

WATER PERMIT NO. 8408-3

Name of Applicant: Roy View LLC

Address: 116750 Roykota Dr, Lake City SD 57247 Phone: 605 448-2727

Amount of Water Claimed: 0.09 cfs Total Acres: no additional

Source of Water Supply: groundwater (1 existing well)

Water to be used for: irrigation County: Marshall

Type of Waste Disposal System:

Location: 2 miles south of Lake City

PRIORITY Date Received: 8-22-19 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: April 15 – October 15

Remarks: Increasing the diversion rate to the well authorized by Water Right No. 6278-3

Diversion Point: SE 1/4 SW 1/4 Sec 27-T126N-
R55W

Land to be Irrigated: SE 1/4 SW 1/4, SW 1/4 SE
1/4 Sec 27-T126N-R55W

			27		
		⊗			

Depth of Well: 280 feet deep

Well Driller: Manikowski Well Drilling

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 8-22-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8408-3**

Date of first receipt of application August 22, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8408-3 to Roy View LLC, c/o Tom Opsahl, 116750 Roykota Dr, Lake City SD 57247 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. 8408-3 appropriates an additional 0.09 cubic feet of water per second (cfs) to what is currently authorized by Water Right No. 6278-3. Water Right No. 6278-3 appropriates 0.11 cfs from one well completed into the Prairie Coteau Aquifer (280 feet deep) located in the SE 1/4 SW 1/4 Section 27 to irrigate 15 acres of Roy View Golf Course located in portions of the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 27; all in T126N-R55W. This permit authorizes appropriation of an additional 0.09 cfs from the existing well. This permit and Water Right No. 6278-3 will authorize a total diversion rate of 0.20 cfs (90 gallons per minute) to irrigate 15 acres. This site is located approximately 2 miles south of Lake City SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 15 - October 15.
3. The date from which applicant may claim right is August 22, 2019 (0.09 cfs).
4. The date of approval of Permit No. 8408-3 is November 12, 2019.
5. One-fifth of the construction is to be completed on or before May 12, 2022.
6. All construction is to be completed on or before November 12, 2024.
7. Water is to be put to beneficial use on or before November 12, 2028.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Right No. 6278-3 and Water Permit No. 8408-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

DEC 05 2019

date



PAID

AUG 22 2019

Ck# 3109

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>8408-3</u> (office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>
	Newspaper <u>Britton Journal</u>
	<u>Aberdeen American News</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.)

- Name of Applicant Roy View Golf Course Roy View LLC Phone 605-448-2727
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 116750 Roy View Dr Lake City SD 57247 State SD 57247
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.09 *CFS or 40 **GPM ***AF Total Acreage no additional
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County MARSHALL
1 well SE 1/4 SW 1/4 Sec 27 T126 N - R55W
existing
- County or counties where water will be used MARSHALL
- Annual period during which water is to be used May 1 - Oct 31 April 15 - Oct 15
- 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
SE 1/4 SW 1/4 Sec 27 T126 N - R55W	2		
SW 1/4 SE 1/4 Sec 27 T126 N - R55W	13		

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

installing new pump in existing well
New pump bigger capacity - Water Right No. 6278-3

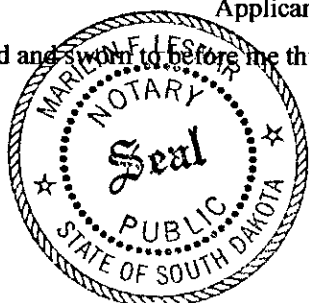
STATE OF SOUTH DAKOTA)
County of MARSHALL) SS

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

I, Tom Opsahl, 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 Tom Opsahl

Subscribed and sworn to before me this 21st day of August 2019

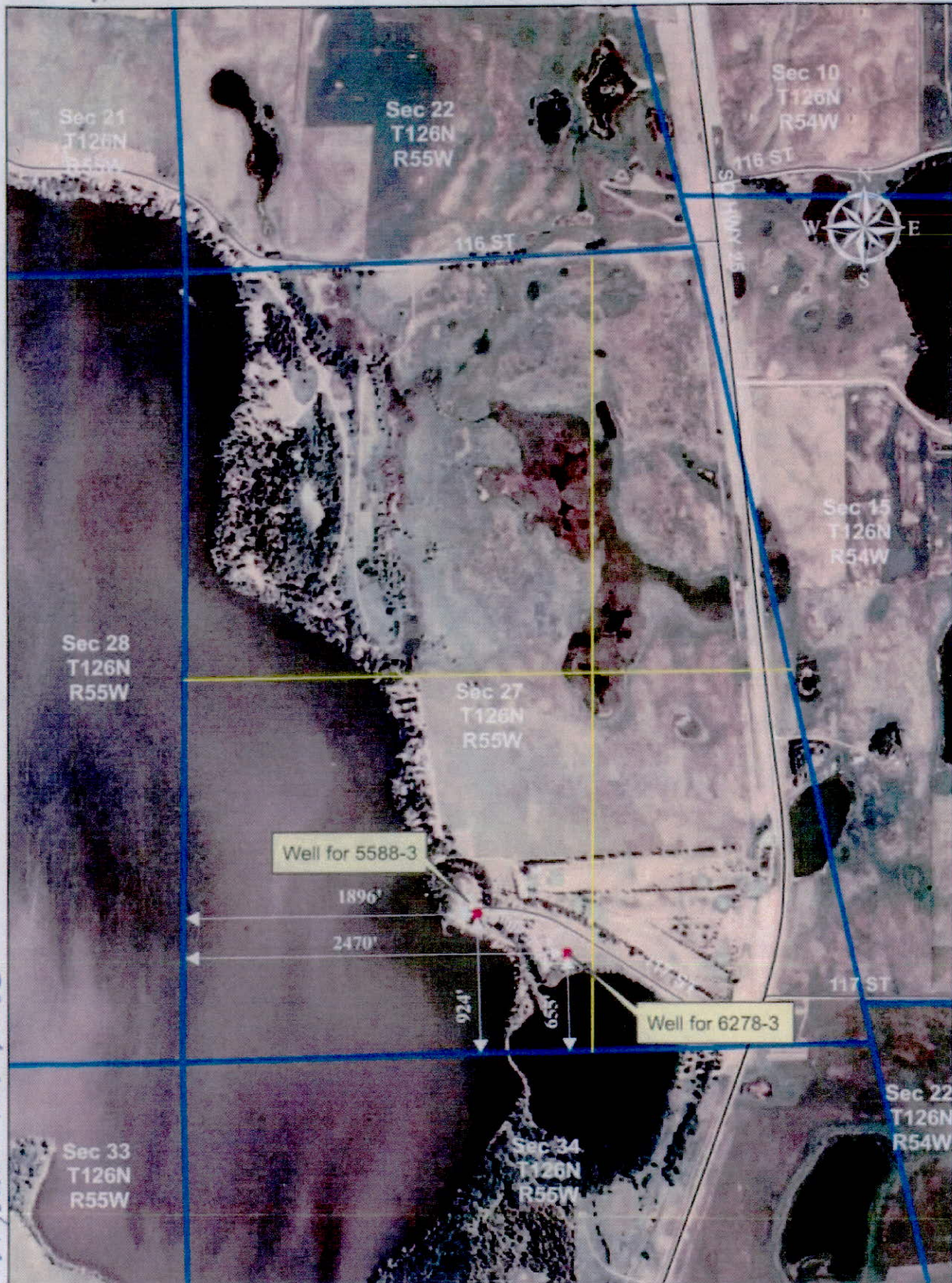


Notary Public signature Therese J. Lesnar

my commission Expires 10-6-21

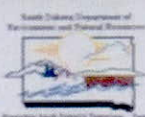
ROI, Inc., dba Roykota Resort
116799 Roykota Dr
Lake City, SD 57247

Water Permit No. 5588-3 and 6278-3

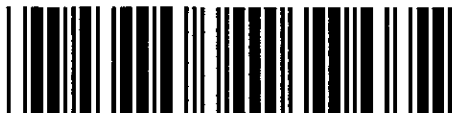


Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 7, 2008



0 315 630 1,260 1,890 2,520 Feet



530765506

B0095-4184 04/02/2019 10:57AM Rec'd by SD SOS

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

2019
FILING YEAR

ANNUAL REPORT
Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DL019142
BUSINESS ID

ROY VIEW LLC
BUSINESS NAME

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

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

Actual Street Address

**116750 ROYKOTA DRIVE
LAKE CITY, SD 57247-6148**

Mailing Address

**116750 ROYKOTA DR
LAKE CITY, SD 57247**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **TOM OPSAHL**

Actual Street Address in this State

**44024 117TH ST
LAKE CITY, SD 57247-6161**

Mailing Address in this State

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

Name

Address

TOM OPSAHL

44024 117TH STREET, LAKE CITY, SD, 57247

DEB OPSAHL

44024 117TH STREET, LAKE CITY, SD, 57247

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

04/02/2019

Dated

Email (Optional)

Tom Opsahl

Signature of an Authorized Person

Tom Opsahl

Printed Name

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Roy View LLL, 115750 Roykota Dr, Lake City SD 57241 Date Aug 22, 20 19

RECEIVED OF _____

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

Fee for Application for Permit No. <u>8408-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>8408-3</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	300.00

No. **09185**

By Janne Goodman
Chief Engineer

145



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8408-3, Roy View Golf Course**

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. 8408-3, Roy View LLC (Roy View Golf Course), c/o Tom Opsahl, 116750 Roykota Drive, Lake City SD 57247.

The Chief Engineer is recommending APPROVAL of Application No. 8408-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Water Right No. 6278-3 and Water Permit No. 8408-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
October 22, 2019

REPORT ON PERMIT APPLICATION NO. 8408-3

Roy View LLC

October 21, 2019

Water Permit Application No. 8408-3 requests the appropriation of an additional 0.09 cubic feet per second (cfs) of water from one existing well completed into a portion of the Prairie Coteau aquifer with a depth of 250 feet located in the approximate center of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 for the irrigation of 15 acres of Roy View Golf Course located in portions of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; all in T126N-R55W. This application, if approved, and Water Right No. 6278-3 will authorize a total diversion rate of 0.20 cfs to irrigate 15 acres. This site is located approximately 2 miles south of Lake City, SD, in Marshall County.

Aquifer: Prairie Coteau (PCO)

Hydrogeology

DENR-Water Rights Program recognizes buried glacial outwash deposits that are not in contact with bedrock on the Prairie des Coteau as the Prairie Coteau aquifer. The Prairie Coteau aquifer in Marshall County has an estimated areal extent of 492,800 acres with an estimated 1,478,400 acre-feet of recoverable water in storage (Hedges, Burch, Iles, Barari, & Schoon, 1982). The Prairie Coteau aquifer, however, is not continuous and is made up of many disconnected glacial deposits. The applicant's existing well is completed into what Koch's (1975) county study report referred to as the Eden aquifer, which was later grouped under the Prairie Coteau aquifer. A county study of Day County was conducted by Leap (1988) in which he outlined the approximate extent of intermediate aquifers in Day County. Using Koch's (1975) and Leap's (1988) approximate aquifer boundaries in their county studies and more recent well logs (Water Rights, 2019b) and lithology logs (South Dakota Geological Survey, 2019) on file with SD-DENR an estimated boundary of this portion of the Prairie Coteau aquifer was mapped (Figure 1). This approximate boundary has an estimated areal extent of 95,000 acres in Day, Marshall, and Roberts counties.

Based on the well completion report submitted with Water Right No. 6278-3, at the existing diversion point, this portion of the Prairie Coteau aquifer is confined. The well completion report indicated depth to top of aquifer was 204 feet below grade and continued to 250 feet below grade. Static water level was reported to be 20 feet below grade at the time the well was constructed.

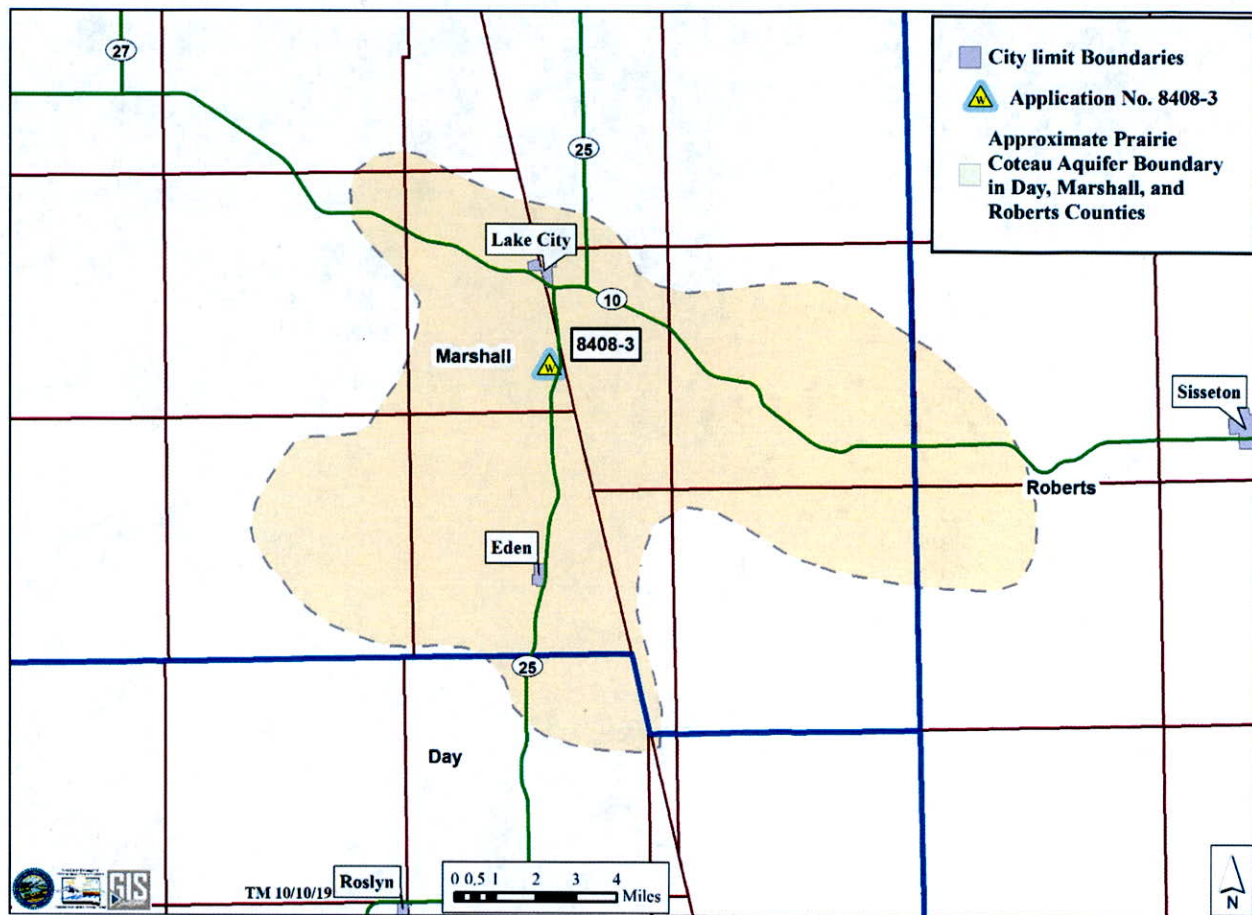


Figure 1: Estimated Prairie Coteau aquifer boundary (Koch, 1975; Leap, 1988; South Dakota Geological Survey, 2019; Water Rights, 2019b) in Day, Marshall, and Roberts Counties and the location of the proposed diversion point.

South Dakota Codified Law 46-2A-9

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest.” This report will address the availability of unappropriated water and potential impacts on existing rights within this portion of the Prairie Coteau aquifer.

Water Availability

SDCL 46-6-3.1 is considered when evaluating the probability of unappropriated water from an aquifer and states “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.” This portion of the Prairie Coteau aquifer is not older or lower than the

Greenhorn Formation, and there is no water distribution system involved. Therefore, recharge and withdrawal rates must be considered.

Hydrologic Budget

Recharge

Recharge to this portion of the Prairie Coteau aquifer occurs through the infiltration of precipitation and snowmelt where permeable layers overlie the aquifer and where other aquifers overlie this portion of the Prairie Coteau aquifer and the materials separating the aquifer is permeable enough for the movement of water. Hedges, Allen, & Holly (1985) suggested an average annual recharge rate to confined aquifers of 0.15 to 0.60 inches per year for use by management and development programs. Due to this portion of the Prairie Coteau aquifer being confined, for the most part, the average annual recharge of 0.15 to 0.60 will be used. Given the estimated areal extent of this portion of the Prairie Coteau aquifer (95,000 acres) and using a range of 0.15 to 0.60 inches per year, the estimated average annual recharge for this portion of the Prairie Coteau aquifer ranges between 1,190 to 4,750 acre-feet per year (ac-ft/yr).

Discharge

Discharge from this portion of the Prairie Coteau aquifer occurs through evapotranspiration where the aquifer is near land surface and well withdrawals. Currently, there is one water right held by the applicant (6278-3) authorized to appropriate water from this portion of the Prairie Coteau aquifer (Water Rights, 2019a). Water Right No. 6278-3 appropriates 0.11 cfs from one well to irrigate 15 acres of the Roy View Golf Course. Due to the water requirements of turf, the full appropriation of 30 ac-ft/yr is likely to be used.

Private self-serve domestic usage was calculated by determining if a property looked inhabited, was within approximately half a mile of this portion of the Prairie Coteau boundary (Figure 1) and had a well completion report on file with SD-DENR completed into the same Prairie Coteau aquifer as Permit Application No. 8408-3; this resulted in 22 dwellings. For each dwelling the assumption was made that 2.5 people lived in each dwelling and that each person on average would use 70 gallons per day. Based on past records, 2.5 people is a good average between single-person homes and larger families. Carter and Neitzert (2008) determined 70 gallons per day was the average usage of a single person for self-service domestic use using data from about 109,750 people in South Dakota. Assuming 22 dwellings with 2.5 people in each dwelling and each person using 70 gallons per day, the estimated average annual withdrawal for private self-serve domestic wells for this portion of the Prairie Coteau aquifer is 4 ac-ft/yr.

Livestock usage was determined by Carter and Neitzert (2008) for Day, Marshall, and Roberts counties and are listed in Table 1. Assuming equal distribution over the entire approximate areal extent of Day, Marshall and Roberts counties and taking into account the areal extent of this portion of the Prairie Coteau aquifer in each county results in an estimated average annual withdrawal from livestock of 72.4 ac-ft/yr (Table 1).

Table 1. Carter and Neitzert (2008) livestock usage calculations by county, the areal extent of each county, the areal extent of this portion of the Prairie Coteau aquifer by county, and estimated use by county.

County	Livestock Usage (gallons/day)	County areal extent (acres)	Aquifer areal extent percent of county	Estimated Use (ac-ft/yr)
Day	200,000	698,240	1%	1.5
Marshall	400,000	567,040	14%	64.2
Roberts	490,000	727,040	1%	6.7
Total	1,090,000	1,992,320	16%	72.4

Hydrologic Budget Summary

Currently, there is only one Water Right (6278-3) authorized to withdraw from this portion of the Prairie Coteau aquifer, which is held by the applicant. If approved, this application combined with Water Right No. 6278-3 assuming full appropriation will use 30 ac-ft/yr. The calculated average annual withdrawal for private self-serve domestic usage was determined to be approximately 4 ac-ft/yr, and the average annual livestock withdrawal was determined to be approximately 72.4 ac-ft/yr. Including Permit Application No. 8408-3, the total estimated average annual withdrawal from this portion of the Prairie Coteau aquifer is 106.4 ac-ft/yr. Subtracting the estimated average annual withdrawal from the estimated average annual recharge (1,190 to 4,750 ac-ft/yr) for this portion of the Prairie Coteau aquifer results in an estimated 1,081 to 4,644 ac-ft/yr of unappropriated water available. Therefore, there is a reasonable probability unappropriated water is available.

Observation Well Data

In determining the availability of unappropriated water for a permit application, Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer.

The DENR-Water Rights Program does not monitor any observation wells completed into the same portion of the Prairie Coteau aquifer (Water Rights, 2019c) as Application No. 8408-3. Observation wells provide data on how the aquifer reacts to regional climatic conditions. There is one observation well that is completed into a similar Prairie Coteau aquifer that has materials, depth, and water level resembling the same portion of the Prairie Coteau aquifer as Application No. 8408-3 that can be used for the analysis of Application No. 8408-3. That observation well is DU-93B (82 miles southeast). The nearest observation well completed into the Prairie Coteau aquifer is RB-93C (26 miles southeast).

The hydrographs for these observation wells are shown in Figures 2 and 3, respectively. These observation well hydrographs are representative of the Prairie Coteau aquifer and show the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods.

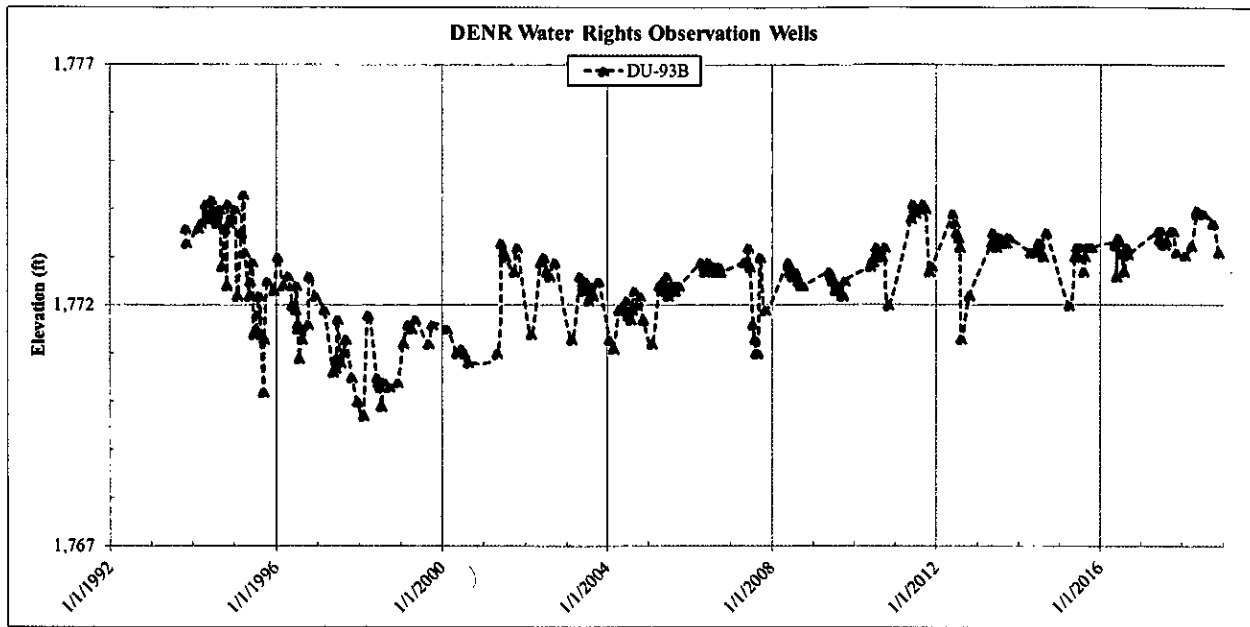


Figure 2: Hydrograph for Observation Well DU-93B (Water Rights, 2019c).

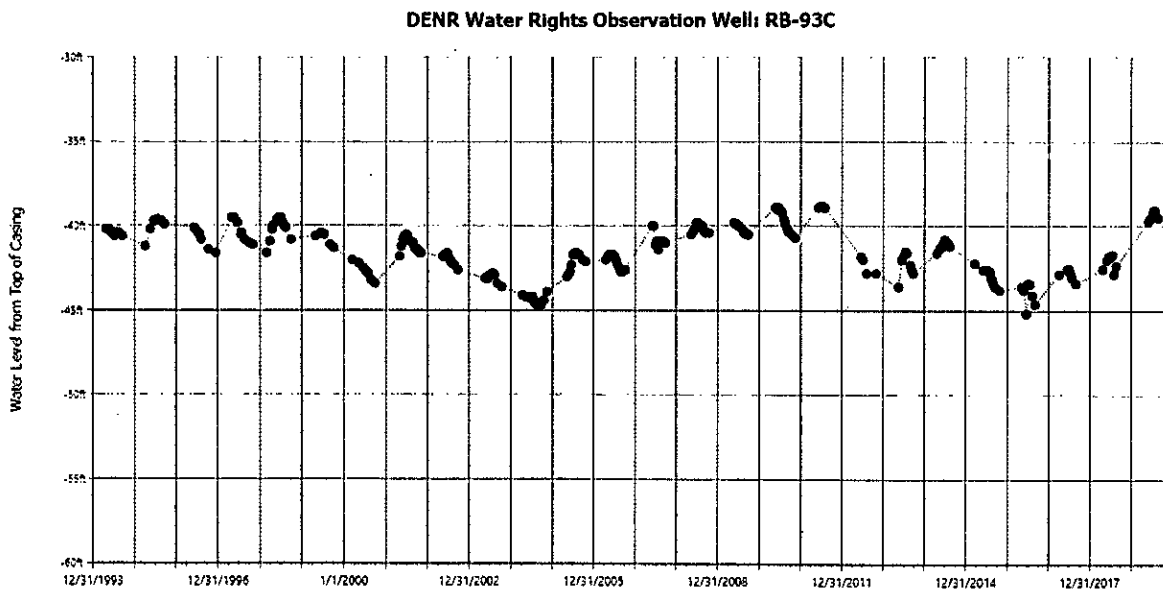


Figure 3: Hydrograph for Observation Well RB-93C (Water Rights, 2019c).

Observation well DU-93B is hydrogeologically similar, and RB-93C is the geographically closest Prairie Coteau aquifer observation well. The hydrographs for these two observation wells show the Prairie Coteau aquifer is readily recharged and that recharge to and natural discharge from the Prairie Coteau aquifer greatly exceeds pumping. While the hydrographs for DU-93B and RB-93C do not document the exact conditions of the portion of the Prairie Coteau aquifer the applicant intends to use, the hydrographs do show the Prairie Coteau aquifer is readily recharged.

Existing Water Rights

Currently, there is one water right that is held by the applicant appropriating water from the same Prairie Coteau aquifer (Water Rights, 2019a). There are several domestic wells on file with the SD DENR-Water Rights Program within the areal extent of this portion of the Prairie Coteau aquifer boundary (Water Rights, 2019b). However, there are multiple aquifers in the area, and without well logs it is not possible to determine into which aquifer the wells are completed. This portion of the Prairie Coteau aquifer is expected to be confined based on nearby lithology logs, so drawdown from pumping could extend a significant distance from the well site. The static water level at the applicant's diversion point was noted to be 20 feet below grade at time of completion. The thickness of this portion of the Prairie Coteau aquifer at this well is 46 feet with depth to the top of aquifer at approximately 204 feet below grade. This would allow sufficient thickness for a pump to be placed 20 feet below the top of the aquifer. Nearby adequate wells should not be adversely impacted by pumping at this proposed diversion rate.

An adequate well is defined in ARSD 74:02:04:20(6):

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

SDCL 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and in the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown may occur (Water Rights, 1995). Given the artesian head pressure (184 feet) at the well site, the lack of well interference complaints in the area, the thickness of the Prairie Coteau aquifer in the area (46 feet) and there being no water rights/permits completed into this portion of the Prairie Coteau, well interference from this proposed diversion is not expected to cause an adverse impact. Therefore, there is a reasonable probability that any interference created by pumping for this proposed appropriation will not be adverse.

Conclusions

1. Water Permit Application No. 8408-3 requests the appropriation of an additional 0.09 cubic feet per second (cfs) of water from one well completed into a portion of the Prairie Coteau aquifer with a depth of 250 feet located in the approximate center of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 for the irrigation of 15 acres of Roy View Golf Course located in portions of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; all in T126N-R55W. This site is located approximately 2 miles south of Lake City SD in Marshall County.
2. This application, if approved, and Water Right No. 6278-3 will authorize a total diversion rate of 0.20 cfs to irrigate 15 acres.
3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from this portion of the Prairie Coteau aquifer.
4. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells for existing water rights and domestic use.


Timothy Magstadt

Natural Resources Engineer I
SD DENR – Water Rights Program

References

- Carter, J. M., & Neitzert, M. K. (2008). *Estimated Use of Water in South Dakota, 2005; Scientific Investigations Report 2008-5216*. U.S. Geological Survey.
- Hedges, L. S., Allen, J., & Holly, D. E. (1985). *Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa Task 7*. Vermillion: Department of Water and Natural Resources.
- Hedges, L. S., Burch, S. L., Iles, D. L., Barari, R. A., & Schoon, R. A. (1982). *Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa Tasks 1-4*. Department of Water and Natural Resources, Office of Geological Survey.
- Koch, N. C. (1975). *Geology And Water Resources of Marshall County, South Dakota: part 1: Bulletin 23*. U.S. Geological Survey.
- Leap, D. I. (1988). *Geology and Hydrology of Day County South Dakota; Bulletin 24*. South Dakota Geological Survey.
- South Dakota Geological Survey. (2019). *Lithologic Logs Database*. Akeley-Lawrence Science Center, Vermillion, SD. SD DENR-Geological Survey.
- Water Rights. (1995). *Findings of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills*. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. (2019a). *Water Right/Permit Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2019b). *Well Completion Report Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2019c). *Observation Well Database*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Marshall.

Douglas M. Card of said county, being first duly sworn on oath says that he is publisher of the BRITTON JOURNAL, a weekly newspaper printed and published in the City of Britton, in the County of Marshall, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at 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 is printed wholly or in part in an office at said place of publication;

95 @ .3319 =

31.5305

= 31.53

that the Notice of Application - No. 8408-3 to
Appropriate Water - Opsahl

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

Oct 30

that the full amount of the fee charged for the publication of said notice inures to the benefit of publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever, and that the fee for the publication thereof

Thirty-one and ⁵³/₁₀₀

DOLLARS

Subscribed and sworn to before me this

October

A.D.

2019

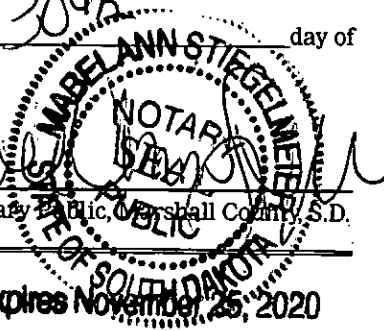
day of

RECEIVED

NOV 15 2019

WATER RIGHTS
PROGRAM

Notary Public, Marshall County, S.D.



My Commission Expires November 25, 2020

31.53

1T(Oct. 30)
NOTICE OF APPLICATION
NO. 8408-3 to Appropriate
Water

Notice is given that Roy View LLC, c/o Tom Opsahl,

116750 Roykota Dr, Lake City SD 57247 has filed an application for a water permit to appropriate an additional 0.09 cubic feet of water per second (cfs) to what is currently authorized by Water Right No. 6278-3. Water Right No. 6278-3 appropriates 0.11 cfs from one well completed into the Prairie Coteau Aquifer (280 feet deep) located in the SE 1/4 SW 1/4 Section 27 to irrigate 15 acres of Roy View Golf Course located in portions of the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 27; all in T126N-R55W. This application proposes to appropriate an additional 0.09 cfs from the existing well. This application, if approved, and Water Right No. 6278-3 will authorize a total diversion rate of 0.20 cfs (90 gallons per minute) to irrigate 15 acres. This site is located approximately 2 miles south of Lake City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8408-3 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 November 12, 2019.

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.

Published once at the total approximate cost of \$31.53.

RECEIVED

NOV 01 2019

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Carla Lanning being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal # 755404

Notice Application No. 8408-3 to

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day

The first publication being made on the 30th day of Oct., 2019.

The second publication being made on the day of , 2019.

The third publication being made on the day of , 2019.

The fourth publication being made on the day of , 2019.

The fifth publication being made on the day of , 2019.

The sixth publication being made on the day of , 2019;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 54.10, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Lanning

Subscribed and sworn to before me this 30th day of Oct., 2019.

Daily Circulation 10,000

Phil Self

Notary Public, Brown County, SD.

My commission expires March 20, 2025

(No. 755404)
(October 30, 2019 - 1T)

NOTICE OF APPLICATION
NO. 8408-3 to Appropriate Water

Notice is given that Roy View LLC, c/o Tom Opsahl, 116750 Roykota Dr, Lake City SD 57247 has filed an application for a water permit to appropriate an additional 0.09 cubic feet of water per second (cfs) to what is currently authorized by Water Right No. 6278-3. Water Right No. 6278-3 appropriates 0.11 cfs from one well completed into the Prairie Coteau Aquifer (280 feet deep) located in the SE 1/4 SW 1/4 Section 27 to irrigate 15 acres of Roy View Golf Course located in portions of the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 27; all in T126N-R55W. This application proposes to appropriate an additional 0.09 cfs from the existing well. This application, if approved, and Water Right No. 6278-3 will authorize a total diversion rate of 0.20 cfs (90 gallons per minute) to irrigate 15 acres. This site is located approximately 2 miles south of Lake City SD.

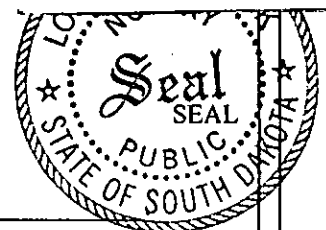
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8408-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's 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 November 12, 2019.

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.

Published once at the total approximate cost of \$54.10.



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 22, 2019 9:03 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8408-3, Roy View LLC
Attachments: 8408-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 30, 2019.

Roy View LLC, c/o Tom Opsahl, 116750 Roykota Dr., Lake City SD 57247, (605 448-2727) 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: Tuesday, October 22, 2019 9:03 AM
To: 'Britton Journal (journal@brittonsd.com)'
Subject: 8408-3, Roy View LLC
Attachments: 8408-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 30, 2019.

Roy View LLC, c/o Tom Opsahl, 116750 Roykota Dr., Lake City SD 57247, (605 448-2727) 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





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 NEWSPAPERS RIGHT AWAY.**

October 22, 2019

Roy View LLC
c/o Tom Opsahl
116750 Roykota Dr
Lake City SD 57247

Dear Mr. Opsahl:

Water Permit Application No. 8408-3 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 Britton Journal printed at Britton SD (Ph # 605 448-2281) and the American News printed at Aberdeen SD (Ph # 605 225-4100). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers 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. 8408-3 to Appropriate Water

Notice is given that Roy View LLC, c/o Tom Opsahl, 116750 Roykota Dr, Lake City SD 57247 has filed an application for a water permit to appropriate an additional 0.09 cubic feet of water per second (cfs) to what is currently authorized by Water Right No. 6278-3. Water Right No. 6278-3 appropriates 0.11 cfs from one well completed into the Prairie Coteau Aquifer (280 feet deep) located in the SE 1/4 SW 1/4 Section 27 to irrigate 15 acres of Roy View Golf Course located in portions of the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 27; all in T126N-R55W. This application proposes to appropriate an additional 0.09 cfs from the existing well. This application, if approved, and Water Right No. 6278-3 will authorize a total diversion rate of 0.20 cfs (90 gallons per minute) to irrigate 15 acres. This site is located approximately 2 miles south of Lake City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8408-3 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 November 12, 2019.

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.

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
<http://denr.sd.gov>

DEC 05 2019

Roy View LLC
c/o Tom Opsahl
116750 Roykota Dr
Lake City SD 57247

Dear Mr. Opsahl:

Enclosed is Water Permit No. 8408-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Goodman".

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 14, 2022

6278-3
8408-3

Robert Novotny
10035 County Rd 19
Lidgerwood ND 58053

Dear Mr. Novotny:

I am contacting you regarding Water Right No. 6278-3 and Water Permit No. 8408-3, both listed under Roy View LLC. They authorize irrigation of the golf course by Lake City SD. The manager of the golf course notified our program that you purchased the land back in September 2021.

Since ownership has changed, both Nos. 6278-3 and 8408-3 will need to be transferred. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of Water Right No. 6278-3 and Water Permit No. 8408-3 for your records. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

8408-3

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate July 5, 2022RECEIVED OF Robert A Novotny 10035 County Rd 19 Lidgerwood ND 58053

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	\$ _____
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>8408-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
me

8408-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 6, 2022

6278-3
8408-3

Robert Novotny
10035 County Rd 19
Lidgerwood ND 58053

Dear Mr. Novotny:

We received the transfer forms and filing fees from you July 5th for changing ownership on Water Right No. 6278-3 and Water Permit No. 8408-3, both listed under Roy View LLC.

I am returning the forms back to you for completion. The area highlighted in yellow needs to be completed with the name you want to have them transferred to. If you want them directly into your name that is fine or if you want them in the golf course name or something else, write the name and address in the blank provided.

The filing fees have already been paid and no further fees are necessary. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

PAID

JUL 5 2022

Ck# 7456

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

JUL 22 2022

OFFICE OF WATER

No. 8408-3

Date:

I/We request that Water Permit No. 8408-3

formerly owned by: Roy View LLC

be transferred to: (name & address)

Robert A. Novotny
10035 City Rd. 19 Lidgerwood N.D.
58053 Telephone No. 701-538-7483

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

15 acres within the S 1/2 Section 27, T126N, R55W (golf course)

I/We understand that the validity of Water Permit No. 8408-3 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.

I/We Robert Novotny, 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 25, 2022

6278-3
8408-3

Robert Novotny
10035 County Rd 19
Lidgerwood ND 58053

Dear Mr. Novotny:

We have received the completed transfer forms for changing ownership on Water Right No. 6278-3 and Water Permit No. 8408-3.

The ownership changes have been completed. Nos. 6278-3 and 8408-3, formerly held by Roy View LLC are now listed under your name.

The receipts for the filing fees you paid are enclosed. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: ROBERT A NOVOTNY, 10035 CTY RD 19, LIDGERWOOD, ND 58053

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 6278-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 8408-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 8408-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 6278-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UQKRGL**

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

March 6, 2023

6278-3
8408-3

Robert A Novotny
10035 Cty Rd 19
Lidgerwood ND 58053

Dear Mr. Novotny:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit Nos. 6278-3 and 8408-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: ROBERT A NOVOTNY, 10035 CNTY RD 19, LIDGERWOOD, ND 58053

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 6278-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 8408-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 8408-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 6278-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VHYBUT**

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

January 14, 2025

NOTICE

TO: ROBERT A NOVOTNY, 10035 CNTY RD 19, LIDGERWOOD, ND 58053

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 6278-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 8408-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8408-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 6278-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

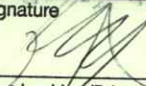
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **EXLMXM****

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.

6278-3

8408-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Agent ☒ Addressee X 	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
ROBERT NOVOTNY 10035 COUNTY RD 19 LIDGERWOOD ND 58503		ROBERT NOVOTNY	03/14/25
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
9590 9402 6392 0303 3255 18			
7021 1970 0000 9489 7493			
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2025

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

TO: Robert Novotny, 10035 County Rd 19, Lidgerwood ND 58503

FROM: Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: One Year Suspension of Water Permit No. 8408-3

On March 5, 2025, the Water Management Board ordered:

Effective April 4, 2025, Water Permit No. 8408-3 be suspended for the 2025 irrigation season for failure to submit the 2024 irrigation questionnaire.

If the 2024 irrigation questionnaire is received prior to April 4, 2025, the suspension will not take effect.

A one-year suspension of Water Permit No. 8408-3 means water may not be pumped during the 2025 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2025 unless the 2024 irrigation questionnaire is submitted prior to April 4, 2025.

After April 4, 2025, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2024 irrigation questionnaire and a letter including your reason for not completing the 2024 irrigation questionnaire within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 7-8, 2025, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

Please contact Amanda Dewell (605) 773-3352 with any questions.

7021 1970 0000 9489 7493

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☐ Adult Signature Restricted Delivery	\$

Postmark
Here

ROBERT NOVOTNY
10035 COUNTY RD 19
LIDGERWOOD ND 58503

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF AMENDMENT OF WATER RIGHT, NOTICE OF ENTRY OF ORDER (ONE & THREE YEAR SUSPENSION OF WATER RIGHTS) dated March 6, 2025, via certified mail to the following parties.

Walter Heine
PO Box 145
Blunt SD 57522

Larry Ryken
244 Gavins Point Rd
Yankton SD 57078

Albert Hattum
21862 West Bend Rd
Harrold SD 57536

James & Joan McElhany
45840 SD Hwy 22
Castlewood SD 57223

Layna Saathoff
46044 199th St
Bruce SD 57220

Makens Oak Tree LLP
c/o Michael Makens
PO Box 274
Clark SD 57552

John or Byran Uecker
PO Box 573
Wagner SD 57380

Selby Community Golf Course
201 S Railway St
Selby SD 57472

Lane Tekrony
47840 180th St
Clear Lake SD 57226

Charlotte Nichols
c/o Philip Nichols
7497 Rolling Meadow Dr
West Chester OH 45069

Saddle Butte Angus
c/o Larry May
20545 May Rd
Interior SD 57750

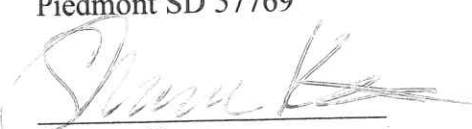
Robert Novotny
10035 County Rd 19
Lidgerwood ND 58503

Stop Drop Lock Inc
c/o Karl Schenk
44352 308th St
Mission Hills SD 57046

Todd Block
PO Box 114
Roslyn SD 57261

Ryan Edwards
25331 Yellow Eagle Rd
White River SD 57579

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont SD 57769


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



8408-3 3 6278-3

ALERT: SEVERE WEATHER IN THE SOUTHEAST AND CENTRAL U.S AND WINTER STORMS IN ...

USPS Tracking[®]

FAQs >

Tracking Number:

Remove X

70211970000094897585

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at a postal facility at 8:52 am on March 14, 2025 in LIDGERWOOD, ND 58053.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, Individual Picked Up at Postal Facility

LIDGERWOOD, ND 58053

March 14, 2025, 8:52 am

[See All Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus[®]



Product Information



See Less ^

Track Another Package



8408-3

PAID

APR 23 2025

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Ck# 1128
Rec't#

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 8408-3

Date: 4-18-25

I/We request that Water Right/Permit No. 8408-3 formerly owned by:
Robert Novotny - Lidgerwood ND

be transferred to:

New Owner Name:

Roy View Country Club LLC

Address:

116750 Roy Kota Drive

mobile:

605-268-0398

City, State, Zip

Lake City, SD 57247

email:

thomassatrang@gmail.com

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

adds an additional 0.09 cfs to what is already auth. under WR No. 6278-3

WR No. 6278-3 + WP No. 8408-3 = 0.20 cfs (90 gpm) for irrigaiton of 15 acres

*EMAILED SHANNON 4.25.25

☒ I understand that the validity of Water Right/Permit No. 8408-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Thomas E. Satrang, the new owner, certify that the above information is true and correct.

Thomas E. Satrang President
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date April 25th, 2025

RECEIVED OF Roy View Country Club LLC 116750 Dakota Drive Lake City SD 57247

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	\$ _____
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 #6278-3 and #8408-3	\$100.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$100.00

By Mark Meyer
Chief Engineer

Se

8408-3

RECEIVED

APR 22 2025

Water Rights
Program

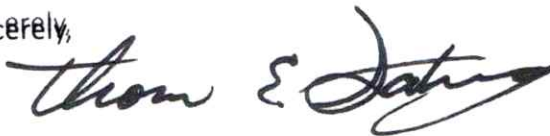
TO: DANR — Water Management Board

RE: Water Permits 8408-3 and 6278-3

In the spring of 2024, a group of investors purchased the Royview Golf Course from Robert Novotny. At that time he did not indicate to us that there was an associated water right with the property, or that the water right needed to be transferred.

Mr. Novotny did not submit the 2024 irrigation questionnaire within the required time frame. Our group of investors had no idea of the requirements. On April 16, 2025, I submitted the irrigation questionnaire to the best of my ability. We are asking for the permits to be reinstated for the 2025 season. Thank you for your consideration.

Sincerely,



Thomas E. Satrang

Royview Board President

(605) 268-0398



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 9, 2025

8408-3

NOTICE OF ENTRY OF ORDER

Roy View County Club LLC
c/o Thomas Satrang
116750 Roykota Dr
Lake City SD 57247

Dear Mr. Satrang:

This will notify you that on Wednesday, May 7, 2025, the Water Management Board approved your request to rescind the one-year suspension of Water Permit No. 8408-3, allowing for irrigation to take place under that permit during the 2025 irrigation season.

Water Right No. 6278-3 and Water Permit No. 8408-3 both have mandatory irrigation questionnaire reporting requirements included in their qualifications. Irrigation Questionnaires are mailed annually, mid-October, and are due in early December.

If you have any questions concerning the Board action or Irrigation Questionnaires, please contact Amanda Dewell, with our program, at (605) 773-3352.

Sincerely,

Amanda Dewell, Permitting Administrator
SD DANR – Water Rights Program

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated May 9, 2025, into the United States Mail in Pierre South Dakota, first class postage prepaid to the following Water Permit holder on May 9, 2025.

Roy View County Club LLC
c/o Thomas Satrang
116750 Roykota Dr
Lake City SD 57247


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of May, 2025.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8408-3

I have this day, September 6, 2024, made a thorough examination of the water use system constructed by Roy View LLC, 116750 Roykota Dr, Lake City, SD 57247 of Water Right No. 6278-3, bearing the priority date of August 16, 2001 authorizing the diversion of 0.11 cu. ft. per second of the waters of the Prairie Coteau Aquifer for the irrigation of 15 acres and permit No. 8408-3, bearing the priority of August 22, 2019 authorizing the diversion of additional 0.09 cu. ft. per second of the waters of the Prairie Coteau Aquifer for irrigation purposes, in Marshall County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Manikowski Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 262 feet
- 4) Well log is available Y

Comments: Located in Well Completion data base

Casing:

- 1) Diameter 5 inches
- 2) Length 232 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 30 feet
- 3) Static water level 45 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 90 GPM

Motor:

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

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

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

Comments: **Various sizes and lengths to multiple places on the golf course**

C. Works used to apply water to beneficial use:**Chemigation Equipment:**

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION

2,058 feet W and 1,227 feet N from the SE corner of Section 27, T126N, R55W (SE ¼ SW ¼) (Latitude 45.69231 and Longitude -97.41251)
2. The works are capable of diverting and conveying to the place of use 0.20 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
- | <u>legal description/acreage</u> | <u>legal description/acreage</u> |
|----------------------------------|----------------------------------|
| All land Sec 27 T126N R55W | |
| SW ¼ SE ¼ - 13 acres | |
| SE ¼ SW ¼ - 2 acres | |
- comprising a total of 15 acres of land and the license should be issued for 0.20 cfs
3. All structures, wells and lands on map Y

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

FSA maps and the ArcGIS program were used to construct the attached well and irrigated location map.

Reported system discharge in the 2023 Irrigation Questionnaire was used to establish the system capacity.

I talked with Mr. Tom Satrang, President of a new ownership group (605/268-0398) on the phone regarding Water Permit details.



Darrell DeBoer, Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 9, 2024



0 425 850 1,700 2,550 3,400 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 13 2025

Roy View Country Club LLC
c/o Thomas Satrang
116750 Roykota Dr
Lake City, SD 57247

No. 8408-3

Dear Mr. Satrang:

Enclosed is Water License No. 8408-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8408-3

(1) Water Right No. 6278-3, held by Roy View Country Club LLC, 116750 Roykota Dr, Lake City, SD 57247, with a priority date of August 16, 2001, authorizes the diversion of 0.11 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), for irrigation of 15 acres. The applicable portions of Water Right No. 6278-3 are incorporated into this license and previously established priority dates will be retained.

On August 22, 2019, Roy View LLC made Application No. 8408-3, for a water permit to appropriate an additional 0.09 cubic feet of water per second to what was already authorized under Water Right No. 6278-3. Permit No. 8408-3, with a priority date of August 22, 2019, was approved November 12, 2019, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 12, 2024, and for the application to beneficial use of water on or before November 12, 2028.

Ownership of Permit No. 8408-3 was transferred to Roy View Country Club LLC on April 28, 2025.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.20 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,058 feet W and 1,227 feet N from the SE corner of Section 27, T126N, R55W (SE $\frac{1}{4}$ SW $\frac{1}{4}$) (Latitude 45.69231 and Longitude -97.41251)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 15 – October 15.

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

Section 27, T126N, R55W
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 13 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 2 acres
Total – 15 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Roy View Country Club LLC, the holder and/or owner of Water Right No. 8408-3 is issued a license to appropriate water, the right to use 0.20 cubic feet of water per second from groundwater, one well (Prairie Coteau Aquifer), with priority dates of August 16, 2001 (0.11 cfs & 15 acres) and August 22, 2019 (0.09 cfs), from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8408-3 and subject to the following qualifications:

1. The well approved under Water Right No. 6278-3 and Water Permit No. 8408-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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



Mark Mayer, PE
Director of Office of Water

5/13/25

date

