 AF storage)

Water to be used for: irrigation

County: Deuel

Type of Waste Disposal System:

Location: North side of Lake Cochrane

PRIORITY

Date Received: 3-2-10

Application/License Fee: \$700

Corrected Application Received: 4-8-10

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: Gov't Lot 2, Sec 5-T114N-R47W

Land to be Irrigated: Gov't Lots 1, 2 & 5 and SW

¼ NE ¼ Sec 5-T114N-R47W

Depth of Well: 165 feet deep

Well Driller: Steffl Drilling & Pump Inc.

Remarks:

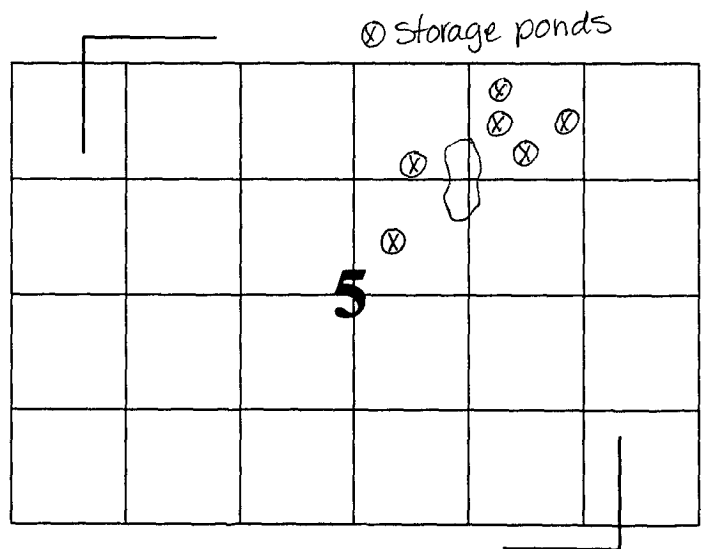
Type of Map: topo

Prepared by: Rodneys De Jong, PE

Reviewed and the Number Assigned on: 4-8-10

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7196-3</u> (office use only)	Hydrologic Unit <u>07020003</u>
	Basin <u>Lac Qui Parle</u>	
	Newspaper <u>Clear Lake Courier P.O. Box 830</u>	
	<u>605-874-2499</u> <u>Clear Lake 57225</u>	

RECEIVED
MAR - 2 2010
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Praine View Country Club Phone (605) 881-1114
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 87 Gary SD State SD 57237
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.78*CFS or 350 **GPM 40 ***AF Total Acreage 27
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Run off, into ponds
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Gout Lot 1
and SW 1/4 NE 1/4 Section 5-114-47 County Devel
Ponds also located in Gout Lot 2, Lot 5
- County or counties where water will be used Devel
- Annual period during which water is to be used May 1 through October 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
Gout Lot 1	<u>12</u>		
Gout Lot 2	<u>5</u>		
Gout Lot 5	<u>2</u>		
SW 1/4 NE 1/4 5-114-47	<u>8</u>		

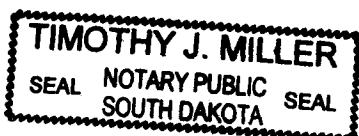
- Give a description of the project. (Attach sheet if more space is needed)
Irrigation is on the T-boxes, each side of 100' wide fairways
and on the greens. There are 10 greens each about 3500 sq ft.

STATE OF SOUTH DAKOTA) SS
County of Devel

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, Jay Grabow, 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 _____
Subscribed and sworn to before me this 7th day of April 2010



Tim J. Miller
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7196-3**

Date of first receipt of application March 2, 2010.

Date of return to applicant for corrections, amendments or changes March 2, 2010.

Date of receipt of corrected application April 15, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7196-3 to Prairie View Country Club, c/o Jay Grabow, PO Box 87, Gary SD 57237 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. 7196-3 appropriates 0.78 cubic feet of water per second (cfs) from a series of ponds supplied by runoff to irrigate 27 acres all located in portions of Government Lots 1, 2, 5 and the SW 1/4 NE 1/4 Section 5; all in T114N-R47W. The permit authorizes up to seven ponds within the above described area for a total storage capacity of 40 acre feet of water. Diversion of water from these ponds will occur to irrigate the golf course.
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: May 1 – October 31.
3. The date from which applicant may claim right is March 2, 2010.
4. The date of approval of Permit No. 7196-3 is June 7, 2010.
5. One-fifth of the construction is to be completed on or before December 7, 2012.
6. All construction is to be completed on or before June 7, 2015.
7. Water is to be put to beneficial use on or before June 7, 2019.
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. Water Permit No. 7196-3 authorizes seven ponds with a total combined storage capacity of 40 acre feet of water.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7196-3 authorizes a maximum diversion rate of 0.78 cfs for the irrigation of 27 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
3. 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

AUG 20 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 165'
- b) Casing Type see attached Diameter _____ Thickness _____
- c) Screen Type see attached Diameter _____ Thickness _____
- d) Gravel Pack see attached Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 110'
- f) Depth to Water (ground surface to water level) 115'
- g) Distance to nearest existing domestic well:
- On applicants property N/A On property owned by others 1050'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed 2010 Proposed
- c) Connected to the City of Lake Calhoun Sanitary System Designed by Arson Engineering
see dwg for contract info

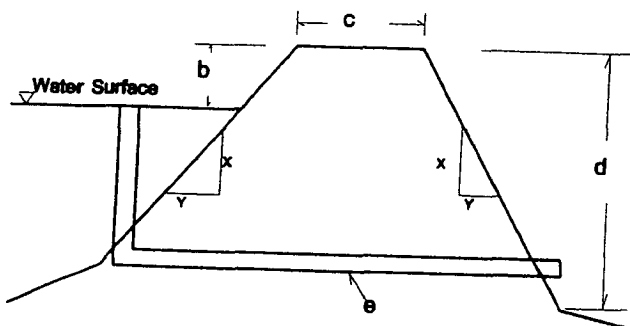
3. Dugout Information

- a) Surface Dimensions see attached drawing Depth see notes on drawing
- b) Depth to water (ground surface to water level) 1-4' depending upon which pond

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:

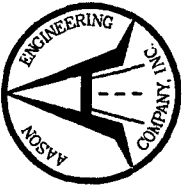


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

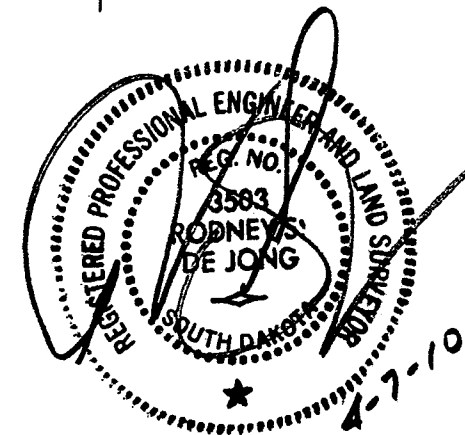


DEC. 17, 2009
Scale: 1" = 300'

This Work Coordinated By:
AASON ENGINEERING COMPANY
1022 6th Street SE
Watertown, SD 57201
Phone No. (605) 882-2371
Fax No. (605) 882-1042



PLAN OF
LAKE COCHRANE GOLF COURSE.



GENERAL NOTES

1. BASIS OF BEARING: LOCAL SITE

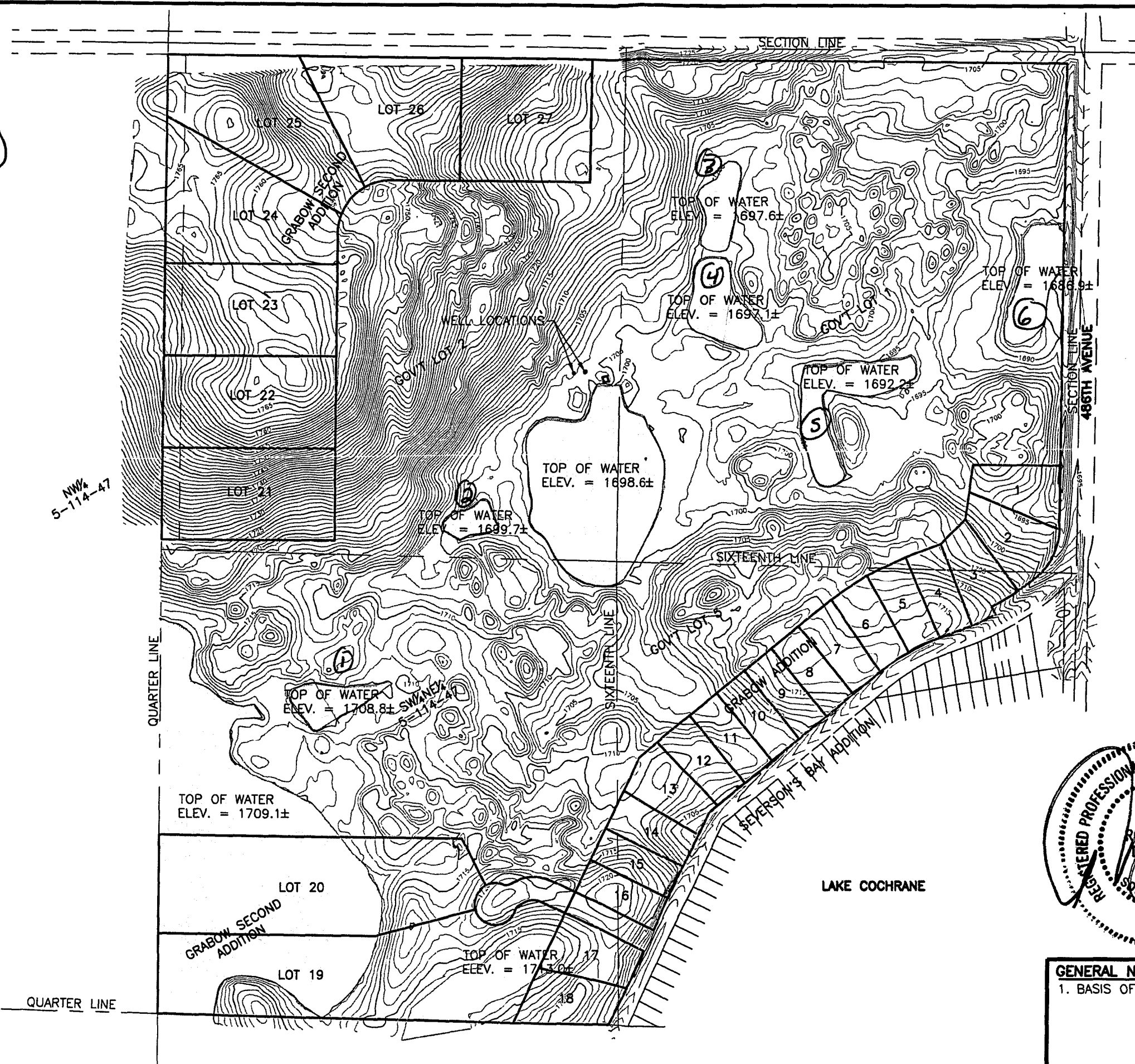
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APR - 8 2010

**WATER RIGHTS
PROGRAM**

Pond depth in(ft)

- 1 - 6
- 2 - 8
- 3 - 6
- 4 - 5
- 5 - 6
- 6 - 12

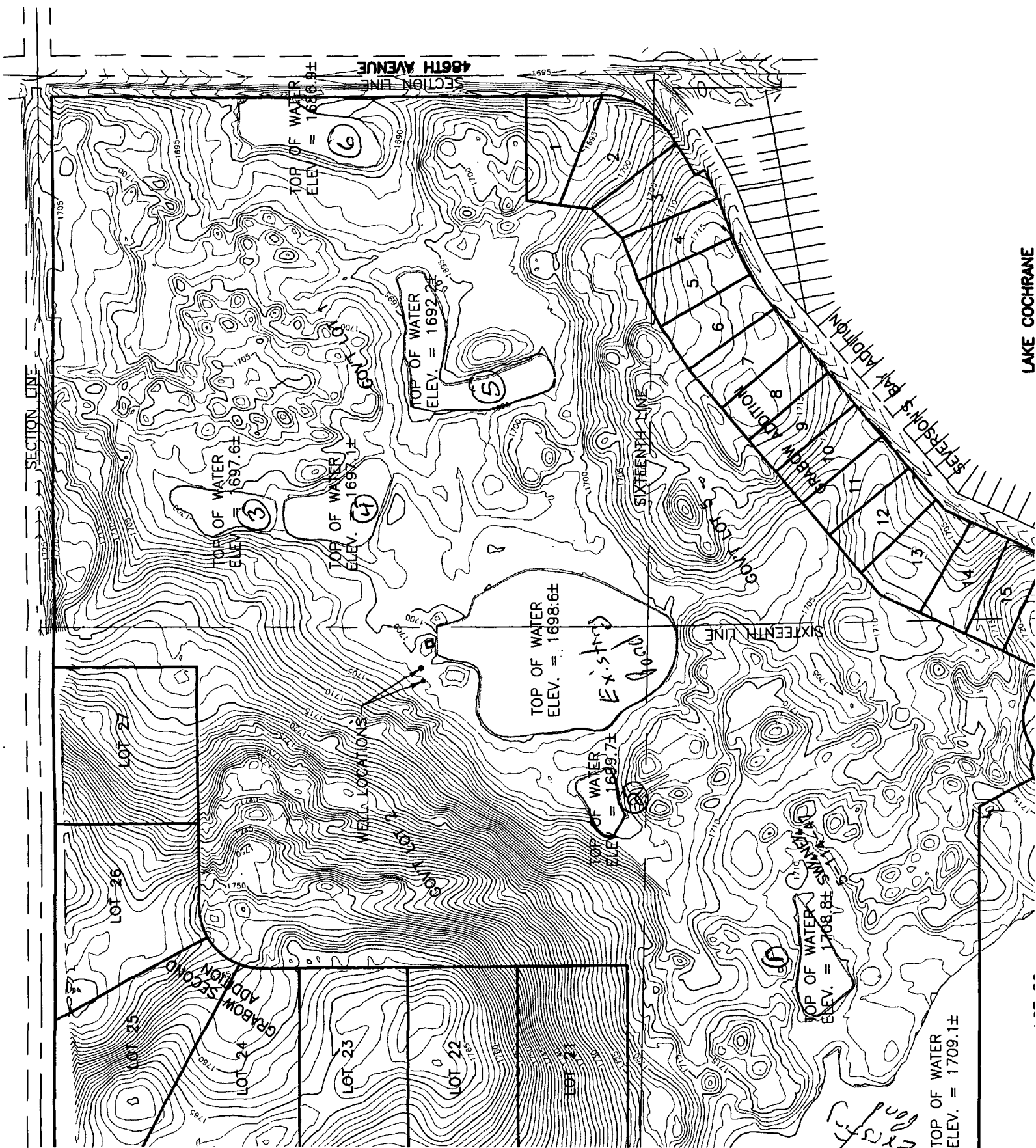


NW 1/4
5-114-47

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MAR - 2 2010

WATER RIGHTS
PROGRAM



LAKE COCHRANE

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 5 Twp 114N Rg 47W
 County Deuel North

Please mark well location with an "X"

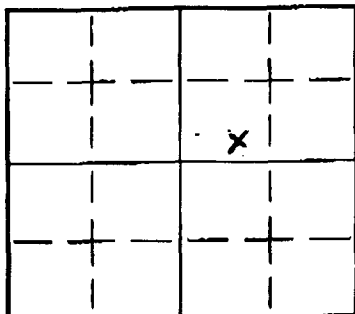
44 43' 04.9"
 36 29' 07.8"

W

E

Well-Completion Date

10/14/ 2009



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 55 ft. from pond (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
 _____ LB/FT 8 IN +2 FT 135 FT 12 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Quick Grout No. of Sacks 32 Grout Weight 8 From 110 To _____
 _____ lb./gal _____ ft. _____ ft.

Describe grouting procedure psi tremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 20 FEETMaterial stainless steelSlot Size 80 Set From 135 Feet to 155 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: granular

Laboratory sent to for water quality analysis _____

☐ NO, Why Not? _____Well Owner: Jay Grabow

Business Name: _____

Address: PO Box 87Gary, SD 57237

WELL LOG:

FORMATION			DEPTH	
			FROM	TO
top soil	blk	M	0	1
clay	yell	M	1	11
clay	blu	M	11	20
sand	blu	12slt	20	24
clay sandy	blu		24	96
sand	multi	18-30slt	96	165
clay	blu	M	165	170

STATIC WATER LEVEL 8 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

MAR - 2 2010

WATER RIGHTS PROGRAM

This well was drilled under license # 463

And this report is true and accurate.

Drilling firm Steffl Drilling & Pump Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: October 14, 2009



ENERGY LABORATORIES, INC. * 2821 Plant St * Rapid City, SD 57702
* 605.342.1225 * FAX 605.342.1397 * rapid_city@energylab.com

ANALYTICAL SUMMARY REPORT

October 24, 2009

Susan Yeo

Steffl Drilling and Pump

2295 66th Ave NE

Willmar, MN 56201

Workorder No.: R09100200

Project Name: Jay Grabow

Energy Laboratories Inc. received the following 1 sample for Steffl Drilling and Pump on 10/15/2009 for analysis.

Sample ID	Client Sample ID	Collect Date	Receive Date	Matrix	Test
R09100200-001	New Well	10/14/09 15:00	10/15/09	Drinking Water	Metals by ICP/ICPMS, Dissolved Bacteria, Private Water Supply Conductivity Anions by Ion Chromatography

Thank you for submitting your samples to Energy Laboratories, Inc. - Rapid City. The following pages contain the results of your sample analysis.

The samples were analyzed in accordance with the methods specified on the analytical reports. All analyses were accompanied by applicable quality assurance samples throughout the test. Where applicable, the results of these quality assurance samples will be included with your analytical data.

If you have any questions regarding the analyses performed or the results of these analyses, please feel free to call (888)672-1225, (605)342-1225 or llarson@energylab.com.

Sincerely,

Linda Larson
Branch Manager
Energy Laboratories, Inc.
Rapid City, SD

Report Approved By:



ENERGY LABORATORIES, INC. * 2821 Plant St * Rapid City, SD 57702
* 605.342.1225 * FAX 605.342.1397 * rapid_city@energylab.com

LABORATORY ANALYTICAL REPORT

CLIENT: Steffi Drilling and Pump
Project: Jay Grabow

Report Date: 10/24/09

Lab ID: R09100200-001 **Matrix:** DRINKING WATER
Client Sample ID: New Well

Collection Date: 10/14/09 15:00

Received Date: 10/15/09 11:20

Sampled By: Not Provided

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
MICROBIOLOGICAL						
Bacteria, Total Coliform	Absent	P/A	SAFE		A9223 B	10/15/09 16:40 / tb
Bacteria, E-Coli Coliform	Absent	P/A			A9223 B	10/15/09 16:40 / tb

Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.

The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Method Reference: E - EPA / MCAWW Methodology A - Standard Methods 19th Ed.



LABORATORY ANALYTICAL REPORT

Client: Steffl Drilling and Pump

Project: Jay Grabow

Lab ID: R09100200-001

Client Sample ID: New Well

Report Date: 10/24/09

Collection Date: 10/14/09 15:00

Date Received: 10/15/09

Matrix: DRINKING
WATER

Analyses	Result	Units	Qual	RL	MCL/ QCL	DF	Method	Analysis Date / By
PHYSICAL PARAMETERS								
Conductivity @ 25 C	844	umhos/cm		5.0		1	A2510 B	10/16/09 10:58/tb
INORGANIC PARAMETERS								
Nitrogen, Nitrate as N	ND	mg/L		0.1	10	1	E300.0	10/16/09 18:42/jmh
Sulfate	245	mg/L		1		5	E300.0	10/21/09 15:50/jmh
DISSOLVED METALS ANALYSES								
Sodium	13	mg/L		1		2	E200.7	10/19/09 18:04/eli-bf

Report RL - Analyte reporting limit.
Definitions: QCL - Quality control limit.

MCL - Maximum contaminant level.
ND - Not detected at the reporting limit.

Page 1 of 1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/8, 20 10

RECEIVED OF Grabow Construction, J. Grabow, 1767 S. US Hwy 81, Rapid City, SD 57201

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

Fee for Application for Permit No. <u>7196-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7196-3</u>	200	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	700 00

No. **04527**

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 2009

Jay Grabow
Lake Cochrane Development Co.
PO Box 87
Gary SD 57237

Dear Mr. Grabow:

The SD Department of Environment and Natural Resources has become aware of plans for a private park project at Lake Cochrane that includes development of a golf course. It is our understanding that water retaining ponds have been dug and recently a well driller has drilled a well for the project. I am writing to make you aware that a water right permit will be required for the appropriation of water in the ponds and for diversion from the ponds or well for irrigation use.

South Dakota water rights law requires a water permit to be obtained prior to beginning any construction of works for storing or carrying water. The only exception to this is if the intended use meets the domestic use definition in law. The construction of retaining ponds in excess of 25 acre feet or the physical diversion of water from ponds or a well to irrigate a golf course is not a domestic use of water. It is our understanding that the ponds being developed will have a total capacity of 40 acre feet of water.

Attached are application forms and an instruction sheet on completing the application. Please let me know if you have any questions regarding completing the application.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10, you do not have a legal right to divert water for the proposed use until a water permit is obtained. The Chief Engineer has legal authority to order a user of water to discontinue the use of water to which he has no legal right.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your 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.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure

c: Mary Nosbush, Deuel County Planning/Zoning Director, PO Box 606, Clear Lake SD 57226

November 12, 2008

The Deuel County Zoning Board met on Wednesday, November 12, 2008 at the Deuel County Courthouse in Clear Lake. Present were Board members: Brandt, Jaeger, Kanengieter, Mack and VanLiere. Also present: Zoning Officer Mary Nosbush, Attorney John Knight and several members of the public.

Chairman Kanengieter called the meeting to order at 7:35 p.m.

1. Motion Mack, seconded by Brandt to approve the minutes of the October 14, 2008 Zoning Board meeting. All present voting yes and the motion carried.

A hearing was held on a request by Roger Rauen for a variance to construct an attached garage to existing house. The request is for a setback of 125' from the road right of way. Rauen was represented by contractor Lonnie Budahl.

2. Motion Mack, seconded by Brandt to approve a variance of setback at 125' from the road right of way for Roger Rauen to construct an attached garage to his existing house on property located at S995' W835' in the SW1/4 Section 12-115-48. All present voting yes and the motion carried.

Findings for the variance: buildings are on the east side of the road; garage will be attached to an existing house; only suitable location for attached garage; trees which are planted to the north and east will control snow in the future.

3. Motion VanLiere, seconded by Jaeger to approve the plat of MoDak Well Addition in the SW1/4 Section 6-116-50, Goodwin Township. All present voting yes and the motion carried.

The Board met with Enid Weiss regarding development of their property located at Block 1 Weiss Addition in the E1/2SE1/4 Section 3-115-49, located north of Lake Sutton. Zoning Officer is to contact DENR regarding whether or not this is a meandered lake. If it is, Weiss will need to apply for rezoning to build within 300 feet of the high water mark. Permission for an approach from SD DOT is also needed.

A hearing was held at the request of Steve Scott for a special exception to install landscaping on his property within 35' of the high water mark at Lake Cochrane. Steve described his project to the Board to include a patio and retaining wall curving from the shoreline to about 30 feet from the high water mark. They plan to add trees and shrubs.

4. Motion Brandt, seconded by Mack to allow Steve Scott a Special Exception Permit to install landscaping within 35' of the high water mark on his property located at Lots 48 and 49 Bostic Beach in Govt Lot 3 in the NW1/4 Section 4-114-47. All present voting yes and the motion carried. Stipulations include the use of straw wattles for erosion control, to notify zoning officer when commencing work next spring and to allow up to 4 weeks to complete the project.

Jay Grabow met with the Board to discuss his private park project at Lake Cochrane and also the progress of the golf course. He will put down crushed granite and straw bales on any exposed soil within 35 feet of the high water mark to stabilize the project for the winter. Water retaining ponds are being dug at the golf course. They have completed enough to retain 22 acre feet of water. The permit requires retaining up to 40 acre feet. Grabow said one pond is 15 feet deep. When full, it will supply enough water for 10-days of irrigation.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 18, 2009

Jay Grabow
Lake Cochrane Development Co.
PO Box 87
Gary SD 57237

Jay Grabow
17673 US Highway 81
Watertown SD 57201

Dear Mr. Grabow:

I am writing to inquire regarding the status of Lake Cochrane Development Company's construction of PrairieView Country Club and Estates near Lake Cochrane. On November 6, 2009, I wrote to you regarding South Dakota's water rights law and the need to obtain a water right permit to irrigate the golf course. Attached is that letter and application forms for a water right permit. Please respond by January 8, 2010 regarding the intention of Lake Cochrane Development Company to obtain a water right permit.

Now is the time to file the application. In cases where the Chief Engineer recommends favorably on an application and no one petitions to intervene during the public notice process, it generally takes 3 months to get the water right permit in place. If the application is contested, a formal hearing before the Board of Water Management will need to be held which may take substantially longer than 3 months to complete.

It is my understanding that PrairieView Country Club and Estates continues to be developed, if this is not correct, please let me know. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10, there is not a legal right to divert water for the proposed water use until a water permit is obtained. The Chief Engineer has legal authority to order a user of water to discontinue the use of water to which he has no legal right.

If you have any questions regarding the permitting process, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure

c: Deuel County Planning/Zoning Director, PO Box 606, Clear Lake SD 57226

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, December 23, 2009 11:14 AM
To: Goodman, Jim; Schlaak, Karen; Erbele, Garland
Subject: golf course near Lake Cochrane

Jay Grabow called back in response to my second letter regarding him needing to get a water right permit for the irrigation of the golf course he's developed near Lake Cochrane. He indicated that he's drilled two wells and each has only produced about 150 gpm which was a disappointment. He also said he was following county requirements to construct the ponds and thought that was the only requirement. Finally, he said the delay in getting the application submitted in response to my first letter was getting a surveyor out to prepare the map.

He said the application will be in the mail at the latest by next Monday

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2010

Prairie View Country Club
c/o Jay Grabow
PO Box 87
Gary SD 57237

Dear Mr. Grabow:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of a golf course. In order to complete the application the following is required.

- The application is being returned because your signature must be subscribed and sworn in the presence of a Notary Public.
- Enclosed is the aerial photo map submitted with the application. The map must be signed with seal affixed by Aason Engineering Company who prepared the map.
- Will water from the wells be diverted to the ponds prior to application to the turf? If so, will the diversion rate from the ponds for applying water to the course be greater than the 350 gallons per minute requested from the well?
- The application/license filing fee to irrigate 27 acres will be \$700.00.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, March 30, 2010 8:05 AM
To: Lorenzen, Paul
Subject: RE: Golf course water pond interconnects

Please beware we have to process what Mr. Grabow applies for. The engineer who review the application (once it is complete) will be made aware of these concerns. I anticipate at that time the whoever conducts the WR review will want to talk with you.

-----Original Message-----

From: Lorenzen, Paul
Sent: Monday, March 29, 2010 5:08 PM
To: Gronlund, Eric
Subject: FW: Golf course water pond interconnects

I figured I would pass this on so I didn't have to summarize. It sounds like they had things worked out to provide maximum watering efficiency.

My main concern is that for years the Lake Oliver watershed was in CRP which seemed to have a positive impact on Lake Oliver. With the CRP going out and development occuring it is important to take all the appropriate steps to minimize impact to Lake Oliver. If Oliver shows signs of degradation it will surely turn the focus to the Lake Oliver outlet and Lake Cochrane water quality.

I think John Appelen had the right idea designing the ponds to provide retention to 1) minimize nutrient loading and 2) to store some water on the landscape to help keep Lake Oliver outflow to a minimum.

If the developer is allowed to keep these ponds full this will all go out the window and anything stored in the ponds will surely flush to Lake Oliver in the spring. That is assuming the well idea is for keeping the ponds full and not for supplemental watering.

Please keep me in the loop as things transpire.

-----Original Message-----

From: John Appelen [mailto:johnappelen@gmail.com]
Sent: Monday, March 29, 2010 3:24 PM
To: Lorenzen, Paul
Subject: Golf course water pond interconnects

Paul, The plan for using water from all the ponds was to connect them to the pond having the pump which is # 2 - second pond from the west end. I reminded him last summer that pond #3, 3A, and 4 need a small line maybe 2" with a low pressure high volume transfer pump to move the water west up about 7 ft. to pond #2. Likewise a gravity flow tube can transfer water from # 1 pond (existing) west of it into #2. There is a small pond between 1&2 which can be on the line between 1&2. These interconnections are a must for the concept of "water discharge and recharge" to work as intended.

Please pass on this design info. to whoever is reviewing this " watering system". If these ponds are properly connected, well water would not be needed.

John Appelen Engineering consultant for the project



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 2010

Jay Grabow
Lake Cochrane Development Co.
PO Box 87
Gary SD 57237

Dear Mr. Grabow:

I am writing regarding the application you filed for a water right permit for the irrigation of the golf course at Prairie View Country Club. On March 2, 2010 you submitted an application that was not complete. DENR sent you a letter explaining what was necessary to complete the application (copy enclosed).

In order to complete the application DENR needs: 1) the application signed in the presence of a notary public, 2) a map signed by your engineer, 3) the application filing fee and 4) an explanation of the system related to the wells and pond. You called on March 15th indicating you forgot to submit the filing fee. I informed you of the March 2nd letter setting forth what was necessary to complete the application. I called back and left a voice mail message informing you of the additional requirements. To date, the application is not complete.

One of the issues brought up in the letter was whether water from the wells will be diverted to the ponds prior to irrigation of the turf. It has come to my attention that the reason storage ponds were required was to provide retention to minimize nutrient loading and keep Lake Oliver outflow to a minimum. The concern is that using the wells to maintain the ponds full will result in increased likelihood of Lake Oliver outflow to Lake Cochrane. Therefore, it is important in our processing of the application to know what your intentions are. Do you intend to divert well water into the ponds prior to irrigation or irrigate directly from either the wells or the pond?

Mr. Grabow, you have likely past the critical time for getting a water right permit in place prior to needing to irrigate the spring. Generally, it takes 3 months from when an application is complete until you have a determination whether the permit is approved. This is assuming the application is not contested during the public notice process. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10, there is not a legal right to divert water for irrigation until a water permit is obtained. The Chief Engineer has legal authority to order a user of water to discontinue the use of water to which he has no legal right.

If you have any questions regarding the permitting process, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, April 07, 2010 11:35 AM
To: Lorenzen, Paul; Schlaak, Karen
Subject: RE: Lake Oliver golf course ponds

I wrote to Mr. Grabow on March 30th trying to prompt him to complete the application. In that letter I asked the question whether the well water would be diverted to the ponds prior to irrigation. I also stated that the reason the ponds were required was to minimize nutrient loading and keep Lake Oliver outflow to a minimum. Mr. Grabow stated that he had been out of state for the past month but would get right to completing the application. He also took the opportunity to inform me that the ponds were his idea and not a requirement someone else imposed on him. This goes somewhat counter to a prior conversation I recall where he indicated he didn't know why the county was requiring 40 acre feet of ponds. Anyway, he explained that his idea is to pump well water to one of the ponds that is to be used for irrigation. Well water will only be pumped when the pond is very low and water was needed for irrigating the turf. I told him that he should provide a full explanation in writing of how he intends to operate and submit it with the other material necessary to complete the application.

-----Original Message-----

From: Gronlund, Eric
Sent: Monday, March 29, 2010 1:35 PM
To: Beck, Lynn; Lorenzen, Paul
Cc: Schlaak, Karen; Goodman, Jim
Subject: RE: Lake Oliver golf course ponds

We currently have an incomplete application filed by Prairie View Country Club. The person who signed the application and my contact person thus far has been Jay Grabow. Despite a number of attempts to get him to originally file the application and now complete it, Mr Grabow has not been very responsive in this matter. Here's what I know:

Mr. Grabow is developing a golf course as part of a housing development in Deuel County. Water Rights learned of the project last fall. With the past controversy surrounding Lincoln Pipestone RWS drilling wells on the Minnesota side of Lake Cochrane, people are really sensitive about well drilling in the area and when a rig showed up to drill holes, it got things churning. According to Mr. Grabow, as part of the county approval of his project, the county **required** him to have 40 acre feet of storage. I never understood why the county would have this type of requirement but Paul's email may shed some light on that. Mr. Grabow also drilled test wells but did not get the production out of either one that he hoped. I surmise that since the irrigation of turf is very water intensive that the ponds would not have sustainable capacity to meet the irrigation need.

Now the million dollar question appears to be (at least from Paul's perspective) whether Mr. Grabow's intent is to divert the well water into the ponds prior to irrigation or operate them as two separate systems where the irrigation system is supplied by solely the ponds or the wells. From my past experience, most golf course divert their well water into a regulation pond (aka water hazard) prior to application to the turf.

I have to write him again in an attempt to get him to complete the application. I will specifically ask how he plans to operate. Regardless, we anticipate this application to be contested.

Quite possibly with the current economy and housing market, the development has not taken off the way they planned. However, my understanding is that turf is in place and he's going to need to be irrigating turf in the not too distance future and at the current rate he will not have a water permit in place. Garland may be put in a position of having to decide whether to shut down their water use.

Eric

04/07/2010

-----Original Message-----

From: Beck, Lynn
Sent: Monday, March 29, 2010 11:47 AM
To: Lorenzen, Paul; EricGronlund
Subject: RE: Lake Oliver golf course ponds

Paul, I sent this to Eric to see if a water right application has been made.

Eric, please read below.

-----Original Message-----

From: Lorenzen, Paul
Sent: Monday, March 29, 2010 11:06 AM
To: Beck, Lynn
Subject: Lake Oliver golf course ponds

Lynn,

I just spoke with John Appelen and he is concerned about the golf course ponds in the Lake Oliver watershed. John worked with the developer (consultant) to construct some ponds for the golf course. The ponds (two I believe) were apparently existing wetlands that were cleaned out and re-constructed to have a 40 ac-ft storage capacity. I believe they had to get a permit in order to get this done. The original intent of the ponds was to provide a water source for the golf course grass based strictly on surface run-off. The ponds were to benefit Lake Oliver by providing nutrient retention, especially in the spring.

Now, the developer has apparently submitted an application to obtain a permit to drill a well and supplement the ponds to keep them full at all time. Not sure if you are directly involved with this kind of process, but if you could point me in the right direction I would like to express my concerns with the application. If the ponds do not provide significant retention then I am afraid the effects of the golf course may impact Lake Oliver and ultimately Lake Cochrane in the future.

Thanks, Paul

RECEIVED

APR - 8 2010

WATER RIGHTS
PROGRAM

(605) 881-1114

Grabow Construction

PO Box 87

Gary SD 57237

March 2 , 2010

Department of Environment and Natural Resources
PMB 2020, Joe Foss Building, 523 E Capitol
Pierre, South Dakota 57501-3182

Attn: Water Rights Board

Please find enclosed with this letter the application for irrigating on Prairie View Golf Course. The application has been notarized and the map is signed by the engineering company, Aason Engineering.

I would like to clarify the usage of water for irrigating. We proposed to the local zoning office in an effort to help maintain clean water in Lake Oliver and Lake Cochrane, to dig ponds on the property and irrigate from those ponds. The more ponds there are, the more water that would evaporate into the atmosphere and reduce the amount of water running into Oliver. We also want to irrigate the course from the center pond. However we don't want the pond to dry up in the middle of the summer and look like a giant mud hole to our customers. Thus we need a well to maintain that pond at a certain level when the usage for irrigating is greater than the natural run off can supply. We will put a float system in the pump house to turn the well on when the water gets too low. It will also shut the well off when the pond gets so high. The height it turns off will be lower than the overflow of the pond, thus not wasting any water or putting excess water into Lake Oliver.

Along with the fee of \$700, I hope this will meet your requirements. I again want to emphasis that we are committed to creating a nice golf course and protecting our lakes and water supply in the process. We also recommended to the zoning board to limit the fertilizer to be free of phosphorus. We felt by putting it in the zoning variance no future owner could use phosphorus either.

I realize we are delinquent in submitting this application, as we were unaware of the requirements. We are truly sorry for this oversight on our part and are committed to resolve it. Thank you for your time and consideration in this matter.

Sincerely,



Jay Grabow

(605) 881-1114

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 7196-3, Prairie View Country Club

ADDRESS: PO Box 87, Gary SD COUNTY: DEUEL

DATE: April 14 and 15, 2010 TELEPHONE: 881-1114

RE: Conversation with Mr. Jay Grabow his application

April 14, 2010

Mr. Grabow called with question regarding his application, water use and cleaning out the dam authorized by Permit No. 7085-3.

1. He wanted to know about the status of his application. I told him that the application has been handed out to a staff person for a report that looks at the criteria for issuing a water permit. I went through the four criteria set forth in SDCL 46-2A-9.

2. We talked about the timing for getting the water permit in place. I said technically DENR has 60 days to review the application and the public notice process takes just shy of another 30 days. I also informed him that DENR currently expects the application to be contested. He stated that the ponds are intended to capture run-off and keep it from entering Lake Oliver and then Lake Cochrane. This will limit the nutrient loading to the lake and improve the quality for all residents. He didn't understand why anyone would be opposed to that. I said that my understanding was the drilling and proposed use of the two wells is the subject of the controversy. I informed him there is a long history of wells being drilling by Lincoln Pipestone Rural Water on the Minnesota side of the border and potential for that diversion to impact Lake Cochrane water levels. This is why ground water diversions are so sensitive in the area.

In addition, DENR has heard that using the well to maintain the ponds may increase the flow of water to the ponds thus increase the nutrient loading to the lakes. Mr. Grabow reiterated that it is only his intent to use the well water to maintain the ponds to the extent necessary to irrigate and keep the ponds from being brown mud pits.

I told him that if the application is contested and goes before the Board the earliest that would occur is the July meeting.

He asked if we knew that he irrigated last fall. I said that DENR did not know that for a fact but that I assumed that he did. I went on to tell him the first we knew of this Prairie View Country

Club was when DENR received inquiries when the well rigs showed up and began drilling. That is when we learned of the golf course, potential irrigation and based on the level of development I presumed that some irrigation had taken place. That is also when I made contact with him regarding needing to obtain a water right permit.

3. Mr. Grabow asked if there was any way he can irrigate prior to obtaining the water permit. I told him by state law he needed to have a water right permit prior to irrigating. He asked if there was anyway to grant a temporary permit as the regular permit is processed. I said there is a temporary permit that related to construction, drilling and testing. He said he was in the construction phase of his project. I said if he filed a request for a temporary permit it would be the Chief Engineer's call on whether to grant it. I directed him to DENR's website where the form can be downloaded.

4. Mr. Grabow is also involved in the dam located on the Lac Qui Parle River that was reconstructed within the town of Gary and is authorized by Water Permit No. 7085-3. He said that an ice dam formed on the river a few miles upstream during the spring thaw. When the ice dam released it sent a flush of sediment to their dam which subsequently became half full of sediment. Mr. Grabow inquired about being able to clean the dam out. I said maintaining the dam is not a water rights issue but encouraged him to call the Corps of Engineers regulatory office (224-8531). In addition, I made Patrick Snyder of the Surface Water Quality Program aware of this and Patrick called and left Mr. Grabow a message to return his call.

April 15, 2010

Paul Lorenzen with DENR's Watershed Protection Program came to talk to me. He received a call from John Appelen who I believe has done some consulting work for Mr. Grabow. Mr. Appelen had called Paul wondering why irrigation could not take place. He said the ponds were about full and that diverting from them for irrigation would draw them down so there would not be a discharge of water from the drainage to Lake Oliver. Mr. Appelen said someone from the state told Mr. Grabow he could not irrigate. I explained the situation to Paul and said I am unable to grant someone authority to irrigate if a water permit was not in place. I did say that I informed Mr. Grabow about a temporary permit but that I was not very optimistic about the chances of a temporary permit based on the statutes. I also explained that the timeframes for obtaining a water right permit and that it is likely that the application will get contested during the public notice process due primarily to the wells. I did mention one possibility was for Mr. Grabow to amend his application to withdraw the well component and be solely for irrigation from the ponds. This may result in the application not being contested. If not contested, a permit may be able to be in place in 2 months.

Fifteen minutes later I received a call from Mr. Grabow desiring to withdraw the wells from his application. I told him that I would need something in writing. He said he had been on the phone with Mr. Appelen who said then irrigation could begin by the weekend. I said not until a permit was in place and that would still take a few months even if it is not contested. Mr. Grabow stated he still needed the wells (which do not currently have pumps installed) and will apply for them separately. His rationale is that during July and August he needs to have some water in the ponds so they don't become eyesores on the course. We had discussion on when the best time to apply

for the well permit would be. I said proceeding at the same time as the pond application may increase the likelihood of the pond application also be contested. Ultimately, I told him it was a management decision for him to make. A separate application will require a separate application and filing fee.

We concluded by me giving him my email address and I anticipate receiving his request to amend the application to delete the well component soon.

NAME: Eric Hundert

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, April 20, 2010 2:27 PM
To: 'Jay Grabow'
Cc: Beck, Lynn
Subject: Irrigation permit at Lake Cochrane

Mr. Grabow:

A Water Rights staff person has begun its review of your water right permit application for solely the ponds for irrigation of the golf course. It appears that some of the pond areas are delineated wetlands which may be subject to regulatory control of the US Army Corps of Engineer. I encourage you to contact the Regulatory Office for the Corps of Engineers at (605) 773-3352 to find out if any federal regulations apply to your project.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

04/20/2010

Haas, Hayes

From: Goodman, Jim
Sent: Tuesday, April 13, 2010 4:47 PM
To: Haas, Hayes
Subject: FW: Prairie View - golf course near Lake Cochrane

-----Original Message-----

From: Lorenzen, Paul
Sent: Tuesday, April 13, 2010 11:59 AM
To: Goodman, Jim
Cc: Gronlund, Eric
Subject: FW: Prairie View - golf course near Lake Cochrane

Jim,

I recieved an email from John Appelen (in red) expressing concerns with the application to drill a well to supplement ponds on the prairie view golf course proposed by Mr. Grabow. John Appelen is a retired ag-mechanical engineer and is heavily involved in issues surrounding Lake Cochrane. From what I understand Mr. Grabow hired Mr. Appelen as a consultant to help design a pond system that used strictly surface water to hydrate turf.

The pond system was originally designed to reduce surface water run-off from the golf course to Lake Oliver. Decreased run-off to Lake Oliver would minimize outflow and nutrient inputs to Lake Cochrane.

I do not know the specifics of the application, however, I can assume Mr. Grabow did not believe the original pond design was adequate to keep ponds full throughout the growing season and that supplemental water was needed. I also understand that full ponds will add to the esthetics of the golf course.

My concern is that if the main pond is allowed to stay full, it will not hold water/nutrients on the landscape, but flush potentially multiple times each spring providing absolutely no benefit.

Given the history of Lake Oliver and Lake Cochrane I would ask that you give consideration to the potential impacts, if any, this application may have on water quality of Lake Oliver and ultimately Lake Cochrane.

If you would like to speak to John Appelen I can give you his contact information.....

Thank you,
Paul Lorenzen
Watershed Protection

Paul, The plan for using water from all the ponds was to connect them to the pond having the pump which is # 2 - second pond from the west end. I reminded him last summer that pond #3, 3A, and 4 need a small line maybe 2" with a low pressure high volume transfer pump to move the water west up about 7 ft. to pond #2. Likewise a gravity flow tube can transfer water from # 1 pond (existing) west of it into #2. There is a small pond between 1&2 which can be on the line between 1&2. These interconnections are a must for the concept of "water discharge and recharge" to work as intended.

Please pass on this design info. to whoever is reviewing this "watering system". If these ponds are properly connected, well water would not be needed.

John Appelen Engineering consultant for the project

04/13/2010

-----Original Message-----

From: Gronlund, Eric

Sent: Monday, April 12, 2010 4:50 PM

To: Lorenzen, Paul

Subject: Prairie View - golf course near Lake Cochrane

Paul - Water Rights now has a complete application and I am giving the application to Jim Goodman for a staff report. Attached is a cover letter submitted by Mr. Grabow with his application.

Eric Gronlund

Water Rights Program, DENR

Phone: (605) 773-3352

Fax: (605) 773-4068

Email: eric.gronlund@state.sd.us

Web: www.denr.sd.gov

Haas, Hayes

From: Gronlund, Eric
Sent: Thursday, April 15, 2010 10:30 AM
To: Haas, Hayes; Goodman, Jim; Schlaak, Karen; Rath, Mark
Subject: Prairie View Country Club application near Lake Cochrane

I anticipate the applicant is going to amend his application to exclude the wells at this time. His hope is to get a permit in place from the ponds that won't be contested. Paul Lorenzen tells me the diversion from the ponds this is a good thing in that this prevents outflow of less desirable water to Lake Oliver / Cochrane. Upon received formal written request to amend, I will give the amended application to Mark for a report since it will be solely surface water.

Mr. Grabow does intend to come in with an application from a well at some future date.

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov

Gronlund, Eric

From: Jay Grabow [grabowconstruction@gmail.com]

Sent: Thursday, April 15, 2010 5:25 PM

To: Gronlund, Eric

Subject: Irrigation permit at Lake Cochrane

Eric,

Please amend my water permit application to ground/surface water only. We do not have pumps in the wells and will only use the pond water at this time to irrigate. We reserve the option to apply for well support at a later time. Thankyou for your time and understanding in this matter.

Sincerely,

Jay Grabow

04/16/2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7196-3, Prairie View Country Club**

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. 7196-3, Prairie View Country Club, c/o Jay Grabow, PO Box 87, Gary SD 57237

The Chief Engineer is recommending APPROVAL of Application No. 7196-3 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. Water Permit No. 7196-3 authorizes seven ponds with a total combined storage capacity of 40 acre feet of water.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7196-3 authorizes a maximum diversion rate of 0.78 cfs for the irrigation of 27 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
3. 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 10, 2010

REPORT ON WATER PERMIT APPLICATION NO. 7196-3

Prairie View Country Club

May 10, 2010

Prairie View Country Club, % Jay Grabow, has filed Water Permit Application No. 7196-3 to appropriate 0.78 cubic feet of water per second (cfs) from local drainage to irrigate 27 acres of a golf course. The application is proposing up to seven ponds to store 40 acre feet of water for irrigation.

REVIEW OF PROPOSED PROJECT

The project proposes to irrigate 27 acres of a golf course located in portions of Government Lots 1, 2, 5 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5; all in T114N-R47W to include T-boxes, fairways, and greens at a rate of 0.78 cfs. This is more than the statutory limit of 1 cfs per 70 acres. SDCL 46-5-6 allows for a greater diversion rate than the statutory limit due to time constraints, method of irrigation or soil type. The proposed system type and irrigation method to be used for this project requires the greater diversion rate. Water will be diverted from up to seven ponds that will impound 40 acre feet of water. Diversion is to occur from May 1 through October 31.

The ponds will supply approximately 13 acre feet of additional storage from what currently exists.

The applicant intends to use a non-phosphorous based fertilizer on the golf course.

REVIEW OF WATER SOURCE AND EXISTING WATER RIGHTS

Local Drainage

The water source for the project is local drainage from a 440 acre watershed. The watershed lies just west of Lake Oliver in Deuel County and is part of Lake Oliver's watershed. This portion of the watershed supplies 12% (58 acre-feet) of Lake Oliver's total annual inflow (473 acre-feet). See graph on page 2 of this report. The figures come from the "Phase I Watershed Assessment Final Report for Lake Cochrane/Lake Oliver, Deuel County, South Dakota, October, 2000".

Runoff volumes from the 440 acre watershed may not be a reliable or sufficient water source for the golf course even during normal precipitation/evaporation years. May through October most if not all of this runoff will be captured by the ponds and used for irrigation. Irrigation needs are 6 to 7 hours daily at 0.78 cfs for a total of 70 to 80 acre-feet May 1 to October 31. At some point a supplemental water source may be needed to meet irrigation requirements.

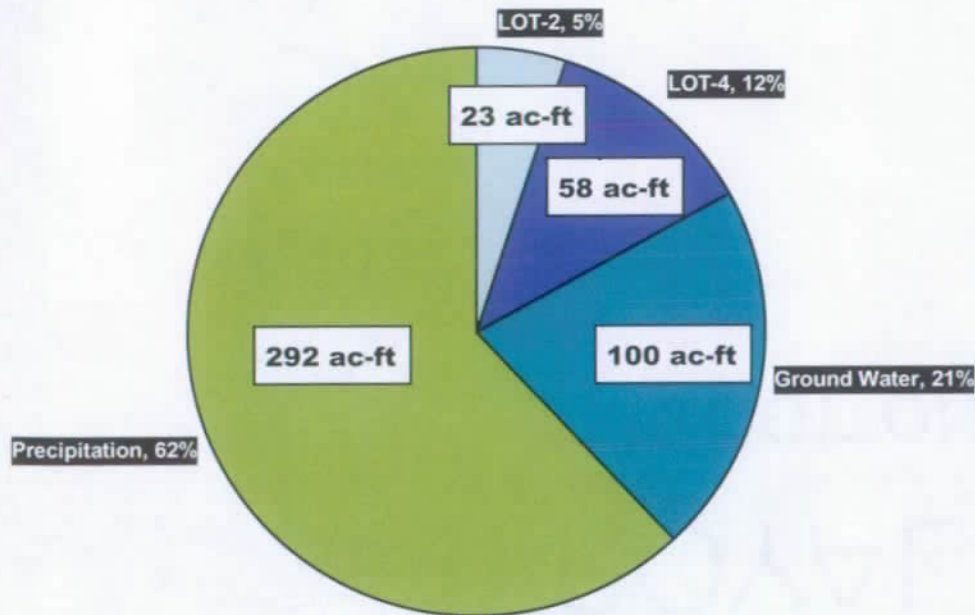
Existing Water Rights

There are two existing water rights immediately downstream of this project. Vested Water Right 1470-3 held by the South Dakota Department of Game Fish and Parks (GFP) authorizes 300 acre feet of water annually for storage in Lake Oliver for recreational purposes. Flood Control Permit FC-23 also held by GFP authorized the construction of an outlet structure for Lake Oliver. The outlet structure allows seasonal storage of water in Lake Oliver above the established outlet elevation.

FC-23 allows water to be stored in Lake Oliver up to an elevation of 1685.0 feet mean sea level (fmsl) which is 1.4 feet above the outlet level. Storage can occur June 15 through October 15 of each year. The rest of the year water is allowed to flow out of Lake Oliver to the outlet elevation of 1683.6 fmsl.

Lake Oliver has a surface area of 180 acres and a watershed of 540 acres. The two largest sources of water to Lake Oliver are direct precipitation at 62% and ground water at 21%. Lake Oliver Tributary – 2 (LOT-2) and Lake Oliver Tributary – 4 (LOT-4) are sites where water enters Lake Oliver from its

watershed. LOT-4 is the location where drainage from the proposed project's watershed enters Lake Oliver. Inflow measured at LOT-4 supplies 12% of the total water to Lake Oliver where LOT-2 supplies 5%.



Phase I Watershed Assessment Final Report, Lake Cochrane/Lake Oliver Deuel County, South Dakota, October, 2000

The study for the "Phase I Watershed Assessment Final Report, Lake Cochrane/Lake Oliver Deuel County, South Dakota, October, 2000" was conducted in 1999 which was a slightly above normal precipitation year with below normal precipitation November through April and above normal precipitation May through October. Using monthly data for inflow from LOT-4 and precipitation the proposed project would reduce the fall elevation of Lake Oliver by approximately 0.2 feet or 2.4 inches. This should not have an adverse effect on Lake Oliver.

CONCLUSIONS

1. Water Application No. 7196-3 proposes to appropriate 0.78 cubic feet of water from the local watershed to irrigate 27 acres of a golf course.
2. The applicant is asking for a diversion rate greater than the statutory limit, pursuant to SDCL 46-5-6, due to irrigation methods and needs.
3. This project's watershed is not a reliable source of water. At some point a supplemental water source may be needed to meet irrigation requirements.
4. If approved this permit should not impair existing water rights.

Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

References

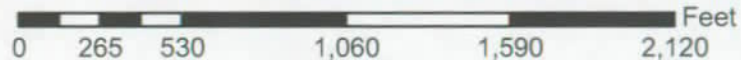
South Dakota Department of Environment and Natural Resources, Water Rights Program Records.

Phase I Watershed Assessment Final Report for Lake Cochrane/Lake Oliver, Deuel County, South Dakota, South Dakota Department of Environment and Natural Resources, October, 2000.

APPLICATION NO. 7196-3
Prairie View County Club



SCALE



Lynn Beck

Lynn Beck
DENR - Water Right Program
May 10, 2010



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

The undersigned Ken Reiste being first duly sworn, on oath deposes and says: That he is in charge of the advertising department of the Clear Lake Courier; which newspaper is published by Ken Reiste; that the Clear Lake Courier is a weekly newspaper printed and published in Clear Lake, Deuel County, South Dakota and the undersigned has full and personal knowledge of all facts hereinafter stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication, that the

**Jay Grabow & Department of
Environment & Natural
Resources**

**Notice of Application No. 7196-3 To
Appropriate Water**

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

May 19, 2010

May 26, 2010

that the full amount of the fees for the publication of the annexed notice is \$47.82


Ken Reiste

Subscribed and sworn to before me

this 7 day of June,
2010



Notary Public, South Dakota

My commission expires: 5-21-2016

RECEIVED

JUN 09 2010

WATER RIGHTS
PROGRAM

6K

**NOTICE OF APPLICATION
NO. 7196-3
to Appropriate Water**

Notice is given that the Prairie View Country, c/o Jay Grabow, PO Box 87, Gary, SD 57237 has filed an application for a water permit to appropriate 0.78 cubic feet of water per second (cfs) from a series of ponds supplied by runoff to irrigate 27 acres all located in portions of Government Lots 1, 2, 5 and the SW 1/4 NE 1/4 Section 5; all in T114N-R47W. The application is proposing up to seven ponds within the above described area for a total storage capacity of 40 acre feet of water. Diversion of water from these ponds will occur to irrigate the golf course. The applicant is requesting a diversion rate greater than the statutory limits of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7196-3 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 this 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 this 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 7, 2010.

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

Published twice at the total approximate cost of \$49.28. (12-2/70)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 12, 2010

Clear Lake Courier
PO Box 830
Clear Lake SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7196-3 to Appropriate Water to be published twice. Please publish the first notice on May 19, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Prairie View Country Club, c/o Jay Grabow, PO Box 87, Gary SD 57237 (Ph # 605-881-1114).

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. 7196-3

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

Date _____

We are in receipt of your letter of May 12, 2010 enclosing Notice to Appropriate Water by Application No. 7196-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 12, 2010

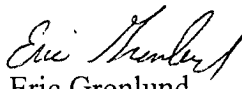
Prairie View Country Club
Jay Grabow
PO Box 87
Gary SD 57237

Dear Mr. Grabow:

Water Permit Application No. 7196-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Clear Lake Courier printed at Clear Lake SD (Ph # 605-532-3654). 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 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 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. 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
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on May 19, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7196-3 to Appropriate Water

Notice is given that Prairie View Country Club, c/o Jay Grabow, PO Box 87, Gary SD 57237 has filed an application for a water permit to appropriate 0.78 cubic feet of water per second (cfs) from a series of ponds supplied by runoff to irrigate 27 acres all located in portions of Government Lots 1, 2, 5 and the SW ¼ NE ¼ Section 5; all in T114N-R47W. The application is proposing up to seven ponds within the above described area for a total storage capacity of 40 acre feet of water. Diversion of water from these ponds will occur to irrigate the golf course. The applicant is requesting a diversion rate greater than the statutory limits of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7196-3 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 this 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 this 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 7, 2010.

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.

Published twice at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

AUG 20 2010

Prairie View Country Club
c/o Jay Grabow
PO Box 87
Gary SD 57237

Dear Mr. Grabow:

Enclosed is Water Permit No. 7196-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

This permit only authorizes diversion from the ponds as specified in the permit. If in the future, wells are incorporated into the system for irrigation or commercial use at the development, an additional water permit will need to be obtained from that source, prior to its use.

A 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 information 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,

A handwritten signature in cursive script that reads 'Garland Erbele'.

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

enclosures

Water Rights Division - DENR
Conversation or File Documentation

Name of Person: Mike Blessington - USFWS File No. 7196-3
Address: 23520 SD HWY 19, Madison SD, 57042 County: DEUEL
Date: 8-26-2010 Telephone: (605) 256-2074
RE: Unauthorized pumping at a golf course near Lake Cochrane, Deuel Co.

Comments:

Mike Blessington called to report that he received a complaint that Mr. Grabow was pumping from a wetland/pond that lies on State of South Dakota, Federal and private lands. This water was being used to fill ponds authorized by Permit No. 7196-3. Dave Bartling, GFP CO for Deuel Co., contacted Mike after he witnessed and took pictures of the pumping.

I contacted Jay Grabow, (605) 881-1114, who owns a golf course near Lake Cochrane in Deuel County and a permit (7196-3) to irrigate from 6 constructed and one existing pond. Jay told me that he did pump from a pond upstream of the permitted ponds but has since stopped. However the pump is still there. I informed him that he can not pump from the upstream pond as it is not part of his permit and to remove the pump which he said he would. The pond in question is on both his property and WPA land.

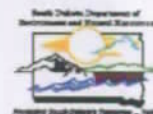
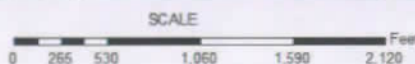
Jay said that he has run out of water, which was predicted in the application report, and wants to start pumping from two wells. I told him that he will need to get a permit to do that so we may see something soon.

I also contacted Dave Bartling, (605) 881-3780, and relayed the conversation to him. He said he would send the pictures and check on Saturday to see if the pump is removed.

Lynn Beck

Lynn Beck
Natural Resources Engineer

APPLICATION NO. 7196-3
Prairie View County Club



Tuesday

Hi Lynn,

I checked the Cochran golf course this morning and found the pump has NOT been removed. In fact, the hoses still run into the wetland and one into Jay's course ponds. I noticed all of Orben's ponds on the course are now full so he probably has been running the pump at night. Without a deadline to remove the pump, he won't do it.

RECEIVED

SEP - 1 2010

WATER RIGHTS
PROGRAM

Dave B.



Lake Cochrane golf
course illegal pumping
from wetland.

AV450P2, 122, 8812_7200, 99/26/10

Fuj 1, <Store>, 08/26/10

pumping that day.

WCO Dave Bantling



Illegal pumping from
wetland in Lake
Cochrane gets course
penal.

ddc6642, 182, 8911, 8947, 80/75/12

Fuji, (Store), 08/26/10

WCO Dave Bantling



Water pumped from
USFWS wetland into
golf course pond.

(Lake Cochrane golf
course.)

0018 02 12 1 0017 0000 00/00/00

Fuji. (Store), 08/26/10

Pumping that day.

WCO Dave Bartling

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Jay Grabow** File No. **7196-3**
Address: **PO Box 87, Gary, SD** County: **Deuel**
Date: **9-1-2010** Telephone: **(605) 881-1114**
RE: **illegal pumping**

Comments:

Jay Grabow, Prairie View County Club, has pumped water from a source that is not part of the water permit. I last spoke with Jay Grabow 8-26-2010 and he said that he would have the pump removed. I received correspondence 9-1-2010 from Dave Bartling, GFP indicating that the pump and hoses are still in place.

I spoke with Jay today and he said that the pump and hoses were supposed to be removed and he would see to it that the equipment is removed today. The pump and hoses are to be removed by the end of today (9-1-2010) and the site will be checked tomorrow a.m. by Dave Bartling. Jay now knows that Prairie View runs the risk of losing the irrigation permit for violation if equipment is not removed from the current site.

See conversation doc dated 8-26-2010 for more information.

A handwritten signature in cursive script, reading "Lynn Beck".

Lynn Beck
Natural Resources Engineer

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Jay Grabow** File No. **7196-3**
Address: **PO Box 87, Gary, SD** County: **Deuel**
Date: **9-1-2010** Telephone: **(605) 881-1114**
RE: **illegal pumping**

Comments:

Jay Grabow, Prairie View County Club, called to say he removed the pump himself.

9/2/2010 – I got confirmation from Dave Bartlet, CO GFP, that the pump and hoses are not longer at the site.

A handwritten signature in cursive script that reads "Lynn Beck".

Lynn Beck
Natural Resources Engineer

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Jay Grabow File No. 7196-3
Address: County: Deuel
Date: August, 2011 Telephone: 605.881.1114
RE: Possible drainage of wetland for irrigation.

Comments:

Jay Grabow owns/operates the Prairie View Country Club golf course next to Lake Oliver in Deuel County. The business holds Water Permit No. 7196-3 to irrigate 27 acres from a series of ponds constructed on the golf course. A complaint was received by Mary Clawson, GFP Aberdeen, indicated that Mr. Grabow had buried a pipe in the large wetland to the west of the golf course to drained water to one of his man-made ponds.

Prior to the golf course being built the wetland would fill and overflow to the east along a waterway with small depressions and an existing pond. Ultimately the water would flow to Lake Oliver. Fairway #5 was built over the waterway and the pipe was placed flow to the east. 2008 aerial photos show the waterway before construction.

This past spring Mr. Grabow turned the end of the pipe up and blocked water from flowing to his pond as the golf course was experiencing flooding. As of photos taken the pipe was straight and not turned up.

Mark Rath, DENR – Water Rights, visited the site on September 6, 2011. Mark found that the large wetland that borders GPA land water elevation was 1709.9 fmsl. Moving east, the survey found natural damp ground then water in a small pond at 1709.2 fmsl. The pipe inlet was in this small pond at an invert elevation of 1709.2 fmsl. The pipe ran under the fairway to the first small pond on the golf course, outlet invert at 1708.3 fmsl. A visual inspection of the NW side of the GPA wetland did not indicate any evidence that the pump was set up recently to pump water directly from the GPA pond. Mark also noticed that other wetlands in the area had dropped 1-2' since the spring high water levels.

The wetland inventory shows the boundary at approximately 1707 fmsl and the small finger wetland just east of the large GPA as a separate, though touching, water-body.

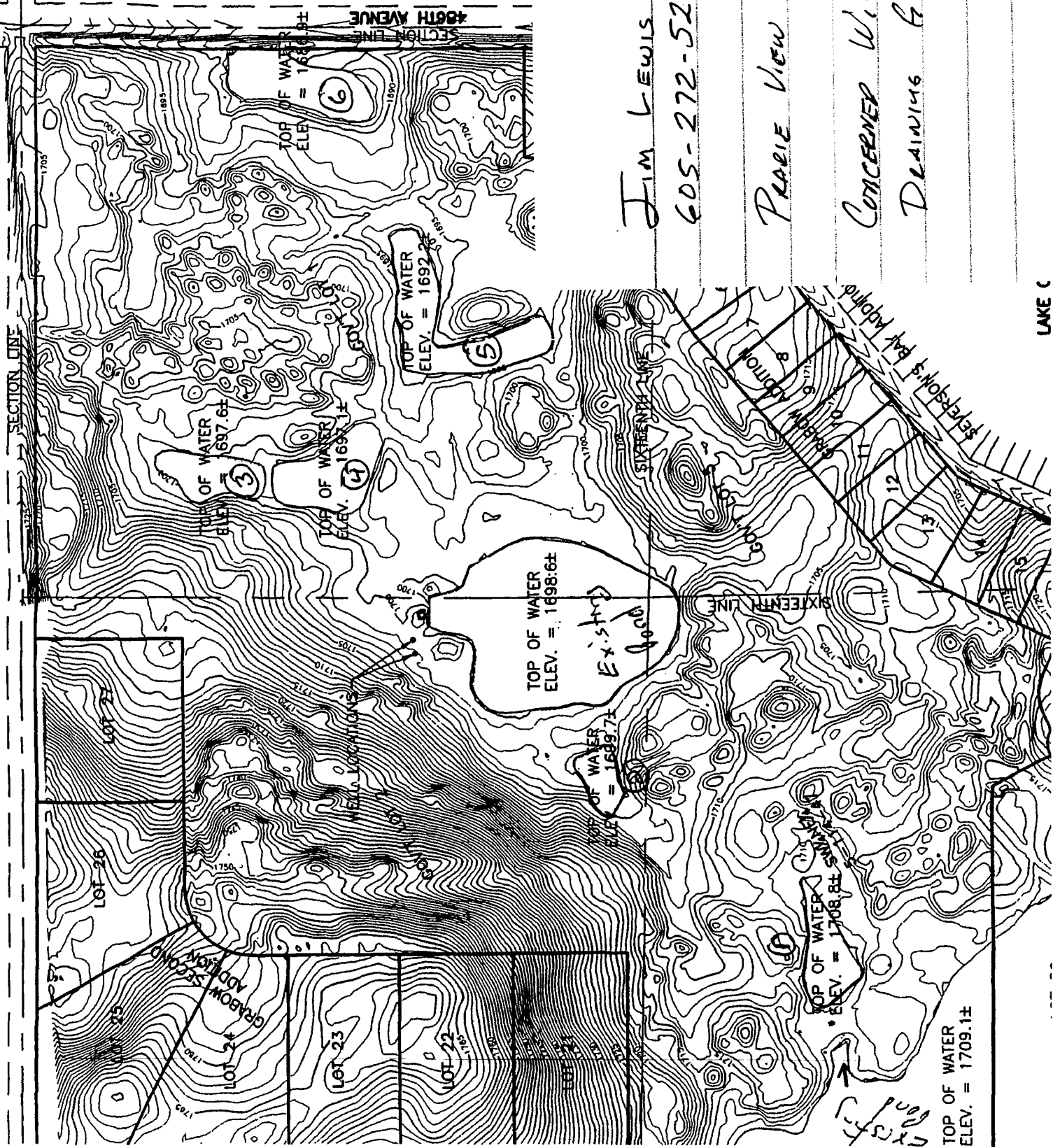
See accompanying maps.

Conclusion:

The pipe is placed to maintain the flow in the natural waterway. It has been manipulated during high water to try to reduce flow onto the golf course. The pipe at the time of the investigation was lying straight and not turned up to prevent flow. There was no evidence of pumping directly from the large GPA wetland. Mr. Grabow is permitted to pump from the first small pond on the east side of fairway #5. Water will cease to flow from the large wetland at approximately elevation 1710 fmsl. Currently there is no violation of Water Permit No. 7196-3 or any state statutes.

Lynn Beck
Natural Resources Engineer

RECEIVED
MAR - 2 2010
WATER RIGHTS
PROGRAM



JIM LEWIS - GARY
605-272-5272
PRAIRIE VIEW GOLF COURSE
CONCERNED WITH FRY GARDEN
DRAWING GPA SLOUGH

LAKE C

Country View Golf Course; Pond Survey

9-6-11

On September 1, 2011, I was accompanied by Owen McElroy with SDGF&P in completing a level survey of GPA pond water elevation, the outlet pipe, and GC pond. On the date of the survey, the water elevation in the GPA pond was 1709.92 ft, the water elevation and invert of the outlet pipe in the small adjacent pond was 1709.18 ft, and the water elevation in the golf course pond was 1708.26 ft. There was dry ground between the GPA pond and adjacent small pond and outlet pipe. With water levels at the elevations they were on 9-1-11, water could not gravity flow from the GPA pond into the small adjacent pond where the outlet pipe is located. There was a small lot located on the SW side of the golf course where various equipment was being stored. There was a small gas powered water pump. Intake line and discharge water line sitting with the other equipment. A visual inspection of the NW side of the GPA pond did not indicate any evidence that the pump was set up and used recently to pump water from the GPA pond.



Mark Rath

Natural Resource Engineer III

SD DENR Water Rights Program

PRAIRIE VIEW COUNTRY CLUB
 POND INLET
 9-1-2011

M RUTH - DENR
 O M'ELROY - GFIP

LAKE COCKEANS OUTLET
 LAKE COCKEANS
 H₂O

LAKE COCKEANS
 H₂O

GPA POND H₂O

GPA POND H₂O

OUTLET
 PIPE INVERT

SMALL POND H₂O

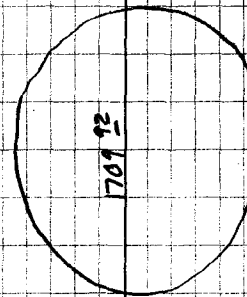
BS	FS	ELEV
		1682 ⁸⁰
-0.29		1682 ⁵¹
		1682 ⁵¹
21.59		
	1.91	
19.67		
	5.35	
5.25		
	11.84	1709 ⁹²
		1709 ⁹²
8.02		
	8.76	1709 ¹⁸
	9.68	1708 ²⁶

9-1-11

Sunny

95°

WIND SE 5 MPH



GPA

31711 fairway #5

GPA Wetland

1709.92

soft sandy
blue clay

1709.18

Permitted
1708.26

pipe
paper
to for
paving



7196-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: PRAIRIE VIEW COUNTRY CLUB, JAY GRABOW, PO BOX 87, GARY, SD 57237 0087

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7196-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 7196-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 7196-3 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 2, 2012**, 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 14, 2012

7196-3

Jay Grabow
Prairie View Country Club
PO Box 87
Gary SD 57237 0087

Dear Mr. Grabow:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 7196-3. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



**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: PRAIRIE VIEW COUNTRY CLUB, JAY GRABOW, PO BOX 87, GARY, SD 57237 0087

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) 7196-3. 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) 7196-3 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) 7196-3 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**

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 18, 2014

7196-3

Jay Grabow
Prairie View Country Club
PO Box 87
Gary SD 57237 0087

Dear Mr. Grabow:

I am writing to acknowledge receipt of the information for your 2013 irrigation questionnaire. I completed a questionnaire for you based on our telephone conversation.

You may disregard the January 24, 2014 "Notice" concerning reporting requirements for Water Permit No. 7196-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed as we discussed is a set of water permit application forms. If you need assistance with the application, please contact Eric Gronlund with our program at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



7196-3
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: PRAIRIE VIEW COUNTRY CLUB, JAY GRABOW, 407 OAK AVE, GARY, SD 57237 0087
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) 7196-3. 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) 7196-3 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) 7196-3 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.



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Updated Delivery Day: Saturday, January 16, 2016

Product & Tracking Information

Available Actions

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
January 20, 2016 , 8:06 am	Delivered, Individual Picked Up at Post Office	GARY, SD 57237

Your item was picked up at the post office at 8:06 am on January 20, 2016 in GARY, SD 57237.

January 16, 2016 , 2:34 pm	Notice Left (No Authorized Recipient Available)	GARY, SD 57237
January 16, 2016 , 8:28 am	Arrived at Unit	GARY, SD 57237
January 16, 2016 , 2:29 am	Departed USPS Origin Facility	HURON, SD 57399
January 15, 2016 , 10:44 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 15, 2016 , 6:05 pm	Departed Post Office	PIERRE, SD 57501
January 15, 2016 , 1:06 pm	Acceptance	PIERRE, SD 57501

Track Another Package

Tracking (or receipt) number

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OFFICIAL USE	
Certified Mail Fee \$	1-20-16 Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
PRAIRIE VIEW COUNTRY CLUB JAY GRABOW 407 OAK AVE GARY SD 57237 0087	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 3, 2016

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

TO: Jay Grabow, Prairie View Country Club, 407 Oak Ave, Gary SD 57237

FROM: Jeanne Goodman, Chief Engineer, Water Rights Program *Jeanne Goodman*

SUBJECT: One Year Suspension of Water Permit No. 7196-3

On March 3, 2016, the Water Management Board ordered:

Effective April 4, 2016, Water Permit No. 7196-3 be suspended for the 2016 irrigation season for failure to submit the 2015 irrigation questionnaire.

If the 2015 irrigation questionnaire is received prior to April 4, 2016, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2016 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2016 unless the 2015 irrigation questionnaire is submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2015 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, 2016, in Pierre, SD. The letter should include your reasons for not completing your 2015 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.



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Email Updates

March 9, 2016 , 7:54 am

Delivered, Individual
Picked Up at Post Office

GARY, SD 57237

Your item was picked up at the post office at 7:54 am on March 9, 2016 in GARY, SD 57237.

March 4, 2016 , 2:36 pm

Notice Left (No Authorized
Recipient Available)

GARY, SD 57237

March 4, 2016 , 2:50 am

Departed USPS Origin
Facility

HURON, SD 57399

March 3, 2016 , 10:19 pm

Arrived at USPS Origin
Facility

HURON, SD 57399

March 3, 2016 , 2:00 pm

Acceptance

PIERRE, SD 57501

Available Actions

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Tracking (or receipt) number

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JAY GRABOW PRAIRIE VIEW C CLUB 407 OAK AVE GARY SD 57237	
Sent To	
Street, Apt. or PO Box #	
City, State, &	
Postmark Here	

7013 0600 0001 9748 1634

PS Form 3800, August 2006 See Reverse for Instructions



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 2016

7196-3

Jay Grabow
Prairie View Country Club
407 Oak Ave
Gary SD 57237

Dear Mr. Grabow:

On March 3rd, the Water Management Board ordered Water Permit No. 7196-3 suspended if the 2015 irrigation questionnaire was not received prior to April 4, 2016. 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 2016 irrigation season.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
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June 21, 2017

7196-3

John Appelen
Prairie View Golf LLC
3790 Edgewater Dr
Gary SD 57237

Dear Mr. Appelen:

I am writing in regard to ownership of Water Permit No. 7196-3. The permit (copy enclosed) is currently listed in the name of Prairie View Country Club (%Jay Grabow).

It is our understanding you have purchased the golf course. With a change in ownership of the property, the water permit needs to be transferred to reflect current ownership.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

McMath, Genny

From: Rath, Mark
Sent: Tuesday, June 20, 2017 1:59 PM
To: McMath, Genny
Subject: Change of Ownership for 7196-3

When I was out doing inspections a couple weeks ago I tried inspecting No. 7196-3 for Prairie View Country Club in Deuel County but found it was sold this spring to:

Prairie View Golf LLC
% John Appelen
3790 Edgewater Dr
Gary SD, 57237

303-828-6300

The new owners had just took it over when I was there and really didn't know what they had as far as an irrigation system. I decided to go back later this summer and try doing the inspection after they have an opportunity to run the golf course for a while and maybe they will have a better handle on what they bought. I did make them aware that you would be contacting them with a change of ownership forms.

RECEIVED

JUL 05 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7196-3

Date: 6/28/17

I/We request that Water Permit No. 7196-3

formerly owned by: Prairie View Country Club

be transferred to: (name & address) Prairie View Golf LLC

John Appelen, 3790 Edgewater Dr, Gary SD 57237

Telephone No. _____

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

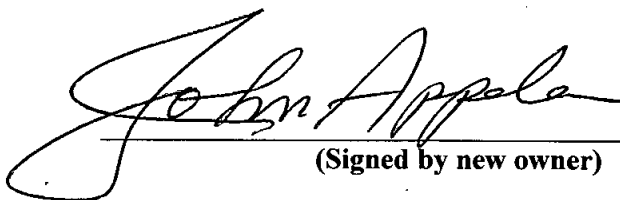
Government Lots 1, 2 & 5 and the SW ¼ NE ¼ Section 5 – all in T114N, R47W

I/We understand that the validity of Water Permit No. 7196-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

PRAIRIE VIEW GOLF LLC
I/We JOHN APPELEN, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 5, 20 17

RECEIVED OF John Appelen, 3790 Edgewater Dr. Gary SD 57237

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

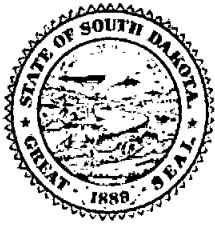
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>7196-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. **08285**

By

Jeanne Goodman
Chief Engineer

(15)



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **PRAIRIE VIEW GOLF, LLC**

General Information

SOS Business ID: **DL132854**
 Filing Type: **Limited Liability Company - Domestic**
 04/25/2017
 Status: **Good Standing**
 Duration Term: **Perpetual**
 Managed By: **Member-Managed**

Registered Agent Address

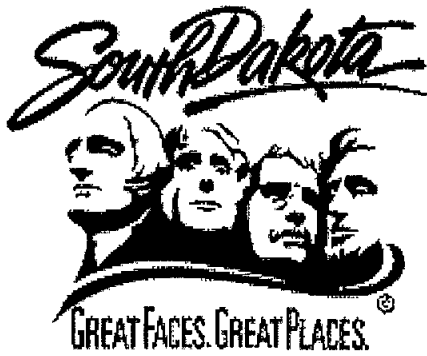
JOHN APPELEN
 3790 EDGEWATER DR
 GARY, SD 57237

Principal Address

3790 EDGEWATER DR
 GARY, SD 57237-5528

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/25/2017	Initial Filing	B0030-2204



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 5, 2017

7196-3

John Appelen
Prairie View Golf LLC
3790 Edgewater Dr
Gary SD 57237

Dear Mr. Appelen:

I am writing in regard to acknowledge receipt of the transfer form and filing fee you submitted for filing an ownership on Water Permit No. 7196-3.

The ownership change has been completed. Water Permit No. 7196-3, formerly listed in the name of Prairie View Country Club is now listed in the name of Prairie View Golf LLC % your name and address.

For informational purposes, each year we mail out an irrigation questionnaire for reporting annual water use. The forms are mailed in mid-October and are due back to our office by December 1st each year. I am including a couple past irrigation questionnaires to give you an idea of how to report the information. Please keep track of the amount of water applied during the season so you will be able to submit the information this fall.

Enclosed for your records is Receipt No. 08285 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

enclosures