

Considered: _____

WATER PERMIT NO. 5584-3

Phone: _____

Name of Applicant: Douglas G Adam

Post Office Address: 88 Sunset Drive, Dakota Dunes SD 57049

Amount of Water Claimed: 0.16 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: suburban housing County: Union

About 12 miles SE of Elk Point

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 10-10-91 Fee: \$150 Remarks Permit No.

5501-3 is located in same area

Corrected Application Received 10-15-91 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: SW 1/4 SE 1/4 Sec 21-T89N-R48W

Land to be Irrigated: NA

			21		
				⊗	

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

Depth of Well: 240 REMARKS _____

Type of Map: plat PREPARED BY: Gerald Flannery Reviewed and the Number

Assigned on 10-15-91 By Karen Schlaak

SOUTH DAKOTA
WATER PERMIT No. 5584-3

Date of first receipt of application October 10, 1991.

Date of return to applicant for corrections, amendments or changes
October 10, 1991.

Date of receipt of corrected application October 15, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5584-3 to Douglas G Adam, 88 Sunset Dr., Dakota Dunes SD 57049 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. 5584-3 appropriates 0.16 cubic feet of water per second (75 gallons per minute) from one well 240 feet deep (Dakota Formation) located in the SW 1/4 SE 1/4 Section 21-T89N-R48W.
2. The water appropriated shall be used for the purpose of supplying water to a housing development 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. 5584-3 is January 22, 1992.
5. ~~The date from which applicant may claim right is October 10, 1991.~~
6. One-fifth of the construction is to be completed on or before July 22, 1994.
7. All construction is to be completed on or before January 22, 1997.
8. Water is to be put to beneficial use on or before January 22, 2001.
9. 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 authorized by Permit No. 5584-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.

(continued)

2. 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

APR 28 1992

date

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

No. 5584-3 Hydrologic Unit 10170101
Map No. _____ Basin Missouri River
Newspaper Elk Point Leader-Courier, Box 31

Elk Point 57025 (Thurs)

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 DOUGLAS G ADAM Phone No. _____

Post Office Address 18 SUNSET DR DAKOTA DUNES SD State 57049
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 75 GPM (ADDITIONAL) 0.16 cfs

3. Source of water supply DAKOTA SANDSTONE

4. Location of point of diversion SEC 21, T 89 N, R 48 W 5th PM

SW 1/4 SE 1/4

County UNION

5. Counties where water will be used UNION

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)

ATTACHED

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 Union) ss

I, Douglas G Adam 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 [Signature]

Subscribed and sworn to before me this 7th day of October 19 91

Janet L. Judeau
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8-3/4" Depth 240
- b) Casing Type 5" 250# PUC Diameter 5.563 Thickness .327
- c) Screen Type JOHNSON CONT. Diameter 5.563 Thickness .751
- d) Gravel Pack Thickness 1.6' Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 200'
- f) Depth to Water (ground surface to water level) 40'
- g) Distance to nearest existing domestic well:
- On applicants property ~~2400'~~ On property owned by others 5000'

2. Dugout Information Estimates

- 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 names and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

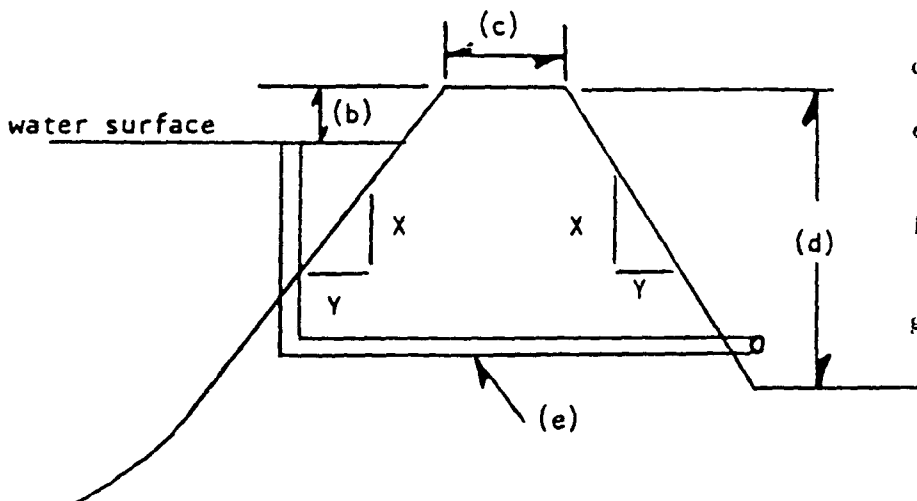
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



JANNEY MEAD CORP [Signature]
Signature of Applicant

SOUTH DAKOTA WATER WELL COMPLETION REPORT

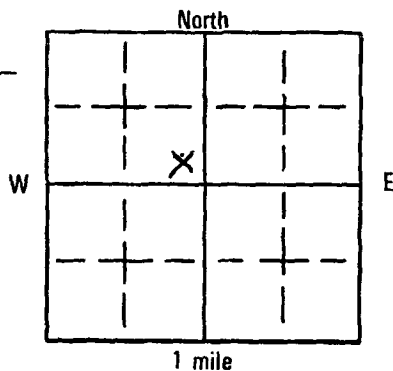
10-85

Location NW 1/4 SE 1/4 Sec 21 Twp 89N Rg 48W

County

Union

Please mark well location with an "X"

Well Completion Date 10-28-92

PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe 250# PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>3.55#</u> LB/FT	<u>5" ID</u> IN	<u>0</u> FT	<u>187</u> FT	<u>8 3/4"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 180 FEETWhat is grouting material? CementIf cement, number of sacks? 39 1/2Describe grouting procedure Pumped ThroughTremie pipeWhat was grout weight? 19# LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5" ID IN Length 20 FEETMaterial PVCSlot Size 35 Set From 182 Feet To 202' Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Well Owner:

Name Douglas G AdamAddress 88 Sunset Dr Dakota Dunes

Well Log:

Depth

Formation	From	To
Fine sand	0	11
silt clay + fine sand	11	42
gray clay few silt sand	42	49
wood	49	50
Fine sand	50	57
med. sand with little coarse	57	61
real fine sand + coal silt	61	62
Fine to med. sand	62	83
coal	83	83
rocks + coarse gravel	83	93
coarse sand + gravel	93	102
med. to coarse gravel	102	110
rocks + coarse gravel	110	116
coarse sand + gravel	116	131
rocks	131	134
med. sand	134	137
silt clay + med. sand	137	141
med. sand with little clay	141	159
rocks + coarse gravel + med. clay	159	165
white shale + iron pyrite	165	166
gray shale	166	167
good white sandstone	167	202
gray shale	202	212

STATIC WATER LEVEL

26'

If flowing: closed in pressure _____

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☒ Bailed

Describe: _____

☐ Other _____

Pumping Level Below Land Surface

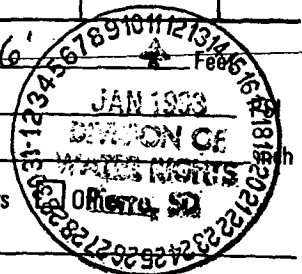
_____ ft. After _____ Hrs. pumped _____

_____ ft. After _____ Hrs. pumped _____

_____ ft. After _____ Hrs. pumped _____

REMARKS:

waiting For The power Co
 To get power at The well
 so we can pump it out



MARTY SOOLE WELL DRILLING

WE SELL & SERVICE ALL TYPES OF PUMPS

PHONE 948-3374

BRONSON, IOWA 51107

DEPT. OF WATER & NATURAL RESOURCES

DIVISION OF WATER RIGHTS

We propose to drill a well for public use in a 20 home private residential area, for Doug Adam.

We are going to the Dakota Aquifer, which is approx. 200 ft. Finished depth will be approx. 240.

We are going to drill an 8-3/4 hole to the finished depth in the aquifer. We will log changes in strata as they change. We will take samples for you if you wish, (please advise).

We will install 5" 250# PVC well casing, ASTM# F480-88A, D2241. Casing has belled couplings and will be installed from screen to the top of the ground. The screen will be a Johnson PVC continuous wound, 5"x20' solvent welded directly to casing with a solvent welded cap on the bottom. Centralizers will be installed as necessary.

We will then gravel pack screen and hole to within 3 feet of the top of the Dakots Aquifer. Neat cement consisting of six gallons of clean water to one sack of type III portland cement will be mixed and tremie piped from gravel pack in aquifer to six feet from ground level where pitless unit will be installed.

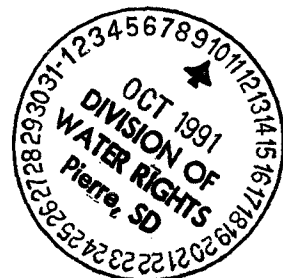
Well will be developed with bailer to remove drilling mud and sediment until clear enough to pump.

Sincerely;

Marty Soole

Soole Well Co.

License# 558





Proposed Well Location

OF
WELL NO. 2

SCALE 1"=500'

SANDY MEAD - LOTS 1 THRU 21

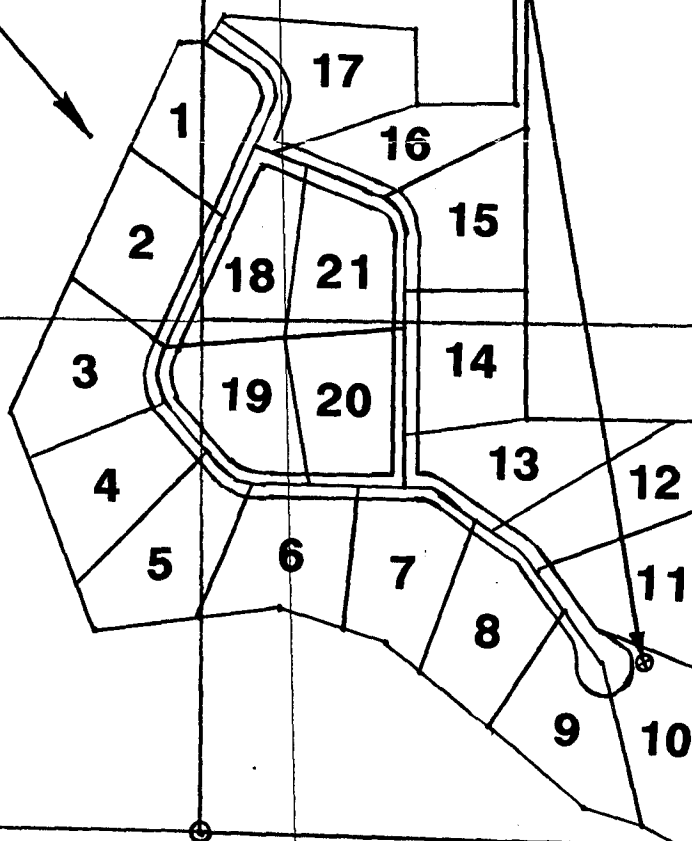
PROPOSED WELL SITE

DISTANCE AND BEARING FROM
PROPOSED WELL SITE TO:

S 1/4 CORNER
1237.04' S66°55'01"W

SE SECTION CORNER
1562.19' S71°54'47"E

21



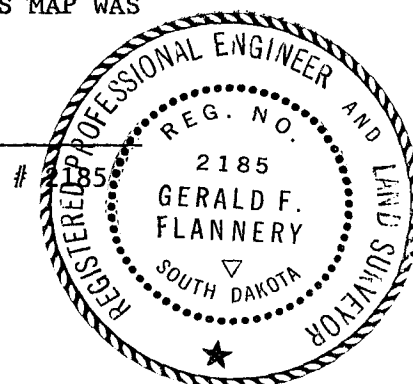
S 1/4 CORNER

SE SEC COR

SECTION 21, T89N, R48W, 5TH P.M.,
UNION COUNTY, SOUTH DAKOTA.

I, GERALD F. FLANNERY, REGISTERED LAND SURVEYOR UNDER THE LAWS OF
THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT THIS MAP WAS
PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

Gerald F. Flannery
REGISTERED LAND SURVEYOR



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412876

Pierre, _____ October 15, 19 91

RECEIVED OF Sandy Mead Corp., Riverland Est., Eighty-Eight Sunset Dr., Dakota Dunes, SD
the following amount in fees for services rendered as provided for by law: 57049

Fee for Application for Permit No. <u>5584-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	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	150 00

By John Hatch (Signature)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.
October 10, 1991

Douglas G Adam
88 Sunset Dr.
Dakota Dunes SD 57049

Dear Mr. Adam:

In regard to your water permit application received on October 10, 1991, the following information needs to be clarified in order to process your application.

Please complete Item No. 2, on the application, the amount of water claimed. Currently, Water Permit No. 5501-3 appropriates 0.11 cubic feet of water per second (cfs) or 50 gallons per minute. Is this application for an additional point of diversion on Water Permit No. 5501-3 or are you requesting an additional amount of water? If so, what is the additional amount of water claimed.

Enclosed is your check for \$150.00. ~~If this application is for an additional point of diversion on Water Permit No. 5501-3 with no increase in water appropriation, the filing fee will be \$50.00. If this application is for additional water, 45 gallons per minute or less, the filing fee will be \$50.00. Any amount over 45 gallons per minute, the filing fee will be \$150.00.~~

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 5584-3
for Douglas G Adam
November 26, 1991

This application proposes to appropriate 0.16 cfs (75 gpm) from one well approximately 240 feet deep located in the SW 1/4 SE 1/4 of Section 21, T89N R48W in Union County. The water is to be used to supply a suburban housing development.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sandstones and shales which are approximately 400 feet thick in this area (Schoon, 1971). The Dakota Formation underlies 452 square miles and contains an estimated 7.8 million acre feet of recoverable water in Union County (Hedges, 1982). The Dakota Formation is confined by glacial sediments or shale and is under artesian conditions at this site. Evidence from test well drilling in the southern Union County area indicate that the Dakota Formation is hydraulically connected to the Missouri Elk Point aquifer which lies directly upon the Dakota Formation at some locations. Although there are shale and clay units in the Dakota, it appears that at least at some locations the sands of the Dakota Formation lie directly underneath the glacial outwash of the Missouri Elk Point aquifer.

The Division of Water Rights monitors numerous observation wells completed into the Missouri Elk Point aquifer in this area, but no nearby observation completed into the Dakota Formation. ~~One Dakota observation well UN-77E illustrates the hydrologic relationship between the Dakota Formation and the Missouri Elk Point aquifer. The water levels for the two aquifers respond similarly, that is rising during wet years and declining during dry years. This evidence would suggest a good hydraulic connection (Water Rights, 1991).~~

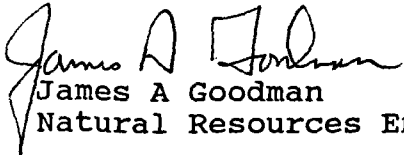
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only other permit/right from the Dakota Formation in this area is Water Permit No. 5501-3 which is held by the applicant. This permit is for the same suburban housing unit. The wells are approximately 1/4 mile apart. Interference is not expected to be a problem. The diversion rates are relatively small and significant drawdown should not occur.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The Dakota is under artesian conditions at this site and is potentially hydraulically connected to the Missouri Elk Point aquifer in this area. Interference is not expected to be a problem.

3. The proposed well construction submitted with this application is acceptable under SD Well Construction Standards and would comply with Standard 74:02:04:30 for a public water supply well.


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.

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, RI No. 104, SD DENR, SDGS, Vermillion, SD, 57501.

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

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5584-3, Douglas Adams

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. 5584-3, Douglas Adams, 88 Sunset Drive, Dakota Dunes, SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 5584-3 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 qualifications:

1. The well authorized by Permit No. 5584-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
2. 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
December 12, 1991



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 16, 1991

Elk Point Leader-Courier
Box 31
Elk Point, SD 57025

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5584-3 to be published twice. Please publish the first notice on December 26, 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 Douglas G Adam, 88 Sunset Drive, Dakota Dunes, SD 57049.

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

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

Date _____

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

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 26, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5584-3 to Appropriate Water

Notice is given that Douglas G Adam, 88 Sunset Dr, Dakota Dunes, SD 57049 has filed an application for a water permit to appropriate 0.16 cubic feet of water per second (75 gallons per minute) from one well 240 feet deep (Dakota Formation) located in the SW 1/4 SE 1/4 Section 21-T89N-R48W. The water is to be used in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5584-3 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 13, 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. 5584-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 22, 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 22, 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 22, 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 13, 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.



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.

January 16, 1991

Douglas G Adam
88 Sunset Drive
Dakota Dunes, SD 57049

Dear Mr. Adam:

Water Permit Application No. 5584-3 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 Elk Point Leader-Courier printed at Elk Point, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Union)



I, Lester E. Emerson

certify that the attached printed Notice was taken
 from the Leader Courier

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

Elk Point

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

December 26 and January 2

Lester E. Emerson
 (Signature)

Editor

(Title)

January 2, 1992

(Date Signed)

Cost of Printing: 59.93

**NOTICE OF HEARING ON
 APPLICATION NO. 5584-3
 TO APPROPRIATE WATER**

Notice is given that Douglas G. Adam, 88 Sunset Dr., Dakota Dunes, S. D. 57049 has filed an application for a water permit to appropriate 0.16 cubic feet of water per second (75 gallons per minute) from one well 240 feet deep (Dakota Formation) located in the SW 1/4 SE 1/4 Section 21 T89N-R48W. The water is to be used in a suburban housing development.

Pursuant to SDCL 46-2A-27 the Chief Engineer recommends APPROVAL of Application No. 5584-3 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, S. D. 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 13, 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. 5584-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 22, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, S. D. If this application is opposed or the recommendation is contested, the January 22, 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 to First Class Mail to the applicant and persons filing petitions. Any one 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 22, 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 13, 1992.

If a hearing is held, the Chief

The Board is authorized to approve, 2) deny, 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 ARS 14-02-01 thru 14-02-15. ARS
Pub. Dec. 26 and Jan. 2. 13



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 28 1992

Douglas G Adam
88 Sunset Drive
Dakota Dunes, SD 57049

Dear Mr. Adam:

Enclosed is Water Permit No. 5584-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5584-3

Date: JAN 29 1993



I\We request that Water Permit/~~Right~~ No. 5584-3

formerly owned by: JANDY MEAD CORP

be transferred to: (name & address) JANDY MEAD HOMEOWNERS ASSOC.

463 Prairie Passage, Dakota Dunes SD (Telephone No)
57049

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

SW 1/4 SE 1/4 SEC. 21, Twp 89N R. 48W

I\We understand that the validity of Water Permit/Right No. 5584-3 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 at the Division of Water Rights, 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 Union)

I\We Susan J. Snyder 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.

Susan J. Snyder
(Signed)

Subscribed and sworn to before me this 12 day of Feb, 19 93.

[Signature]
(Notary Public)

my commission expires 9-27-93

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.

RECEIPT

413637

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, February 18, 19 93

RECEIVED OF Susan J Snyder, 463 Prairie Passage, Dakota Dunes, SD 57049

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>Water Permit No. 5584-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 1993

No. 5501-3
5584-3

Susan J. Snyder
Sandy Meade Homeowners Assoc.
463 Prairie Passage
Dakota Dunes, SD 57049

Dear Ms. Snyder:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 5501-3 and 5584-3.

Our records now show Sandy Meade Homeowners Assoc. as the owner of Water Permit Nos. 5501-3 and 5584-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(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

February 4, 2003

5584-3
5501-3

Sandy Mead Homeowners Association
463 Prairie Passage
Dakota Dunes SD 57049

Dear Sir:

On June 20, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5501-3 and 5584-3, was completed by Ron Duvall, 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 the water license. The check or money order for the fee should be made payable to the "Water Rights Program".

The 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 Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

c: Duane Diez, Manager



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 10, 2003

REMINDER NOTICE

5584-3

Sandy Mead Homeowners Association
463 Prairie Passage
Dakota Dunes SD 57049

Dear Sir:

On February 4, 2003, we advised you that a \$50.00 fee was due for the completed investigation of your Water Permit No. 5584-3. The permit, to be combined with Permit No. 5501-3, authorizes diversion of ground water for suburban housing development purposes.

The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit. To date, we have not received the fee and therefore can not issue the water license. 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 any permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

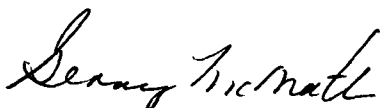
C: Duane Diez, Mgr, 622 Prairie Passage, Dakota Dunes, SD 57049

CERTIFICATION

I hereby certify that on June 10, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 10, 2003 regarding a "Reminder Notice" for payment of a water license fee for Water Permit No. 5584-3 addressed as stated below:

Sandy Meade Homeowners Association
463 Prairie Passage
Dakota Dunes, SD 57049

Duane Diez, Mgr
622 Prairie Passage
Dakota Dunes, SD 57049



Genny McMath
Environmental Scientist
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of June, 2003



Karen Schlaak
Notary Public

My commission expires 4/1/07



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 4, 20 03

RECEIVED OF Sandy Mead Homeowners Assoc., 714 Prairie Passage, Dakota Dunes SD 57049

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. <u>5584-3</u>	50	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	50.00

No.

000833

By

Darland Erbe
Chief Engineer
gm

Permit No. 5501-3 & 5584-3
Vermillion River - 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 20, 2002, made a thorough examination of the water use system owned by Sandy Mead Homeowners Association of 463 Prairie Passage, Dakota Dunes SD 57049 holder of Permit Nos. 5501-3 and 5584-3, bearing the priority of February 4, 1991 and October 10, 1991, respectively, authorizing the diversion of 0.11 and 0.16 cu. ft. per second, respectively, of the waters of ground water (Dakota Formation) for suburban housing purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Duane Diez, manager**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Marty Soole Drilling
- 2) No. of Wells 2
- 3) Depth(s) 207 feet (both wells)
- 4) Well log is available Y

Casing: Both wells

- 1) Diameter 5 inches
- 2) Length 187 feet
- 3) Type Plastic

Screen: Both wells

- 1) Type PVC manufactured
- 2) Length 20 feet
- 3) Static water level 26 -31 feet

Pump/Motor:

- 1) Make Unknown submersible units
- 2) Size 5 hp each
- 3) Capacity 50 (5501-3) & 75 (5584-3) GPM

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

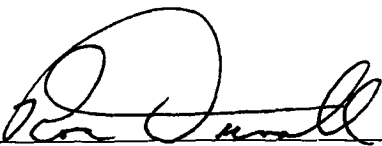
Two 60 gallons storage tanks are located at each well and the wells supply 19 homes.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: well (No. 5501-3): 850 feet S and 2400 feet W (NW¼SE¼) Latitude 42.50744, Longitude -96.51554; well (5584-3): 1,800 feet S and 1,850 feet W (SW¼SE¼) Latitude 42.50491, Longitude -96.51344; both from the E¼ corner section 21-T89N-R48W. The works are capable of diverting and conveying to the place of use 0.11 (5501-3) and 0.16 (5584-3) cu. ft. per second of water which is to be used for suburban housing purposes. Water has been put to beneficial use to the maximum extent and the licenses should be issued for 0.11 and 0.16 cfs, respectively.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: none



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: January 31, 2003

Permit No. 5501-3 & 5584-3**Vermillion River - 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 20, 2002, made a thorough examination of the water use system owned by Sandy Mead Homeowners Association of 463 Prairie Passage, Dakota Dunes SD 57049 holder of Permit Nos. 5501-3 and 5584-3, bearing the priority of February 4, 1991 and October 10, 1991, respectively, authorizing the diversion of 0.11 and 0.16 cu. ft. per second, respectively, of the waters of ground water (Dakota Formation) for suburban housing purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Duane Diez, manager****A. Works used to divert the water:****Well Information:**

- 1) Well Drilling Firm: Marty Soole Drilling
- 2) No. of Wells 2
- 3) Depth(s) 207 feet (both wells)
- 4) Well log is available Y

Casing: Both wells

- 1) Diameter 5 inches
- 2) Length 187 feet
- 3) Type Plastic

Screen: Both wells

- 1) Type PVC manufactured
- 2) Length 20 feet
- 3) Static water level 26 -31 feet

Pump/Motor:

- 1) Make Unknown submersible units
- 2) Size 5 hp each
- 3) Capacity 50 (5501-3) & 75 (5584-3) GPM

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

Two 60 gallons storage tanks are located at each well and the wells supply 19 homes.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

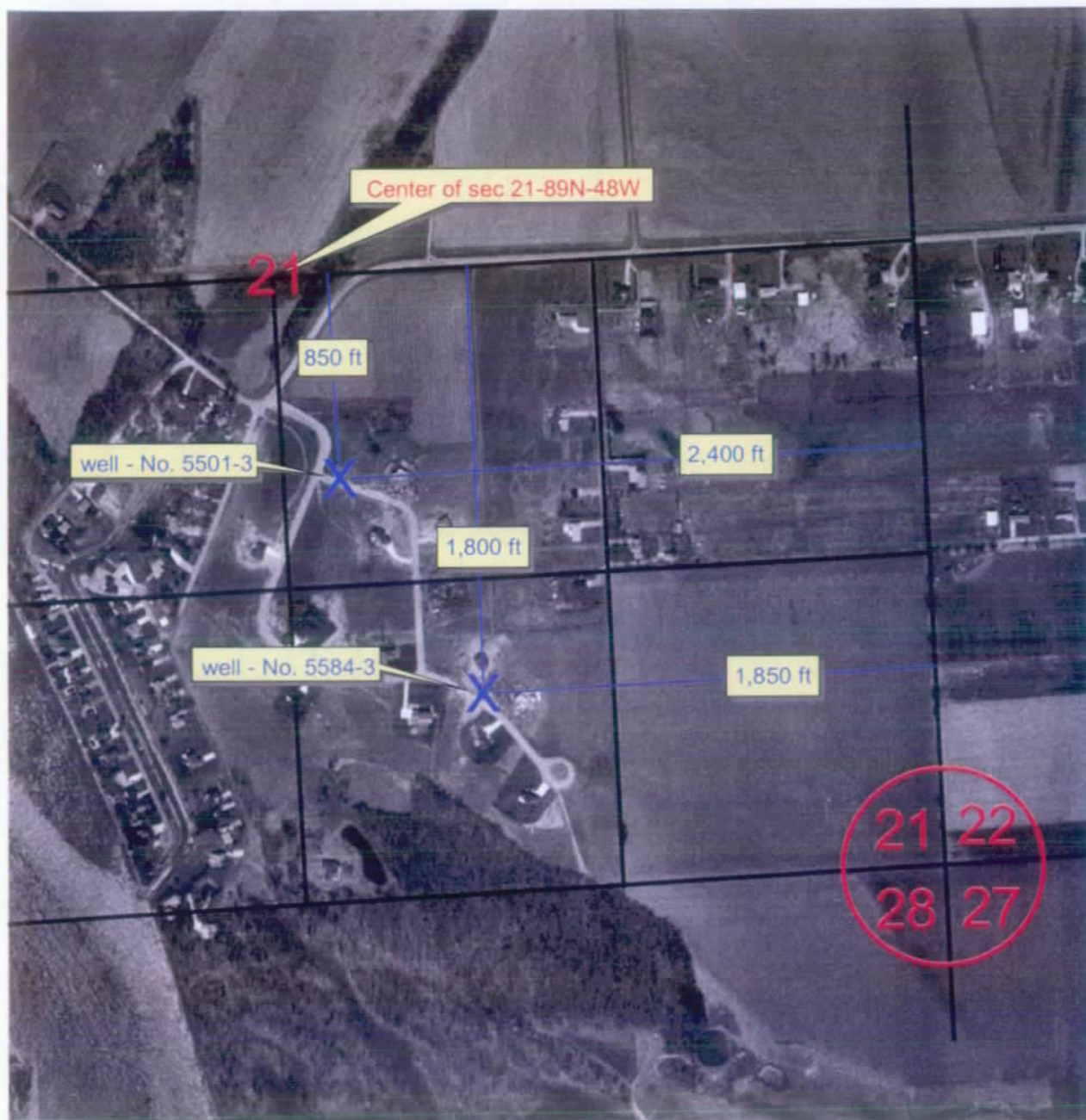
The system is in good condition with the point(s) of diversion located as follows: well (No. 5501-3): 850 feet S and 2400 feet W (NW¼SE¼) Latitude 42.50744, Longitude -96.51554; well (5584-3): 1,800 feet S and 1,850 feet W (SW¼SE¼) Latitude 42.50491, Longitude -96.51344; both from the E¼ corner section 21-T89N-R48W. The works are capable of diverting and conveying to the place of use 0.11 (5501-3) and 0.16 (5584-3) cu. ft. per second of water which is to be used for suburban housing purposes. Water has been put to beneficial use to the maximum extent and the licenses should be issued for 0.11 and 0.16 cfs, respectively.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: none


Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: January 31, 2003

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
January 31, 2003

Nos. 5501-3 & 5584-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5584-3

(1) Douglas G Adam, Dakota Dunes SD made Application No. 5584-3, October 10, 1991 for a water permit to divert 0.16 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for suburban housing purposes. Permit No. 5584-3, with a priority date of October 10, 1991 was approved January 22, 1992 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before January 22, 1997 and for the application to beneficial use of water on or before January 22, 2001.

On February 17, 1993, Water Permit No. 5584-3 was transferred to Sandy Mead Homeowners Assoc., 463 Prairie Passage, Dakota Dunes SD 57049.

Water Permit No. 5501-3 with a February 4, 1991 priority date authorizes diversion of 0.11 cfs from one well for suburban housing purposes. The applicable portions of No. 5501-3 have been incorporated into Water License No. 5584-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5584-3 is issued a license, bearing priority dates of February 4, 1991 (0.11 cfs) and October 10, 1991 (0.16 cfs) for a total of 0.37 cfs from groundwater (two wells) for suburban housing purposes.

The diversion points are located: well (No. 5501-3) - 850 feet south and 2,400 feet west (NW ¼ SE ¼) and well (No. 5584-3) 1,800 feet south and 1,850 feet west (SW ¼ SE ¼); both from the E ¼ corner Section 21-T89N-R48W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 5584-3 including the following now applicable qualifications:

- The wells authorized by Incorporated Permit No. 5584-3 have been constructed by a licensed well driller and construction complies with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
- The wells 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.

Garland Erbe

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

AUG 28 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 28 2003

5584-3

Sandy Mead Homeowners Assoc
463 Prairie Passage
Dakota Dunes SD 57049

Dear Sir:

Enclosed is Water License No. 5584-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000853 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As 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.

Sincerely,

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

NOTE: The applicable portions of No. 5501-3 are incorporated into Water License No. 5584-3

enclosures