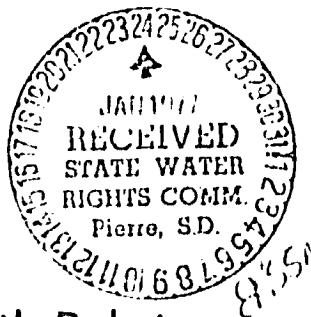


Water Right Number 3819-3

1. Considered 5-25, 1977
2. Name of Applicant C. DON ROSE
3. Post Office Address SIOUX FALLS
4. Amount of Water claimed .10
5. Source of Water supply 196' DEEP WELL
6. Water to be used for Suburban Housing
Acres to be irrigated _____
7. Water to be diverted and used in LINCOLN County
about 2E miles _____ of TEA
8. Proof of Publication Received 4.29.77
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action Deferred _____
10. Remarks:

No. 3B19-3Map No. 3081-3 Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be filled by the Engineer for the W. H. C.)**APPLICATION FOR PERMIT****To Appropriate Water within the State of South Dakota**

(NOTE - Draw a line through items not applicable)

1. Name of Applicant C. Don RosePostoffice address 1821 S. SHERMAN, Sioux Falls, South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of Others3. Name of diversion work Casa Del Rosa' Subdivision _____4. Amount of water claimed (cubic feet per second) 0.105. Source of water supply Well6. Location of point of diversion Well No. 1-867' North and 500' East of the SW corner of the NW 1/4 of Section 31, T 100 N, R 50 W of the Fifth P.M.County Lincoln7. Annual period or periods during which water is to be used Continuous8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Residential Development9. For irrigation use, Total number of acres to be irrigated N/A

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.			
Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 5 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sioux Valley News

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Wells and pumping equipment

B. Works proposed to transport water to place of use.

Water Pipeline

C. Works proposed to apply water to beneficial use.

Water distribution systemEstimated Total Cost \$ 10,000.00

Attachments. Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of MINNEHAHA)I, C. Don Rose, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed C. Don RoseSubscribed and sworn to before me this 18 day of January, 1976 77

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3819-3

C. H. & L. Co.
(Applicant)

1821 S. Sherman, Sioux Falls
(Post Office Address)

SOUTH DAKOTA 57105
(State)

With the following modifications:

The ~~irrigation~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

Date of first receipt of application JANUARY 24, 1977

Date of return to applicant for correction, amendments or changes required — — —, 19 —

Date of receipt of corrected application — — —, 19 —

Approved MAY 25, 19 77, Recorded in Book 18 Page 228

WATER RIGHT PERMIT NO. 3819-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3819-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, sub. et, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JANUARY 24, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 26, 19 77
3. The whole of said work is to be completed on or before MAY 25, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25, 19 82
5. The water appropriated shall be used for the purpose of SUBURBAN HOUSING

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 10 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ ~~to meet the needs of the proposed~~ ~~appropriation must be limited to the maximum amount of water which can be supplied by the~~ ~~water system to be constructed~~ ~~at a rate of 1/70 of one cubic foot of water per minute of time for each acre of land to which water is~~ ~~used for suburban housing~~
actually and beneficially appropriated on or before MAY 25, 19 82; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 9th day of JUNE, 19 77

WATER RIGHTS COMMISSION

By:

John Haile

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12 Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 10", Depth 196'
(2) Casing, Type Plastic (wood, concrete, steel, etc), Diameter 5", Thickness Sch. 40
(3) Perforated Screen
Type Stainless steel, Diameter 5", Length 10'
(4) Gravel Pack, Thickness 2", Length of gravel pack 10'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Gravel

Depth to top of water bearing material 186'

Depth to bottom of water bearing material 196'

Thickness of water bearing material 10'

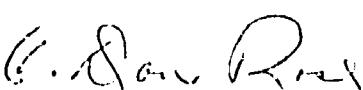
Depth to water (ground surface to water level) 160'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property None rds. On property owned by others 80 rds.

G. Water Storage Dams:

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.



Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water

File No. 331-2-3

Publish first publication, on or before May 10, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 11, 1977

Notice is hereby given that

C. Don Rose

whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.10 cubic feet of water per second of time from the ground water through the Cass Dell Road Subdivision, the point of diversion of which is to be located in the

SW¹ NW¹

of Section 31, Twp. 100N, Range 50E. Said water to be used for the purpose of providing irrigation on the following described land:

of Suburban Housing

This application No. 331-2-3 will be considered by the Water Rights Commission at their office at Pierre upon the 25th day of May, 1977, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON M. JONES & JAMES WINTERTON
Water Rights Specialist

BFJ/bw
cc: C. Don Rose, 1821 South Sherman, Sioux Fall, S. D. 57105

Form 8 - Proof of Public Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
ss.
County Lincoln)

I, Marie Beitzel, hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sioux Valley News.

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City Canton of _____

County of Lincoln and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 14, 1977

April 21, 1977

Marie Beitzel
(Signature)

Bookkeeper

(Title)

April 28, 1977

(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER

Notice is hereby given that C. Don Rose whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.10 cubic feet of water per second of time from ground water through the Casa Del Rosa Subdivision, the point of diversion of which is to be located in the SW 1/4 NW 1/4 of Section 31, Twp. 100N, Range 50W. Said water to be used for the purpose of Suburban Housing.

This application No. 3819-3 will be considered by the Water Rights Commission at their office at Pierre upon the 25th day of May, 1977, at 10:00 a.m. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: James Winterton
Water Rights Specialist
(4-14-21)



No. 3819-3

**Dakota Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

May 31, 1982

Don Srstka
402 1st Bank of South Dakota Building
Sioux Falls, South Dakota 57102

Dear Mr. Srstka:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

WNR-820A-7/79
Transmittal of Transfer of Water Permit

Water Rights Division
605 773-3352

October 18, 1982

3819-3

Don Breit, Attorney
3610 South Western
Sioux Falls SD 57105

Dear Mr. Breit:

Enclosed is a copy of Water Permit No. 3819-3 for C. Don Rose. You may wish to contact Don Srstka (see copy of letter). Apparently Mr. Srstka called to request the transfer form necessary when there is a change in ownership. As stated in our telephone conversation, it will be necessary to have spacing between wells although if the well proposed by your clients will serve all houses presently served by Permit No. 3819-3, No. 3819-3 would be subject to cancellation for forfeiture (46-5-37). A well used for one house does not require a permit (46-5-8).

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

Water Rights Division
605 773-3352

December 20, 1982

3819-3

Steve and Linda Siemonsma
Casa Del Rosa
Rt 1, Box 660
Harrisburg SD 57032

Dear Mr. & Mrs. Siemonsma:

This letter is in regard to Permit No. 3819-3 listed in the name of C. Don Rosa, for Casa Dell Rosa Subdivision.

In May, 1982 Mr. Dan Srstka contacted our office and requested a transfer form for filling a change of ownership for Permit No. 3819-3. To date, nothing has been heard from him on the matter.

Enclosed please find a copy of the permit. We would appreciate it if you would look over the permit and notify this office as to the current owner of the well and property described in the permit. It is very important that our ownership records be kept current.

If you have any questions, please advise. A postage-paid envelope is enclosed for your reply.

Sincerely,

GERRY YOUNG
Water Rights Specialist

GY:ks

enclosure

December 30, 1982



Dear Mr. Young

I am writing concerning the letter sent by your office to me. As of this date the well which you mention is still in Mr. & Mrs. C. Don Ries' name. C. Don Ries named was going to buy the well but other parties thought it would be better to dig a new well than stay on this well.

Sincerely,
Steve Dicmonemal

P.S. There are still four houses in this development that are hooked up to C. Don Ries' well.

3819-3

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Al Bucholz File No. 3819-3

Address: County: Lincoln

Date: 7-22-97 Telephone:

RE:

Comments:

Mr. Bucholz indicated that the well under Permit No. 3819-3 is used for his house only and is not part of the Casa Del Rosa water system. He uses less than 18 gpm for domestic use and wants to cancel Permit No. 3819-3. I recommend cancellation due to change in use which qualifies the well as a domestic well.



Lynn Beck
Natural Resources Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

RETURN SERVICE REQUESTED



SIOUX FALLS SD 571



08/21



Allen Bucholz
RR 1, Box 659
Harrisburg, SD 57032-9440

BUCH001 370322029 1996 08 08/22/97
RETURN TO SENDER
BUCHOLZ
47000 ROSE CIR
TEA SD 57064-8110
RETURN TO SENDER

3703248993



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

August 25, 1997

NOTICE OF CANCELLATION

TO: Allen Bucholz, 47008 Rose Circle, Tea, SD 57064-8110

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 3819-3

On July 22, 1997, Lynn Beck with our program, visited with you about the well authorized under Water Permit No. 3819-3. It is our understanding from your conversation that the well is used for domestic purposes and supplies water to your home but is not part of the Casa Del Rosa water system. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 3819-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 3819-3 at 9:00 am, October 1, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 3819-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by September 19, 1997. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

(continued)

August 25, 1997
Allen Bucholz
Page 2

These hearings are adversary proceedings. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by September 19, 1997.

Prior to September 19, 1997, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note: Cancellation of the water permit does not prevent you from using the well for domestic purposes. Under South Dakota Water Law, domestic use allows use of water up to 25,920 gallons per day or a pump rate of up to 25 gallons per minute.

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 3819-3, C DON ROSE**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 3819-3, now owned by Allen Bucholz.

The Chief Engineer is recommending cancellation of the above Water Permit because an investigation by Lynn Beck, July 22, 1997, found the well is no longer used for suburban housing development purposes, as authorized by the permit. Mr. Bucholz indicated the well is used for his house only and is not part of the Casa Del Rosa water system. Water Permit No. 3819-3 is subject to cancellation for abandonment and/or forfeiture.



RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
August 25, 1997



3819-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

October 3, 1997

3819-3

NOTICE

Allen Bucholz
47008 Rose Circle
Tea, SD 57064-8110

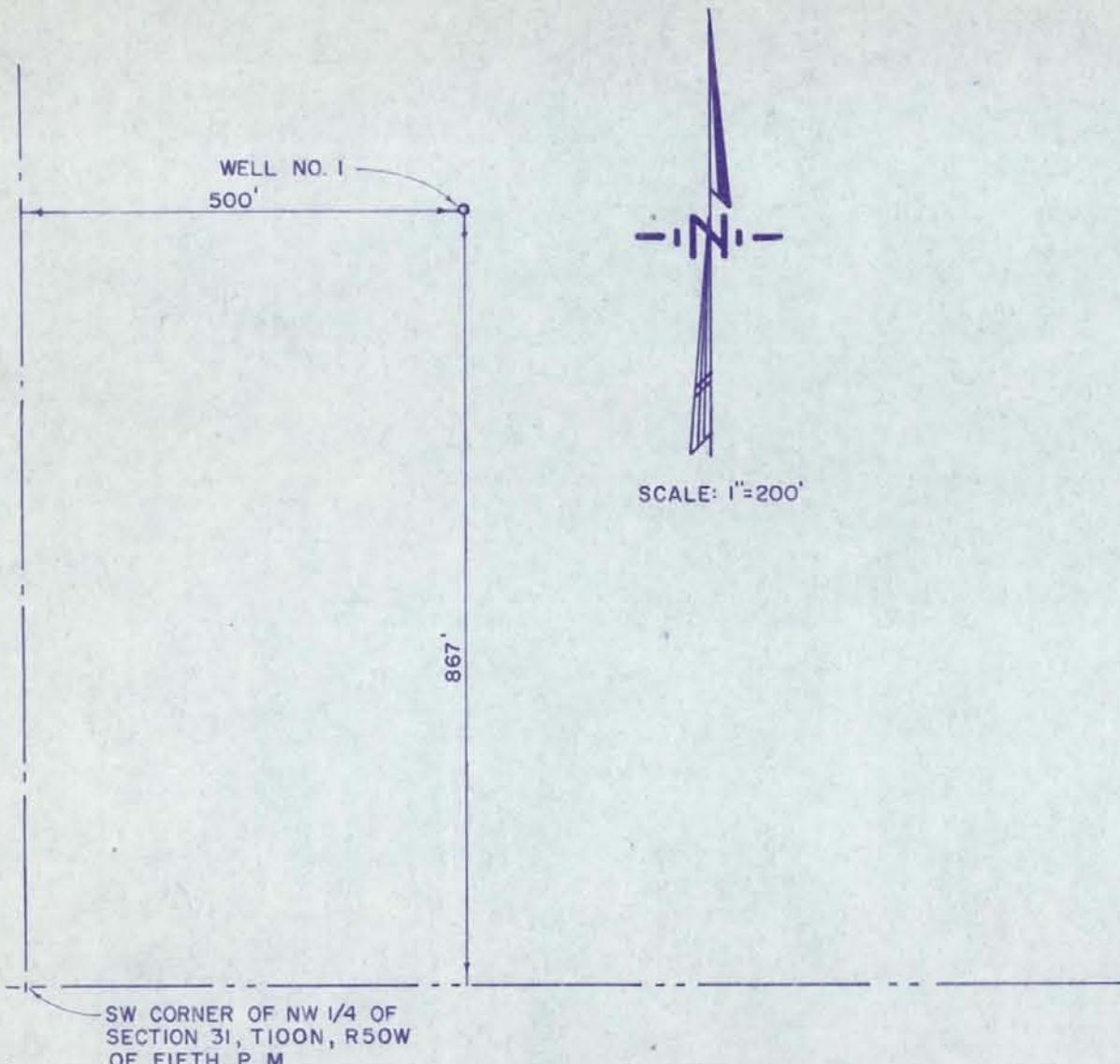
Dear Mr. Bucholz:

This will notify you that the Water Management Board cancelled your Water Permit No. 3819-3 on October 1, 1997.

This action was taken under the conditions outlined in our notice to you dated August 25, 1997.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352



CASA DEL ROSA' SUBDIVISION
LINCOLN COUNTY, S.D.

SURVEYORS CERTIFICATE

I, D. C. Kalda, Registered Land Surveyor of the State of South Dakota, do hereby certify that I have, on and before September 28, 1976, mapped area as shown above for the purpose of water appropriation.

Dated this 28th day of September, 1976.

D. C. Kalda
D. C. Kalda, *Reg. No. 754*
PROFESSIONAL ENGINEER & LAND SURVEYOR



STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

On this 28th day of September, 1976, before me the undersigned, a Notary Public in and for said County and State, appeared D. C. Kalda, well known to me to be the person described above and who acknowledged to me that he executed the foregoing certificate.

My Commission Expires:

LUCILLE E. McCORMICK
My commission expires September 1, 1983
Lucille E. McCormick
Notary Public, South Dakota

MAP NO 30813 APPL NO 3819-3