

Considered: _____

WATER PERMIT NO. 5581-3

Phone: 665-2200

Name of Applicant: Larson Brothers Co.

Post Office Address: 800 E 4th St., Yankton SD 57078

Amount of Water Claimed: 0.1 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: suburban housing County: Yankton

About 2 miles SW of Yankton

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 7-30-91 Fee: \$50 Remarks _____

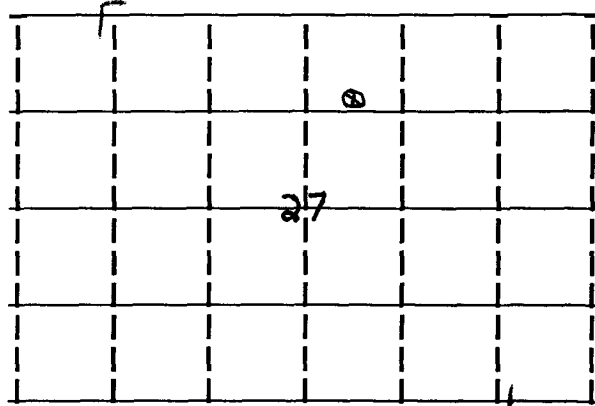
Corrected Application Received 9-17-91 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: NW 1/4 NE 1/4 Sec 27-T93N-R56W

Land to be Irrigated: NA



Well Log: Driller: Koranda Well Co. Licensed YES X NO _____

Depth of Well: 35 REMARKS _____

Type of Map: topo PREPARED BY: Peter S. Johnson Reviewed and the Number

Assigned on 9-17-91 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 5581-3 Hydrologic Unit 10170101
Map No. _____ Basin Missouri River
Newspaper Daily Press & Dakotan, PO Box 56

Yankton 57078

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☒ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☒

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☒ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant LARSON BROTHERS CO. Phone No. 665-2200

Post Office Address 800 EAST FOURTH STREET Yankton State SD Zip Code 57078
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 45 G.P.M. (0.1 cfs)

3. Source of water supply WELL

4. Location of point of diversion YANKTON COUNTY, UTICA TOWNSHIP, SECTION 27S
EAST 1/2 OF LOT 2 SHORE ACRES ESTATE
NW 1/4 NE 1/4 Sec 27-T93N-R56W County YANKTON

5. Counties where water will be used YANKTON

6. Annual period during which water is to be used 12 MONTHS January 1 - December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

MOBILE HOME PARK

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Yankton)^{ss}

I, Larson Brothers & Co. Taylor Larson Pres 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.

Signed Taylor Larson Pres

Subscribed and sworn to before me this 29th day of July 19 91

Gloria H. Miller 2-17-96
Notary Public



**SOUTH DAKOTA
WATER PERMIT No. 5581-3**

Date of first receipt of application July 30, 1991.

Date of return to applicant for corrections, amendments or changes July 30, 1991.

Date of receipt of corrected application September 17, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5581-3 to Larson Brothers Co., 800 E 4th St, Yankton SD 57078 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. 5581-3 appropriates 0.1 cubic feet of water per second from one well (Missouri Elk Point Aquifer) 45 feet deep located in the NW 1/4 NE 1/4 (E 1/2, Lot 2, Shore Acres) Section 27-T93N-R56W.
2. The water appropriated shall be used for the purpose of supplying water for a mobile home park and may not exceed the amount of water needed for beneficial use for suburban housing purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5581-3 is January 21, 1992.
5. The date from which applicant may claim right is July 30, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 12 1992
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 7 7/8" Depth 35'
- b) Casing Type PVC 200#/FT Diameter 5 Thickness _____
- c) Screen Type MANUFACTURED Diameter 5' Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property 400' On property owned by others _____

2. Dugout Information Estimates

N/A

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

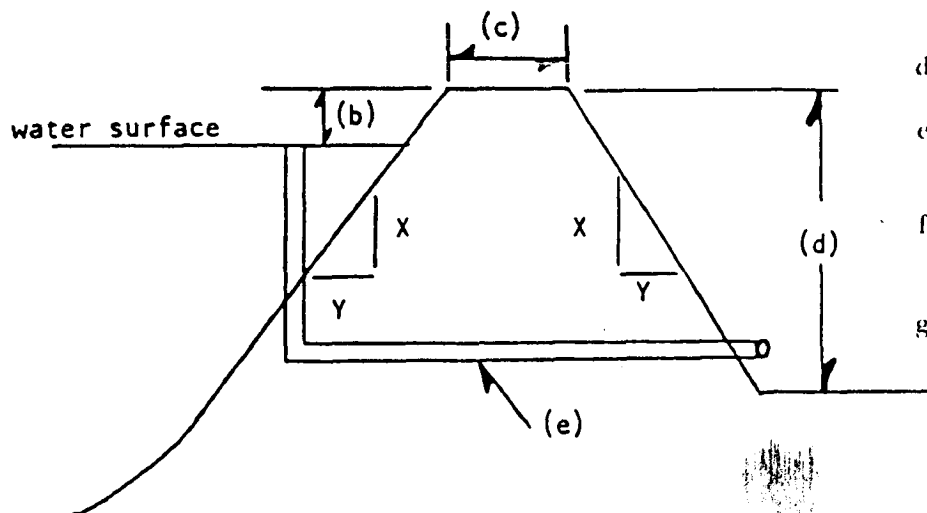
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 30, 19 91

Larson Brothers Company, 800 East 4th, Yankton SD 57078

RECEIVED OF _____

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

Fee for Application for Permit No. <u>5581-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By Carl H. Harkins

Chief Engineer

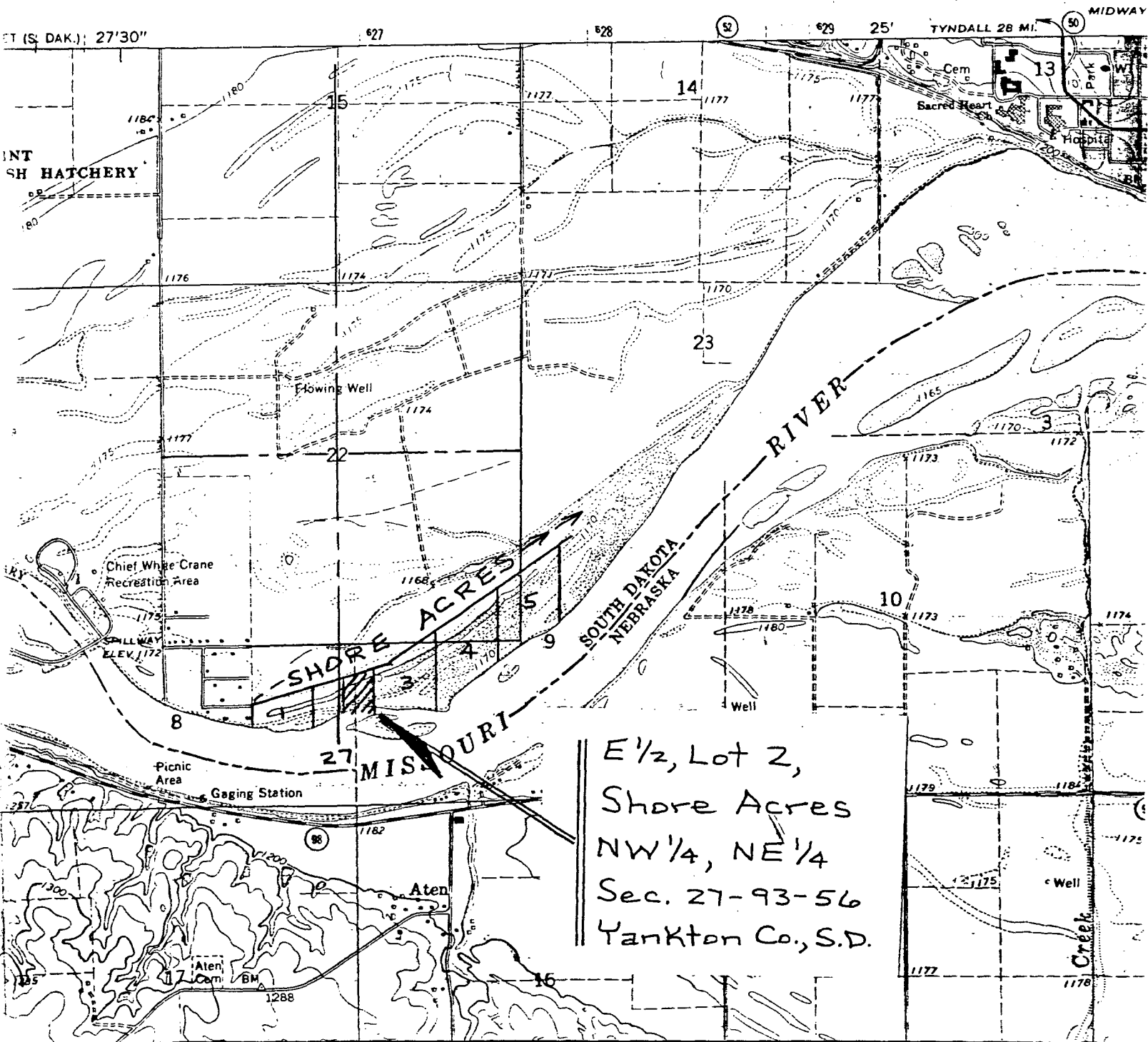


1" = 2000'

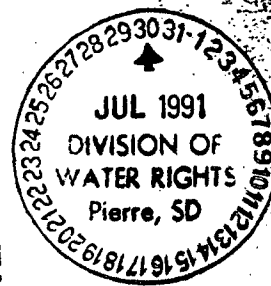
from Gavins Point
7 1/2' quad map

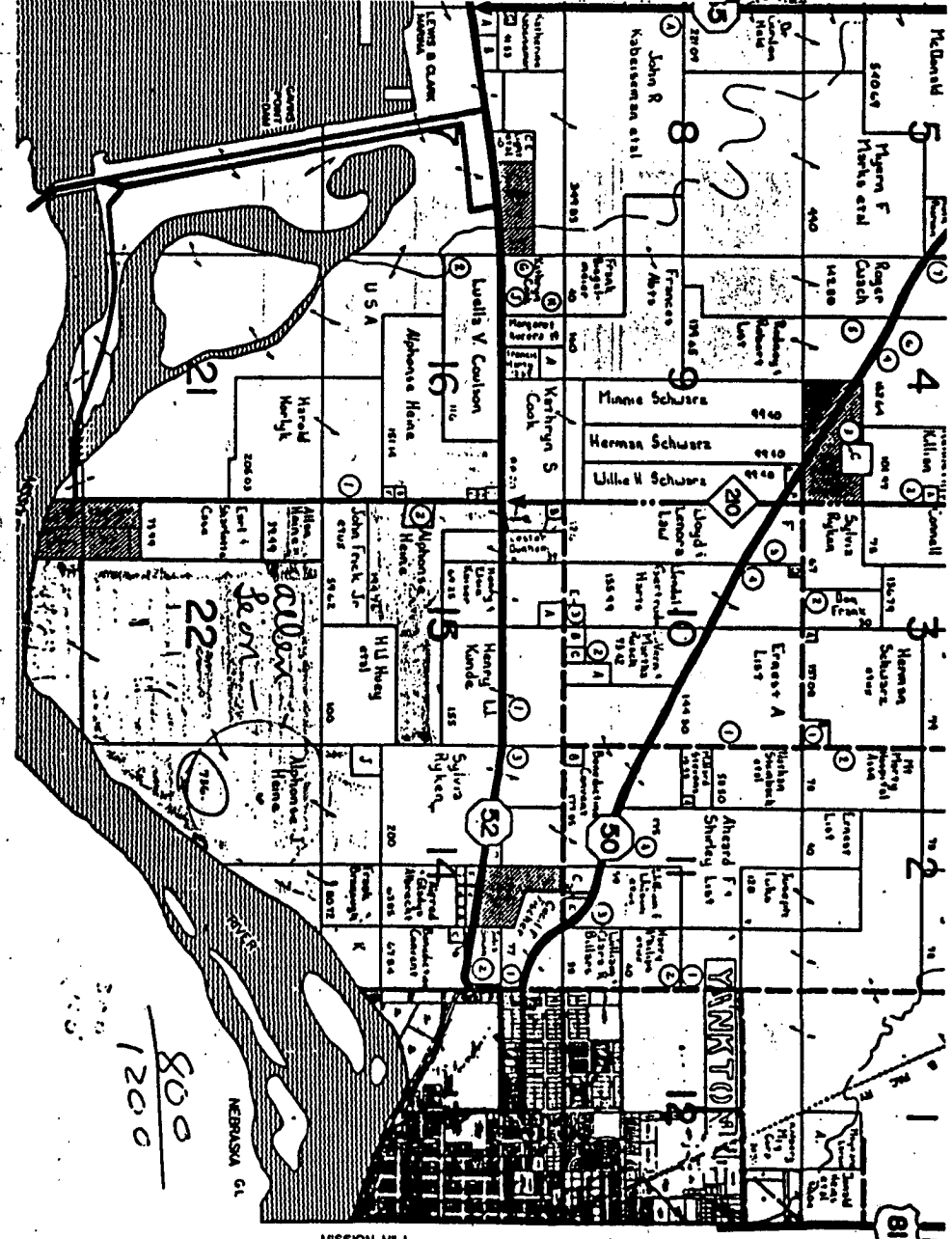
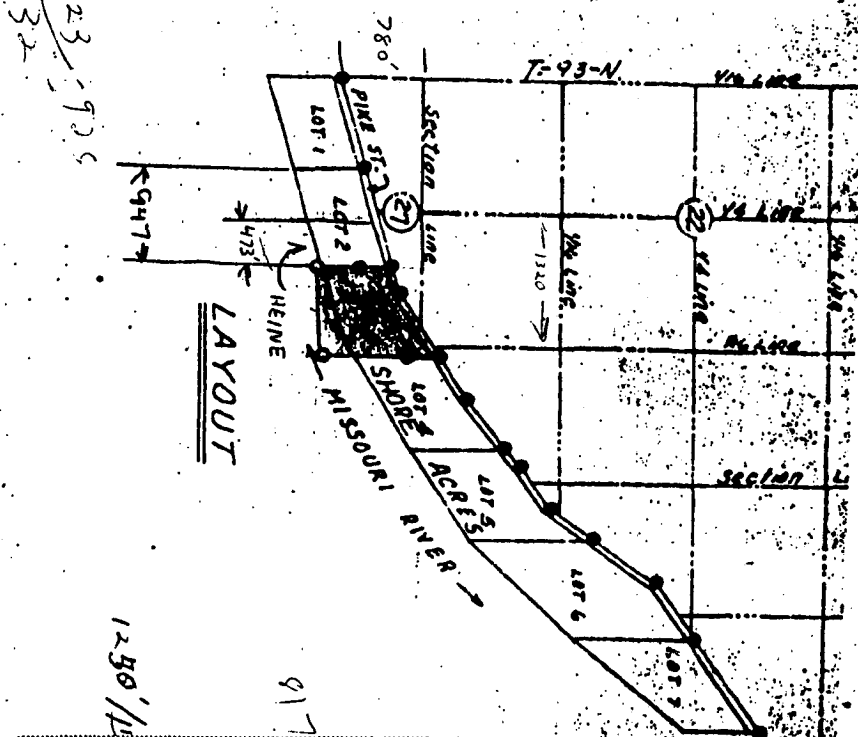


Map prepared by:
Patel S. Johnson
PE # 2919
8-14-91



E 1/2, Lot 2,
Shore Acres
NW 1/4, NE 1/4
Sec. 27-93-56
Yankton Co., S.D.



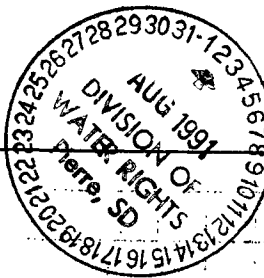


MISSION HILL



SOUTH DAKOTA CONCRETE PRODUCTS • PIERRE, S. D. 57501 • (605) 224-8641 • FAX (605) 224-

5/2/90 → 3 men 5 1/2 hrs m. Jordan
5/9/90 → 3 men 4 1/2 hrs J. Lane
D. Fuhrer
5/9/90
DATE 5/2/90



PROJECT 9004D SHORE ACRES

DATE 5/2/90



WELL

176'
STREET

PIKE

455.89'

E 1/2

LOT 2

SHORE ACRES

LOT 3 SHORE ACRES

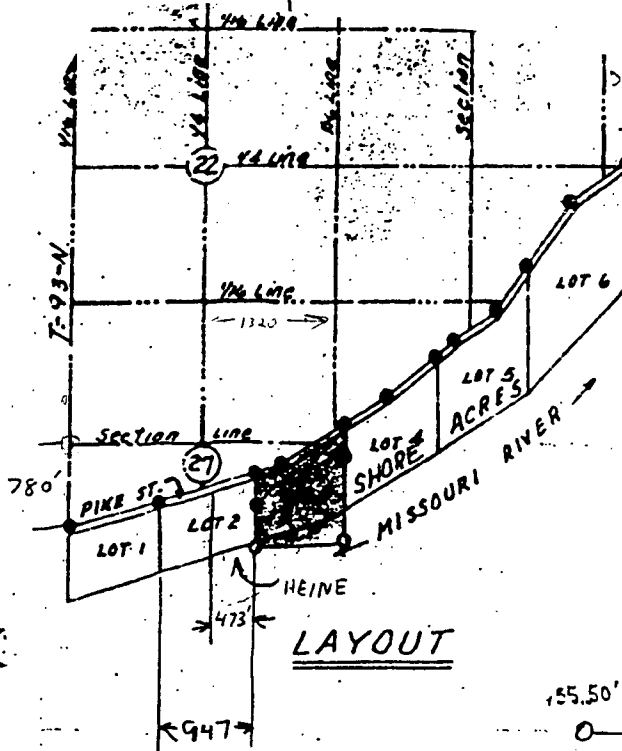
● = Pound
○ = Set 3/8" x 1 Rebar w/ hub & 1

Set spike under Car cant set rebar

Rebar by C.F.P.

Map prepared by:

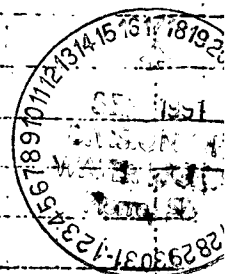
Patel S. Johnson
PE # 2919
7-15-91



LAYOUT

28' to high bank
150' to water edge

82' to high bank



South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



March 5, 1991

10.3 Yankton County

WILLIAM FEJFAR
1209 WEST 9TH ST
YANKTON SD 57078

Dear Mr. Fejfar:

The Department of Water and Natural Resources (DWNR) is in receipt of plans and specifications of the on-site wastewater systems proposed for Larson's Landing Mobile Home Court located near Yankton, South Dakota. The plans and specifications have been reviewed for compliance with South Dakota's "Individual and Small On-site Wastewater Systems" regulations.

The results of the review process indicates that the systems proposed for the Larson's Landing development area will be approved by the DWNR, but it should be noted that there are several items that must be addressed during construction to assure compliance with all of South Dakota's regulatory requirements. The following items must be addressed:

- 1) Pressurized water lines must be no closer than 25 feet to septic tanks or absorption systems. Several of the units will not comply with this requirement as they are proposed. The water lines must be placed in such a location to meet this minimum distance requirement.
- 2) Septic tanks must be at least 10 feet from occupied dwellings.
- 3) The liquid volume in the septic tanks must be a minimum of 1,250 gallons.
- 4) The placement of soil in the seepage beds to reduce the percolation rate is an appropriate measure that can ensure proper treatment of the pollutants contained in wastewater, however, it will be difficult to obtain uniform soil mixture and density at each site. For this reason, a soils specialist should be present to oversee the placement of this restrictive layer at each soil absorption unit. A soils specialist can also provide technical advice on the appropriate soil filler that should be used.

William Fejfar
March 5, 1991
Page 2

5) The proposed liner should not be used as the added soil filler material in the bottom of the seepage beds since it can restrict seepage almost completely from the absorption systems. A minimum of one foot of appropriate soil mixture should be placed in each bed to ensure appropriate treatment will be provided. The soils consultant will be able to advise on an appropriate soil filler material. It is critical to determine the percolation rate or seepage rates of the selected soil filler material so adjustments in seepage bed dimensions can be made.

These items will have to be addressed during the construction process. Failure to address these items will negate this approval. The lifetime of the wastewater treatment systems is dependent upon proper construction and maintenance.

The DWNR would also like to advise you that the construction of a marina can have serious impacts on water quality and aquatic life. We are unsure whether the marina already exists. If the marina has not been constructed, the Army Corps of Engineers and the U.S. Fish and Wildlife Service should be contacted for their review and approval of this portion of the development before construction begins.

If you have any further questions or comments, please do not hesitate to contact this Office at (605) 773-3351.

Sincerely,

Raymond F. Birchem, P.E.

Raymond F. Birchem, P.E.
Staff Engineer
Division of Environmental Regulation

cc: Bill Baer, DER-DWNR
Curt Hansen, SFRO-DWNR
Joan Bortnem, DER-DWNR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

GREAT FACES. GREAT PLACES.

July 30, 1991



Larson Brothers Co.
Douglas Larson
800 East 4th St
Yankton SD 57078

Dear Mr. Larson:

In regard to your water permit application received on July 30, 1991, the following information needs to be submitted in order to process your application.

1. On Item No. 4 of the application, please indicate the quarter-quarter, section, township and range where the well is located.
2. The map is being returned because it needs to reference the location of the well in relation to a government section corner or quarter corner by direction and distance. *PLEASE SEE INSERT ADDED To map.*

Upon receipt of the corrected application and map, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 6, 1991

Larson Brothers Co.
Douglas Larson
800 East 4th St
Yankton SD 57078

Dear Mr. Larson:

We received your resubmitted application on August 2, 1991. There seems to be some discrepancy in the location of the well. The application states the well is located in the E 1/2 of Lot 2 Section 27. The well completion report submitted with the application states the well is located in Section 22. Which section is correct?

Enclosed is the map. As stated in our July 30, 1991 letter, the map is being returned because it needs to reference the location of the well in relation to a government section corner or quarter corner by direction and distance. The addition of Lot 2, Shore Acres is not sufficient.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 5581-3
for Larson Brothers Co.
November 8, 1991

This application proposes to appropriate 0.1 cfs from one well approximately 45 feet deep located in the NW 1/4 NE 1/4 of section 27, T93N R56W in Yankton County. The water is used to supply a mobile home park.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) unconfined (water table) aquifer. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre feet of recoverable water in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri aquifer to the north, the Missouri Elk Point aquifer to the east in Clay County and to the Missouri River. The well for this application is within 1/4 mile of the Missouri River.

The Division of Water Rights does not monitor any observation wells in this immediate area, however, there are seven monitoring wells completed into the Missouri Elk Point aquifer in Yankton County. Water levels for these wells show good response to climatic conditions, that is, rising during wet years due to recharge and gradually declining during dry years due to discharge (Water Rights, 1991).

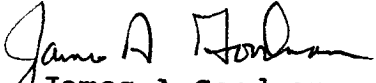
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permits/rights in this immediate area. Right No. 1879-3 and Permit No. 4916-3 are located within 1/2 mile north of this proposed diversion. Interference is not expected to be a problem. Drawdown caused by pumping in shallow water table aquifers such as the Missouri Elk Point do not extent very far from the individual production wells. There will not be an adverse impact on water availability from the aquifer.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions and interference is not expected to be a concern.
- 3, The well completion report filed with this application indicates that this well has been completed in accordance with SD Well Construction Standards for a public water supply well.

4. Larson Brothers Co. has approval from DENR for a wastewater system for the entire development.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for Yankton County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

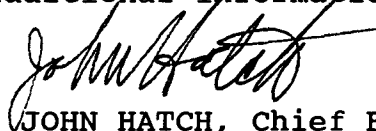
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5581-3, Larson Brothers Co.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5581-3, Larson Brothers Co., 800 E 4th Street, Yankton, SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 5581-3 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) in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
November 12, 1991



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

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

December 16, 1991

Douglas Larson
Larson Brothers Co.
800 E 4th St
Yankton, SD 57078

Dear Mr. Larson:

Water Permit Application No. 5581-3 for suburban housing use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Press and Dakotan printed at Yankton, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 16, 1991

Daily Press & Dakotan
PO Box 56
Yankton, SD 57078

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5581-3 to be published twice. Please publish the first notice on December 23, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Larson Brothers Co., 800 E 4th St, Yankton, SD 57078.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 23, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5581-3 to Appropriate Water

Notice is given that Larson Brothers Co., 800 E 4th St, Yankton, SD 57078 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second from one well (Missouri Elk Point) 45 feet deep located in the NW 1/4 NE 1/4 (E 1/2, Lot 2, Shore Acres) Section 27-T93N-R56W. The water use is to supply a mobile home park.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5581-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 January 9, 1992. 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.

For purposes of publishing 1) the notice of hearing on Application No. 5581-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 21, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 21, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The January 21, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 9, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



AUG 12 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Douglas Larson
Larson Brothers Company
800 E 4th Street
Yankton, SD 57078

Dear Mr. Larson:

Enclosed is Water Permit No. 5581-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

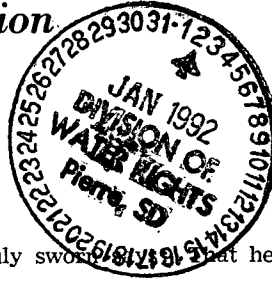
enclosures

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.



Robert Helsley

being first duly sworn that he is

the Editor

of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned Notice of Hearing on

Application No. 5581-3 to Appropriate Water

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, once each week for two successive weeks, the first publication being made on the 23rd day of December, 1991, and the last publication being made on the 30th day of December, 1991.

The first publication being made on the 23rd day of December

The second publication being made on the 30th day of December

The third publication being made on the day of

The fourth publication being made on the day of

The fifth publication being made on the day of

The sixth publication being made on the day of

The seventh publication being made on the day of

The eighth publication being made on the day of

The ninth publication being made on the day of

The tenth publication being made on the day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$ 54.90, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 30th day

of December, 1991

Notary Public, South Dakota

12+23&30
NOTICE OF HEARING on Application
No. 5581-3 to Appropriate Water

Notice is given that Larson Brothers Co., 800 E 4th St, Yankton, SD 57078 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second from one well (Missouri Elk Point) 45 feet deep located in the NW1/4 NE 1/4 (E 1/2, Lot 2, Shore Acres) Section 27-T93N-R56W. The water use is to supply a mobile home park.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5581-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineers recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 January 9, 1992. 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.

For purposes of publishing 1) the notice of hearing on Application No. 5581-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 21, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 21, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The January 21, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 9, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

R This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Douglas Larson

~~Larson Brothers Co.~~

~~219 1/2 W 3 St~~ LARSON'S LANDING
CIG MAX AVE

Yankton SD 57078

Address correction requested:

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 5581-3. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source: GROUNDWATER

County: YANKTON

Aquifer: MISSOURI

Pumping Pt. Legal: SEC 27-T093N-R56W

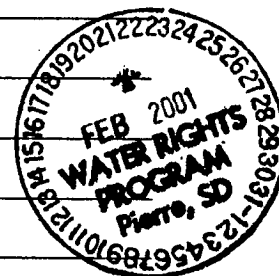
Management Unit: ELK POINT

Type of Water Use: SUBURBAN HOUSING
DEVELOPMENT

1) Please estimate your year 2000 water use from the above water source: 600,000 gallons

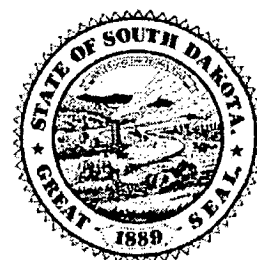
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:



Contact Person: DOUGLAS LARSON

Telephone No: 605 668-9885



Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

SORRY THIS IS LATE, IT WAS SENT TO WRONG PLACE.

Water Rights on the Web: www.state.sd.us/denr/wr



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2001

5581-3

Larson's Landing
Douglas Larson
99 Max Ave
Yankton SD 57078

Dear Mr. Larson:

Thank you for returning the 2000 SD Water Use Questionnaire. The form indicates a change of ownership/name change has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership/name change on Water Permit No. 5581-3. The water permit is currently listed in the name of Larson Brothers Co.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP/NAME CHANGE

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

No. 5581-3

Date: Feb 24, 2001



I/We request that Water Permit No. 5581-3

formerly: Larson Brothers Co.

be transferred/changed to: (name & address) Larson's Landing, Douglas Larson, 99 Max Ave, Yankton SD 57078

Telephone No. 605 668-9885

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

1 well- NW 1/4 NE 1/4 Section 27-T93N-R56W

I/We understand that the validity of Water Permit No. 5581-3 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 Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Yankton)

I/We Doyle Larson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Doyle Larson By Doyle Larson
(Signed)

Subscribed and sworn to before me this 26 day of February, 2001.

Deb Cimpel
(Notary Public)
Commission Expires 2-17-06

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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 ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 2001

5581-3

Larson's Landing
Douglas Larson
99 Max Ave
Yankton SD 57078

Dear Mr. Larson:

We have received the "Notice of Transfer" form for filing an ownership/name change on Water Permit No. 5581-3. As stated in the previous letter the required **filing fee is \$2.50.**

Upon receipt of the fee, further processing of the transfer will proceed. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NC 416794

Pierre, March 12, 2001

RECEIVED OF Larsen Brothers Co. (Larsen Land & Douglas Larsen, 99 Max Ave, Yankton, SD 57078)
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 5581-S 2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Darlene Erbe
Chief Engineer

(gme)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2001

5581-3

Larson's Landing
Douglas Larson
99 Max Ave
Yankton, SD 57078

Dear Mr. Larson:

Thank you for following up on the ownership change for Water Permit No. 5581-3. The transfer has been completed. The water permit formerly listed in the name of Larson Brothers Co. is now listed in the name of Larson's Landing.

Enclosed is your Receipt No. 416794 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Glenda Marks
Secretary
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 2002

5581-3

Douglas Larson
Larson's Landing
99 Max Ave
Yankton, SD 57078

Dear Mr. Larson:

On June 18, 2002, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5581-3, was completed by Eric Gronlund, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

#1240

RECEIVED

AUG 16 2002

**AIR QUALITY
PROGRAM**

Permit No. 5581-3
Missouri River (10170101) - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, **June 18, 2002**, made a thorough examination of the water use system constructed by **Larson's Landing, c/o Douglas Larson, 99 Max Avenue, Yankton SD 57078** holder of Permit No. **5581-3**, bearing the priority of **July 30, 1991** authorizing the diversion of **0.1** cu. ft. per second of the waters of **Missouri:Elk Point Aquifer** for **suburban housing development** purposes, in **Yankton** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Small submersible pump

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

Pipeline from wells in plumbed through trailer park and used for lawn watering

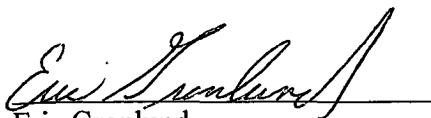
C. Works used to apply water to beneficial use:

Individual lawn watering

The system is in the following condition **good**. The point of diversion is located **approximately 3,000 feet east and 475 feet south of NW corner (NW ¼ NE ¼) of Section 27, T93N, R56W (Lat/Lon N42.8496 W-097.4452)**. The works are capable of diverting and conveying to the place of use **0.089** cu. ft. per second of water (40 gpm). Water has been put to beneficial use to the maximum extent and the license should be issued for **0.089**cfs (40 gpm).

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **none** Date Report Completed: **7/30/2002**



Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5581-3

DATE OF INVESTIGATION:	June 18, 2002
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Larson's Landing 99 Max Avenue Yankton SD 57078
NAME & ADDRESS OF PERMIT HOLDER	Douglas Larson
DIVERSION POINT LEGAL LOCATION	<u>approximately 3,000 feet east and 475 feet south of NW corner (NW ¼ NE ¼) of Section 27, T93N, R56W (Lat/Lon N42.8496 W- 097.4452)</u>

WATER SUPPLY Source: Missouri:Elk Point Aquifer

Well Information:

- 1) Well Drilling Firm: Koranda Well Company
- 2) No. of Wells 1
- 3) Depth(s) 45 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 inches
- 2) Length 35 feet
- 3) Type

Screen:

- 1) Type PVC
- 2) Length 10 feet
- 3) Static water level 22feet

Submersible Pump: Information on submersible pump obtained via telephone conversation with
Koranda Well Drilling on July 30, 2002

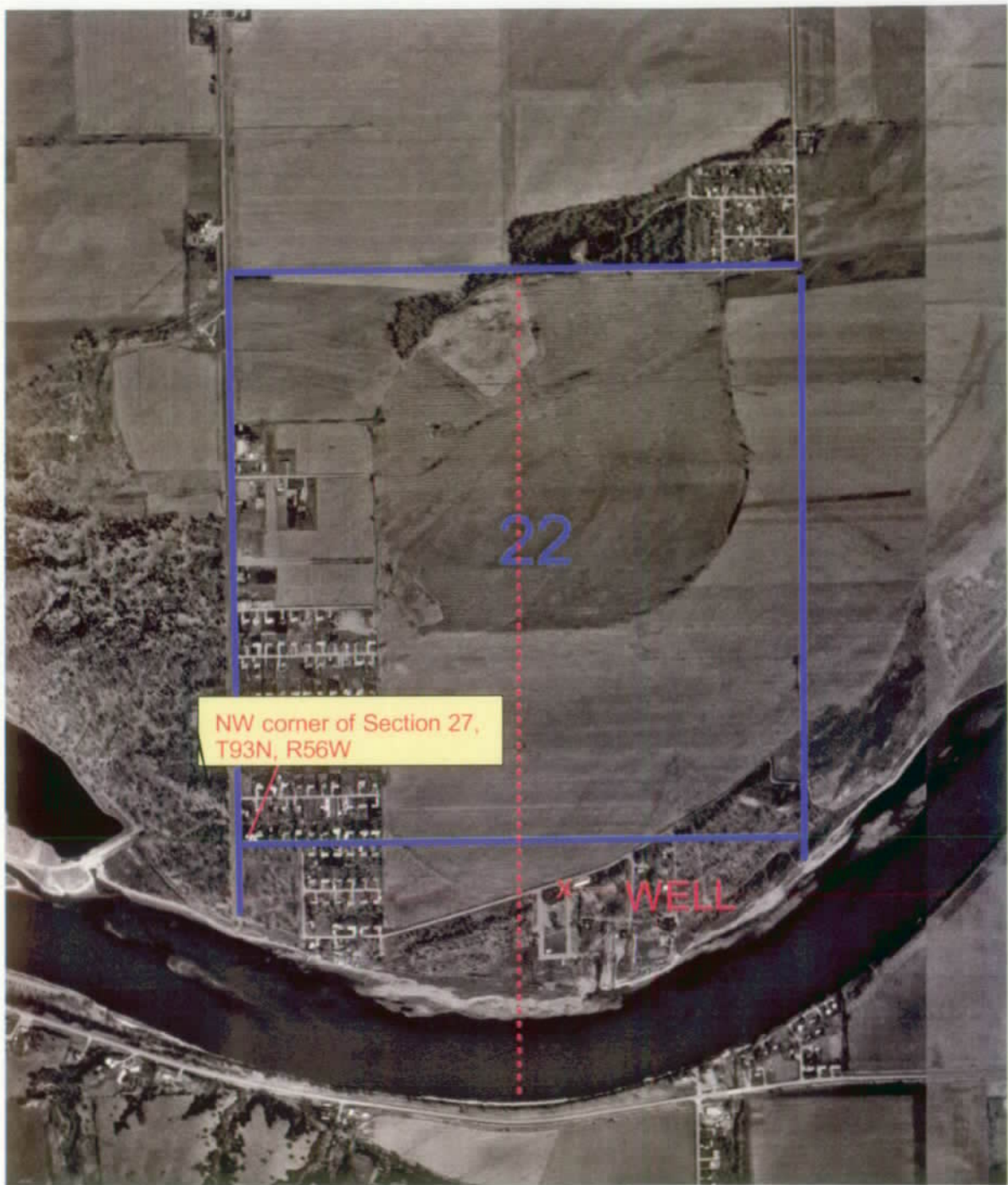
- 1) Make
- 2) Model 25EL
- 3) Size 230 volt single phase
- 4) Capacity 40 GPM
- 5) Horsepower rating 1 hp

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable

Note: The trailer park is served its potable water supply from B-Y Water. Water from the well is now used by residents for lawn and garden watering.

WATER PERMIT No. 5581-3, LARSON'S LANDING



3000 0 3000 6000 Feet

Well in located in the NW 1/4 NE 1/4 Section 27, T93N, R56W
- approximately 3,000 feet east and 475 feet south of NW corner of Section 27
Latitude - N 42.8496 (decimal degrees)
Longitude - W -97.4452 (decimal degrees)



Eric Gronlund

Eric Gronlund
Water Rights Program
Licensing Investigation - June 18, 2002

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5581-3

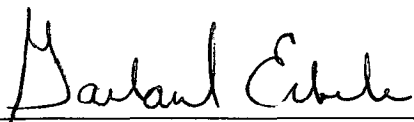
(1) The Larson Brothers Company made Application No. 5581-3, July 30, 1991 for a water permit to divert 0.10 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Yankton County, South Dakota for suburban housing development purposes. Permit No. 5581-3, with a priority date of July 30, 1991 was approved January 21, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

On March 5, 2001, Water Permit No. 5581-3 was transferred to Larson's Landing.

(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 0.089 cubic feet of water per second (40 gallons per minute) for beneficial use. The location of the diversion point is approximately 3,000'E and 475'S of the NW corner of Section 27, T93N, R56W (NW ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The potable water supply for the trailer park is obtained from the B-Y Rural Water System. The water from the well is used by residents for lawn and garden watering.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Larson's Landing, % Douglas Larson, 99 Max Avenue, Yankton, SD 57078 the holder and/or owner of Water Right No. 5581-3 is issued a license to appropriate water, the right to use 0.089 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer) with a priority date of July 30, 1991 from the location specified in (2) of this license, for suburban housing development purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5581-3 and subject to South Dakota State Law.



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

SEP 17 2002

date



RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

417293

Pierre, August 10, 2007

RECEIVED OF Douglas Larson, 203 Jake St., Yankton SD 57078
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. 0001-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

J. D. Larson E. L. Ebel
9/1/07



SEP 17 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5581-3

Douglas Larson
Larson Brothers Landing
99 Max Avenue
Yankton, SD 57078

Dear Mr. Larson:

Enclosed is Water License No. 5581-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417293 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5581-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures