

WATER PERMIT NO. 8274-3

Name of Applicant: Oahe Trails Resort LLC

Address: 101 Lake Place, Pierre SD 57501 Phone: 605 280-4565

Amount of Water Claimed: 2.11 cfs Total Acres: 240

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: approximately 10 miles north of Oahe Dam

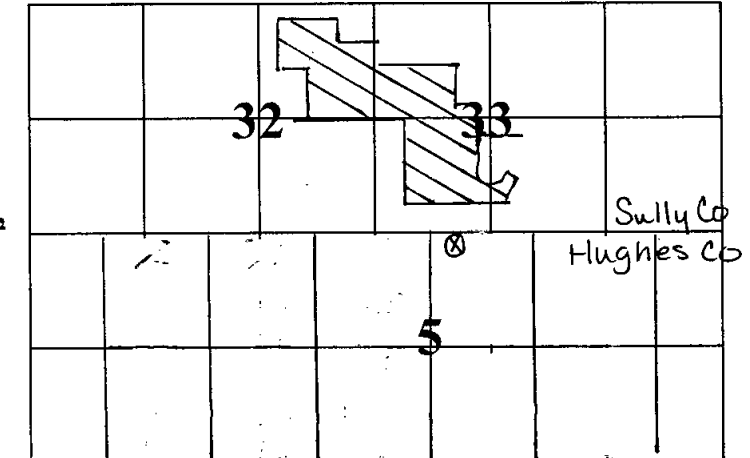
PRIORITY Date Received: 3-27-17 Application/License Fee: \$ 1150.00

Corrected Application Received: Period of Annual Use: May 15 – September 15

Remarks:

Diversion Point: ^{NW} ~~NE~~ 1/4 ^{NE} ~~NW~~ 1/4 Sec 5-T113N-
R80W

Land to be Irrigated: NE 1/4 Sec 32; S 1/2 NW 1/4,
SW 1/4, SW 1/4 SE 1/4 Sec 33; all in T113N-
R80W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-27-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SD EForm - 0499LD V5

FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

MAR 27 2017

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8274-3</u>	(office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Onida Watchman</u>	
	<u>Capital Journal</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Oahe Trails Resort LLC

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 101 Lake Place Pierre SD 57501
(Address) (City) (State) (Zip Code)Phone _____ Mobile 380-4565 Email bp@mncomm.com2. Amount of water claimed 2.11 *CFS or 950 **GPM _____ ***AF Total Acreage 240
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Lake Oahe4. Location of point of diversion Section 5, Twp 112 R80W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)44° 32' 35" N, 100° 28' 45" (NW 1/4 NE 1/4) County Hughes5. County or counties where water will be used Sully6. Annual period during which water is to be used May 15 through Sept. 157. 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
<u>NE 1/4 32 T113N R80W</u>	<u>88</u>	<u>see attachment</u>	
<u>NW 1/4 33 T113N R80W</u>	<u>42</u>		
<u>SW 1/4 33 T113N R80W</u>	<u>90</u>		
<u>SE 1/4 33 T113N R80W</u>	<u>20</u>		

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

To water acres shown in attached map for crop farming purposes with flood and traveling gun irrigation using same diversion point as water permit 6088-3, utilizing a Variable Frequency Drive if necessary to accommodate different diversion rates.

I, Oahe Trails Resort LLC by [Signature], the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

**SOUTH DAKOTA
WATER PERMIT NO. 8274-3**

Date of first receipt of application March 27, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8274-3 to Oahe Trails Resort LLC, c/o Bruce Peterson, 101 Lake Place, Pierre SD 57501 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. 8274-3 appropriates 2.11 cubic feet of water per second from the Missouri River located in the NW 1/4 NE 1/4 Section 5-T112N-R80W for irrigation of 240 acres located in the NE 1/4 Section 32, S 1/2 NW 1/4, SW 1/4, SW 1/4 SE 1/4 Section 33; all in T113N-R80W.
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 15 – September 15.
3. The date from which applicant may claim right is March 27, 2017.
4. The date of approval of Permit No. 8274-3 is June 5, 2017.
5. One-fifth of the construction is to be completed on or before December 5, 2019.
6. All construction is to be completed on or before June 5, 2022.
7. Water is to be put to beneficial use on or before June 5, 2026.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 21 2017
date



Approximate Acreage Breakdown on Application for Irrigation filed by Oahe Trails Resort LLC
using standard quarter-quarter section legal description

Section 32, T113N, R80W	Acres
NW ¼ NE ¼	13
NE ¼ NE ¼	25
SW ¼ NE ¼	40
SE ¼ NE ¼	10
Section 33, T113N, R80W	
SW ¼ NW ¼	37
SE ¼ NW ¼	5
NW ¼ SW ¼	30
NE ¼ SW ¼	30
SW ¼ SW ¼	15
SE ¼ SW ¼	15
SW ¼ SE ¼	20
Total	240

SULLY COUNTY
BP1



33

240 Acres Proposed

32

Proposed
Irrigation
Acres

Proposed Irrigation Acres
Sully Sections



Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Oahe Trails Resort

ADDRESS: 101 Lake Place Pierre SD 57501

COUNTY: Hughes/Sully County

DATE: March 22, 2017 TELEPHONE:

RE: Application

Jon Hofer dropped off the application for irrigation from the Missouri River (Lake Oahe) on behalf of Oahe Trails Resort LLC. He farms the ground in question.

Water Permit No. 6088-3 authorized irrigation of 498 acres and storage in a series of ponds. Mike DeFea with the Water Rights Program conducted a licensing investigation and found approximately 100 acres being irrigated that we part of the golf course. Mr. DeFea is in the process of completing the report so the water license can be issued. The remaining 398 acres were not developed and the time to construct works and place water to beneficial use has past.

Mr. Hofer inquired about irrigation of the acres that are undeveloped. He stated that pipelines and valves are in place to convey water to the points on the property. It was explained that the undeveloped portion of Water Permit No. 6088-3 will be lost through the licensing process and a new application will need to be filed.

Mr. Hofer brought in a new application on March 22, 2017 for irrigation of 240 acres utilizing the same diversion point at Permit No. 6088-3. He said the system can be managed to provide irrigation to the area that was the golf course but still has housing and maintaining the ponds as well as irrigate the 240 acres.

The new application is for a pump rate of 950 gallons per minute from Lake Oahe. The existing Water Permit No. 6088-3 appropriates 650 gpm. Mr. Hofer indicated that this can be managed using a variable frequency drive pump.

Finally, Mr. Hofer indicates some of the acres included on the new application may overlap with what is authorized by Permit No. 6088-3. This would be the acres in the E ½ SW ¼ and SW ¼ SE ¼ of Section 33. He said the golf course no longer operational but irrigation does take place on some of the grass. I indicated this is something that can get worked out at the time of licensing.

Finally, the application broke down the acres by quarter sections. I made an effort to provide a further breakdown to the quarter-quarter section for the purpose of putting on the water rights database. Attached is the breakdown of acres. This is a rough estimate based on an interpretation where the quarter and quarter-quarter boundary lines are located.

NAME: Eric Hamlin

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/27/2017

RECEIVED OF Oahe Trails 101 Lake Pl Pierre SD 57501

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

Fee for Application for Permit No. <u>8274-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>8274-3</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	1150 00

No. **08208**

By J. Anna Goodman
Chief Engineer

2016

Enter Filing Year
Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845

ANNUAL REPORT

DOMESTIC LLC

SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly In Ink

FILING FEE: \$50.00 Make check payable to SECRETARY OF STATE

FILE DATE 7/7/2016

RECEIPT NO 433438

1. LLC ID and Name:

DL001736

Enter LLC ID

OAHE TRAILS RESORT, L.L.C.

Enter LLC Name

2. The jurisdiction under whose law it is formed SOUTH DAKOTA

3. The address of the principal executive office (business address).

101 LAKE PL

PIERRE

SD

57501

Actual Street Address or Rural Route Box Number

City

State

ZIP+4

Mailing Address, if Different from Street Address

City

State

ZIP+4

4. The name of the South Dakota Registered Agent

Agent Name:

BRUCE E. PETERSON

101 LAKE PLACE

PIERRE

SD

57501

Actual Street Address or Rural Route Box Number in This State

City

State

ZIP+4

Mailing Address in This State, if Different from Street Address

City

State

ZIP+4

5. The names and business addresses of its principal officers and directors (governors). If, pursuant to SDCL 59-11-24, the board of directors has been eliminated, list the names of the shareholders.

☐

Manager

Actual Street Address

City

State

ZIP+4

☐

Manager

Actual Street Address

City

State

ZIP+4

☐

Manager

Actual Street Address

City

State

ZIP+4

No person may execute this report knowing it is false in any material aspect. Any violation is subject to a civil penalty (SDCL 47-1A-129).

Dated 07/07/2016

Signature Accepted Electronically

(Signature of an Authorized Person)

BRUCE E PETERSON

(Printed Name)

*By signing this form you agree to have both the fee and the form processed electronically.
A fee of up to \$40 will be assessed for returned payments.

7/7/2016 11:43:23 AM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8274-3, Oahe Trails Resort LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8274-3, Oahe Trails Resort LLC, c/o Bruce Peterson, 101 Lake Place, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 8274-3 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 qualification:

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
May 17, 2017

NOTE: Oahe Trails Resort LLC also holds Water Permit No. 6088-3 for irrigation of a golf course and to maintain ponds on the property. The permit is in the process of being licensed. It will be licensed to appropriate 1.45 cubic feet of water per second (650 gpm) for irrigation of approximately 100 developed acres and maintain ponds on the property. DENR understands that the golf course is closed but grass will continue to be irrigated and the ponds maintained. The pump site for Water Permit No. 6088-3 and this application are the same.

REPORT ON WATER PERMIT APPLICATION NO. 8274-3
Oahe Trails Resort LLC
May 3, 2017

Application No. 8274-3 proposes to appropriate 2.11 cubic feet of water per second from the Missouri River located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5-T112N-R80W for irrigation of 240 acres located in the NE $\frac{1}{4}$ Section 32, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33; all in T113N-R80W. The proposed project is located approximately 10 miles northwest of Pierre in Hughes and Sully Counties.

Review of the Water Source

The water source for the application is from the natural flows of the Missouri River in the area upstream of Oahe Dam. The U.S. Army Corps of Engineers (USACE) constructed Oahe Dam in the 1950's and 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Water availability is not a concern when using the natural flows of the Missouri River as a source, but accessing water due to declining water levels and receding shore line as reservoir levels drop can become an issue. An estimation of the Missouri River natural flows at a location approximately 8 miles downstream of this project (Figure 1) can be derived from research study the USGS completed in 2001 (Jacobson et. al. 2001).

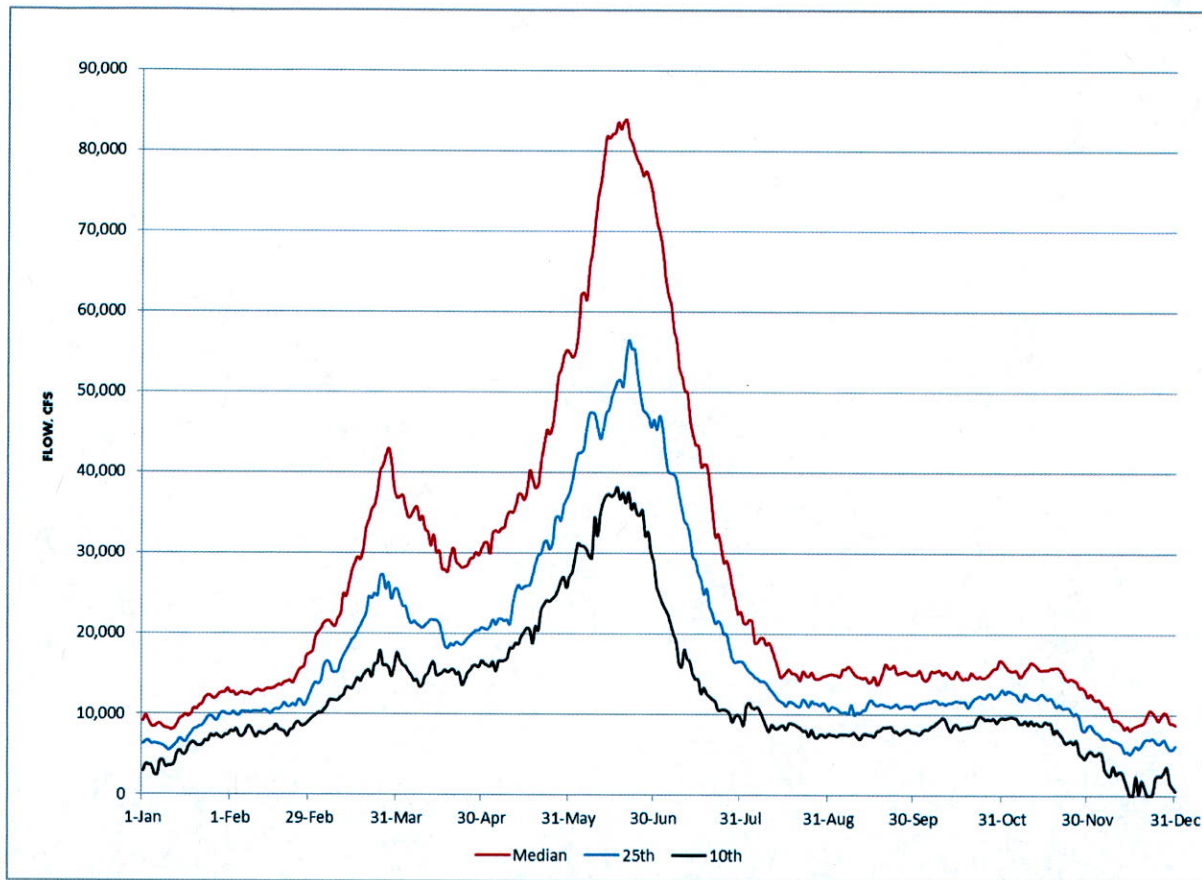


Figure 1. Natural Flow Hydrograph for the Missouri River at Oahe Dam; Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO. 2001.

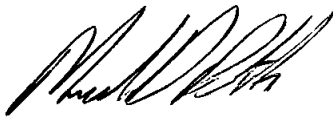
Even at the 10th percentile flow level, this hydrograph demonstrates there is ample natural flow available, if this project is approved, during the irrigation season of April through November. Water availability is not a concern when using the natural flows of the Missouri River as a source.

Review of the Proposed Project and Existing Water Rights

There are 256 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1225.12 cfs (Water Rights, 2017). Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This application proposes to irrigate 240 acres at a diversion rate of 2.11 cfs.
2. The water source for this project is from the natural flow of the Missouri River in the reservoir reach of Lake Sharpe immediately downstream from Oahe Dam.
3. Water availability for this project will not be an issue or impair existing water rights.



Mark D. Rath
Natural Resources Engineering III

References

- Jacobson R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River
U.S. Geological Survey Open-file Report OF02-122. U.S. Geological Survey.
- Water Rights. 2017. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg.,
Pierre, SD.

RECEIVED

JUN - 8 2017

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

5-25-17

Cost of Printing \$30.24

Marylinn Baker
(Signature)

Bookkeeper
(Title)

6-5-17
(Date Signed)

SNAXLP 15683
3 May 5/25
Instruction to Newspaper
- Publish the Notice on
May 25, 2017. The appli-
cant is responsible for
payment.

NOTICE OF APPLICA-
TION NO. 8274-3 to Appro-
priate Water

Notice is given that Oate
Trails Resort LLC, c/o
Bruce Paterson, 101 Lake
Place, Pierre SD 57501
has filed an application for
a water permit to appropri-
ate 2.11 cubic feet of water
per second from the Mis-
souri River located in the
NW 1/4 NE 1/4 Section
5-T112N-R80W for Irriga-
tion of 240 acres located in
the NE 1/4 Section 32, S
1/2 NW 1/4, SW 1/4, SW
1/4 SE 1/4 Section 33, all in
T113N-R80W.

Pursuant to SDCL
46-2A-2, the Chief Engineer
recommends APPROVAL
of Application No. 8274-3
with qualifications because
1) unappropriated water is
available, 2) existing rights
will not be unlawfully im-
paired, 3) it is a beneficial
use of water, and 4) it is in
the public interest. The
Chief Engineer's recom-
mendation with qualifica-
tions, the application, and
staff report are available at
<http://denr.sd.gov/public> or
contact Eric Gronlund for
this information, or other in-
formation, at the Water
Rights Program address
provided below.

Any person interested in
opposing or supporting this
application or recommenda-
tion must file a written peti-
tion with BOTH the appli-
cant and Chief Engineer.
The applicant must file a
petition if contesting the
Chief Engineer's recom-
mendation. The Chief Engi-
neer's address is "Water
Rights Program, Foss
Building, 523 E Capitol, Pi-
erre SD 57501 (605
773-3352)" and the appli-
cant's mailing address is
given above. A petition
filed by either an interested
person or the applicant
must be filed by June 5,
2017.

The petition may be infor-
mal, 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 mail-
ing address of the petitioner
or the petitioner's legal
counsel, if legal counsel is
obtained.

If the applicant does not
contest the recommenda-
tion of the Chief Engineer
and no petition to oppose
the application is received,
the Chief Engineer shall act
on the application pursuant
to the recommendation with
no hearing held before the
Water Management Board.
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.

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

Published once at the total
approximate cost of \$30.24.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
 COUNTY OF SULLY)

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

**NOTICE OF APPLICATION NO. 8274-3 TO
 APPROPRIATE WATER**

A printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive issues, the first publication made **2017** the **25th** day of **MAY**, and the last publication on **2017** the -- day of --, and that **\$24.51** being the full amount of the fee for publication of the annexed notice insured solely to the benefit of the publisher of said newspaper; that no arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.



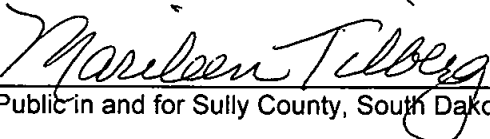
Curtis R. Olson

Subscribed and Sworn to me this

1st Day of June, 2017

(SEAL)

My commission expires April 24, 2022



Notary Public in and for Sully County, South Dakota

RECEIVED

JUN - 5 2017

**WATER RIGHTS
 PROGRAM**

**NOTICE OF
 APPLICATION NO.
 8274-3 to Appropriate
 Water**

Notice is given that Oahe Trails Resort LLC, c/o Bruce Peterson, 101 Lake Place, Pierre SD 57501 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from the Missouri River located in the NW 1/4 NE 1/4 Section 5-T112N-R80W for irrigation of 240 acres located in the NE 1/4 Section 32, S 1/2 NW 1/4, SW 1/4, SW 1/4 SE 1/4 Section 33; all in T113N-R80W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8274-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 5, 2017.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing

May 25, 2017 ~ 11

or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

Published once at the total approximate cost of \$24.51.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 18, 2017 9:06 AM
To: legals@capjournal.com
Subject: 8274-3, Oahe Trails Resort LLC
Attachments: 8274-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 25, 2017.

Oahe Trails Resort LLC, c/o Bruce Peterson, 101 Lake Place, Pierre SD 57501 (605 280-4565) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 18, 2017 9:06 AM
To: editor@onidawatchman.com
Subject: 8274-3, Oahe Trails Resort LLC
Attachments: 8274-3public.short.docx; FORM8.FRM.doc

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Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

May 17, 2017

Oahe Trails Resort LLC
Bruce Peterson
101 Lake Place
Pierre SD 57501

Dear Mr. Peterson:

Water Permit Application No. 8274-3 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 Onida Watchman printed at Onida SD (Ph # 605-258-2604) and the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 8274-3 to Appropriate Water

Notice is given that Oahe Trails Resort LLC, c/o Bruce Peterson, 101 Lake Place, Pierre SD 57501 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from the Missouri River located in the NW 1/4 NE 1/4 Section 5-T112N-R80W for irrigation of 240 acres located in the NE 1/4 Section 32, S 1/2 NW 1/4, SW 1/4, SW 1/4 SE 1/4 Section 33; all in T113N-R80W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8274-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 5, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

JUN 21 2017

Oahe Trails Resort LLC
c/o Bruce Peterson
101 Lake Place
Pierre SD 57501

Dear Mr. Peterson:

Enclosed is Water Permit No. 8274-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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,

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

enclosures



6088-3
8274-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: OAHE TRAILS RESORT LLC, BRUCE PETERSON, 101 LAKE PL, PIERRE, SD 57501

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6088-3 & 8274-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 6088-3 & 8274-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 6088-3 & 8274-3 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KIRIIF**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 19, 2026

6088-3

8274-3

Oahe Trails Resort
C/O Jon Hofer
3608 N Frontier RD
Ft Pierre, SD 57532

Dear Mr. Hofer,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us