

Considered: _____

WATER PERMIT NO. 5592-3

Phone: 605 665-8929

Name of Applicant: D & M Developers Inc.

Post Office Address: 906 West 14th St, Yankton SD 57078

Amount of Water Claimed: 50 gpm 0.11 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: suburban housing County: Yankton

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 10-9-91 Fee: \$150 Remarks _____

Corrected Application Received 11-20-91 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 10-T93N-R55W

Land to be Irrigated: _____

			10		
			8		

Well Log: Driller: Pullman Well Drilling Licensed YES X NO _____

Depth of Well: 70' REMARKS _____

Type of Map: plat PREPARED BY: Brian A Bernhard Reviewed and the Number

Assigned on 11-20-91 By Karen Schlaak

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



No. 5592-3 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 one or more of the following:
 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. _____



- Name of Applicant D & M Developers Inc. Phone No. 665-8929
 Post Office Address 906 West 14th Street Yankton State SD 57078
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) 50 gallons per minute (0.11 cfs)
- Source of water supply Well
- Location of point of diversion Block One of Edna's Addition in SE 1/4 Sec. 10, Twp. 93,
Rg. 55 Yankton County, South Dakota, as platted Book S6 page 40B
(SW 1/4 SE 1/4) County Yankton
- Counties where water will be used Yankton
- Annual period during which water is to be used 12 months January 1 - December 31
- 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)

Well to furnish water to mobile home trailer 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, Douglas Dykstra, Pres. dba D & M Developers, Inc. 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 Douglas Dykstra

Subscribed and sworn to before me this 4th day of September 19 91

James A. Gunderson
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5592-3**

Date of first receipt of application October 9, 1991.

Date of return to applicant for corrections, amendments or changes
October 9, 1991.

Date of receipt of corrected application November 20, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5592-3 to D & M Developers, Inc., 906 West 14th 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. 5592-3 authorizes diversion of 0.11 cubic feet of water per second (50 gallons per minute) from one well 70 feet deep (Missouri Elk Point Aquifer) located in the SW 1/4 SE 1/4 (Block 1 Edna's Addition) Section 10-T93N-R55W.
2. The water appropriated shall be used for the purpose of supplying water to a mobile home trailer 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. 5592-3 is January 21, 1992.
5. The date from which applicant may claim right is October 9, 1991.
6. One-fifth of the construction is to be completed on or before July 21, 1994.
7. All construction is to be completed on or before January 21, 1997.
8. Water is to be put to beneficial use on or before January 21, 2001.
9. 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

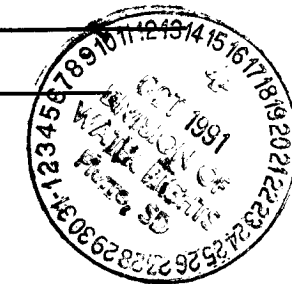
By: John H. Hattis
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 12 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 7/8" Depth 70'
- b) Casing Type Plastic Diameter 5" Thickness PVC
- c) Screen Type Manufactured Diameter 5" Thickness PVC
- d) Gravel Pack Thickness 3" Cement & Bentonite Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
- On applicants property NA On property owned by others 3/4 mile

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 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 _____

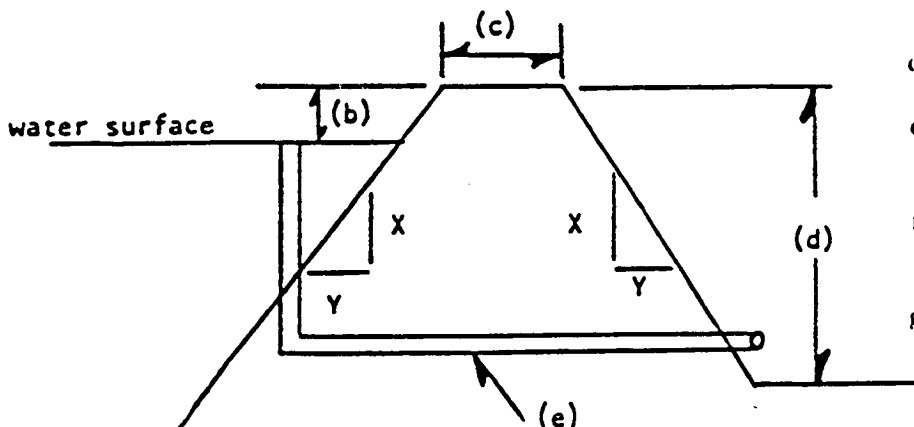
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Douglas Dybstra
Signature of Applicant

5592-3

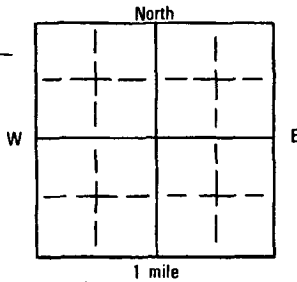
C. VanKampen

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location $\frac{1}{4}$ $\frac{1}{4}$ Sec 10 Twp 93-N Rg 55-WCounty Yankton

Please mark well location with an "X"

Well Completion Date 8/20/91

PROPOSED USE:

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

Method of Drilling:

Forward Rotary
 CASING DATA:
☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>0</u> FT	<u>70</u> FT	<u>8 3/8</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? 50 FEETWhat is grouting material? Cement & BariteIf cement, number of sacks? 7

Describe grouting procedure

Line to 50 ft.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 12 FEETMaterial B&GSlot Size 016 Set From 54 Feet To 70 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Well Owner:

Name D+M Developers, Inc.Address 906 W. 14th St. Yankton SD 57078

Well Log:

Depth

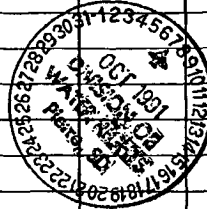
Formation

From

To

<u>Yellow Sand</u>	<u>0</u>	<u>15</u>
<u>Sand</u>	<u>15</u>	<u>35</u>
<u>Blue Clay</u>	<u>35</u>	<u>58</u>
<u>Gravel</u>	<u>58</u>	<u>70</u>

TD 70'

STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped60 GPM☐ BailedDescribe: air compressor☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

R. E. Pugh

Signature of Well Owner:

Date 10-1-91Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location?

Drain packedWas well disinfected upon completion? ☒ YES ☐ NO

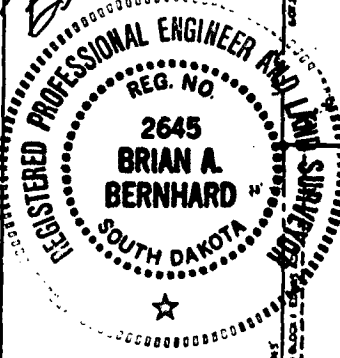
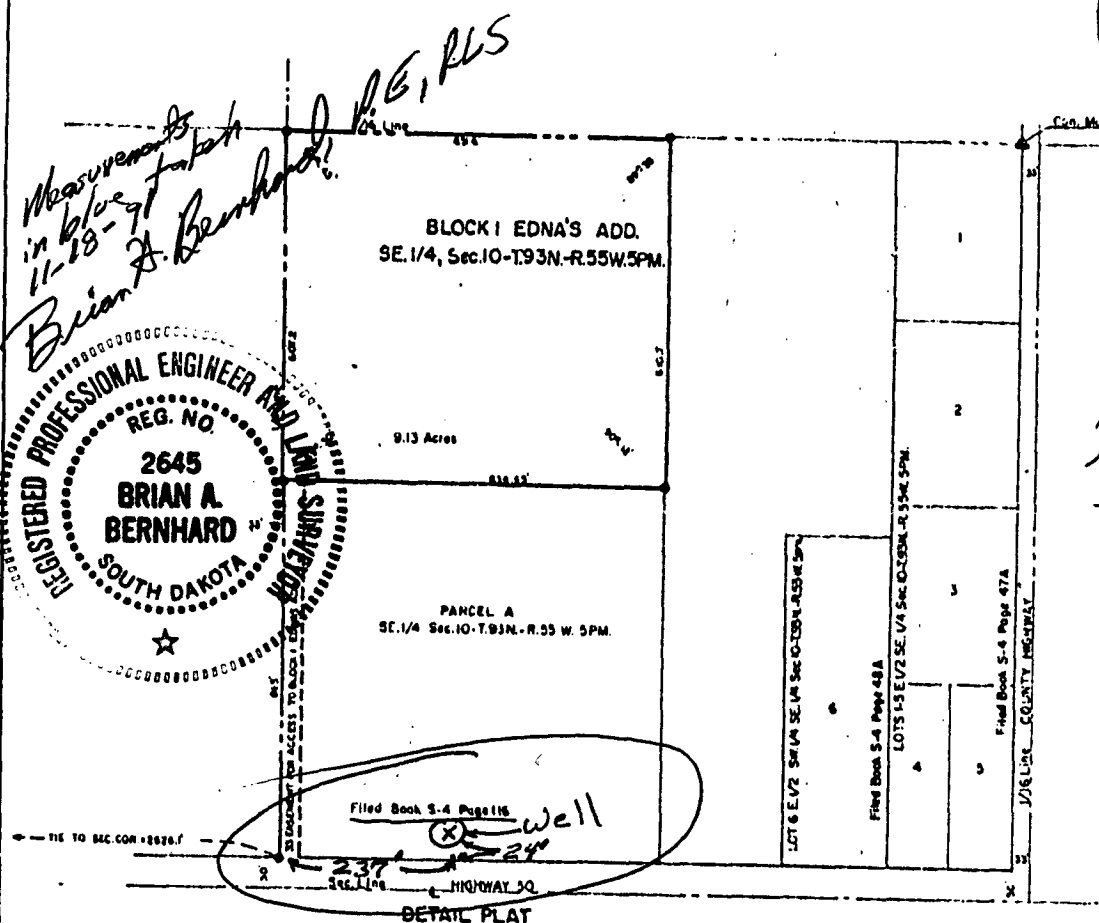
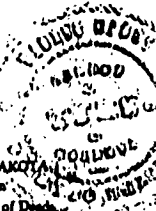
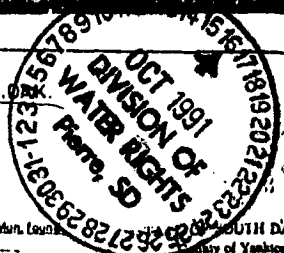
Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

818 MICROFILM

BLOCK 1 EDNA'S ADDITION in the SE 1/4, Sec. 10-T.93N.-R.55W.5PM. YANKTON COUNTY S.D.



CERTIFICATE OF SURVEY

I, Maurice Diehl, Registered Land Surveyor, have at the direction of Edna Shipton, and Henry J. Kogel and Gladys V. Kogel, made a survey to locate and plat the above described by plat and to be hereafter known as Block One, Edna's Addition, and an easement for access to Block One, Edna's Addition, Parcel A, all located in the Southeast One-quarter of Section Ten, Township Ninety-three North, Range Fifty-five West of the Fifth Principal Meridian (Block 1, Edna's Add., a easement across Parcel A, SE 1/4, Sec. 10, T. 93N., R. 55W., 5th P.M.) All in the County of Yankton, State of South Dakota. This plat is to the best of my knowledge and belief a true description of said property.

I certify that I have executed the above this 16th day of April, 1970.

STATE OF SOUTH DAKOTA)
COUNTY OF YANKTON) SS

On this the 16th day of April, 1970, A.D., before me the undersigned officer, personally appeared Maurice Diehl, known to me to be the person who is described in and who executed the foregoing instrument and who acknowledged to me that he executed the same for the purpose therein contained.

SEAL
My Commission Expires: Sept. 17, 1973

Maurice Diehl
Maurice Diehl, Registered Land Surveyor

[Signature]
Notary Public

CERTIFICATE OF OWNER

I, Edna Shipton, hereby certify that I am the absolute and unqualified owner of the above described by plat and now known as Block One, Edna's Addition of the Southeast One-quarter of Section Ten, Township Ninety-three North, Range Fifty-five West of the Fifth Principal Meridian (Blk 1, Edna's Addition, SE 1/4, Sec. 10, T. 93N., R. 55W., 5th P.M.) all in the County of Yankton, State of South Dakota, and that the above survey and plat was made at my request and under my direct for the purpose of locating and platting the same, and that the said property is free of all encumbrances.

Witness my hand and seal this 21 day of April, 1970.

Edna Shipton
Edna Shipton Owner

We, Henry J. Kogel and Gladys V. Kogel, hereby certify that we are the absolute and unqualified owners of Parcel "A" of the Southeast One-quarter of Section Ten, Township Ninety-three North, Range Fifty-five West of the Fifth Principal Meridian (Par. "A", SE 1/4, Sec. 10, T. 93N., R. 55W., 5th P.M.) all in the County of Yankton, State of South Dakota, and that the above survey and plat was made at our request and under our direction for the purpose of locating and designating a Thirty-threefoot (33ft) Easement along the West side of said Parcel "A" as a road for access to and running with Block One, Edna's Addition, of the Southeast One-quarter of Section Ten, Township Ninety-three North, Range Fifty-five West of the Fifth Principal Meridian (Blk 1, Edna's Add., SE 1/4, Sec. 10, T. 93N., R. 55W., 5th P.M.) all in the County of Yankton, State of South Dakota, forever; and that said property is free of all encumbrances.

Witness our hands and seal this 21 day of April, 1970.

Henry J. Kogel Owner
Gladys V. Kogel Owner

STATE OF SOUTH DAKOTA)
COUNTY OF YANKTON) SS

On this the 21 day of April, 1970, A.D., before me the undersigned officer, personally appeared Edna Shipton, Henry J. Kogel and Gladys V. Kogel, known to me to be the persons who are described in and who executed the foregoing instruments and who acknowledged to me that they executed the same for the purposes therein contained.

SEAL
My Commission Expires: 4-1-1975

[Signature]
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412882

Pierre, October 21, 19 91

RECEIVED OF D and M Developers, Inc., 906 W. 14th, Yankton, SD 57078

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

Fee for Application for Permit No. <u>5592-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15000
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	15000

By John Hatch CF
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

October 9, 1991

D & M Developers Inc.
Douglas Dykstra, President
906 West 14th St
Yankton SD 57078

Dear Mr. Dykstra:

In regard to the water permit application received on October 9, 1991, the following information needs to be submitted and clarified in order to process the application.

1. On Item No. 2, it states the amount of water claimed to be 50. Is it correct to assume this is 50 gallons per minute? *yes*
2. On Item No. 4, please indicate the quarter-quarter (40 acre parcel) of Section 10 where the well is located.
3. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
4. Enclosed is the check for \$200.00. The filing fee for this application, if the amount of water claimed is 50 gallons per minute, will be \$150.00. The \$50 license fee will be requested after a staff member conducts an inspection of your completed project.

Upon receipt of the above, 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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 1991

D & M Developers Inc.
Douglas Dykstra, President
906 West 14th St
Yankton SD 57078

Dear Mr. Dykstra:

On October 16, 1991, we received the necessary information to process your application for a water permit.

Enclosed is the map which you submitted. Please have a Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office) mark the location of the well with an "X".

Upon receipt of the map indicating the well location, further processing of the application will proceed. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Enclosed with This letter, please find map with
licensed Engineers signature. If any further questions
please contact our office.

Douglas Dykstra

REPORT ON APPLICATION NO. 5592-3
for D & M Developers Inc.
December 5, 1991

Application No. 5592-3 proposes to appropriate 0.11 cfs (50 gpm) from one well approximately 70 feet deep located in the SW 1/4 SE 1/4 of section 10, T93N R55W in Yankton County. The water is to be used for suburban housing purposes at a mobile home trailer park.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is an alluvium mantled glacial outwash (sand and gravel) under predominantly unconfined (water table) conditions. The Missouri Elk Point underlies 45,000 acres and contains an estimated 675,000 acre feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri aquifer to the north, the Missouri and James Rivers and also extends into Clay County to the east.

The Division of Water Rights monitors seven observation wells completed into the Missouri Elk Point aquifer in Yankton County. The nearest observation well (YA-57D) is located approximately 3 miles east of this application. Water levels for these wells show good response to climatic conditions, that is, rising during wet years (recharge) and gradually declining during dry years due to lack of recharge and discharges both natural and pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

The well completion report filed with the application indicates aquifer material from 15 feet to 35 feet and from 58 feet to 70 feet below land surface with a static water level of 20 feet below land surface and is capable of producing 60 gpm. The report indicates the well was grouted with cement grout from 50 feet to the land surface. This well is completed in accordance with SD Well Construction Standards for a public water supply.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are numerous existing diversions in this area. The nearest permitted use is about 1/2 mile from this site. Interference is not expected to be a problem. This is a highly productive aquifer and drawdown does not extend very far from an individual production well. The requested diversion rate for this well is relatively small and should not cause adverse impacts.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not expected to be a problem.

3. The well authorized by this application has been constructed in accordance with SD Well Construction Standards.


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. 5592-3, D & M Developers, Inc.

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. 5592-3, D & M Developers, Inc., 906 West 14th Street, Yankton, SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 5592-3 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
December 6, 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 Dykstra
D & M Developers, Inc.
906 West 14th Street
Yankton, SD 57078

Dear Mr. Dykstra:

Water Permit Application No. 5592-3 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 & 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.



GREAT FACES. GREAT PLACES.

**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. 5592-3 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 D & M Developers, Inc., 906 W 14th 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. 5592-3 to Appropriate Water

Notice is given that D & M Developers, Inc., 906 West 14th Street, Yankton, SD 57078 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from one well 70 feet deep (Missouri Elk Point Aquifer) located in the SW 1/4 SE 1/4 (Block 1 Edna's Addition) Section 10-T93N-R55W. The water is to be used for suburban housing purposes at a mobile home trailer park.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5592-3 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. 5592-3 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.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.



Robert Helsley being first duly sworn says 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. 5592-3 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, 19 91, and the last publication being made on the 30th day of December, 19 91.

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, 19 91

Notary Public, South Dakota

12+23&30
NOTICE OF HEARING on Application
No. 5592-3 to Appropriate Water

Notice is given that D & M Developers, Inc., 906 West 14th Street, Yankton, SD 57078 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from one well 70 feet deep (Missouri Elk Point Aquifer) located in the SW 1/4 SE 1/4 (Block 1 Edna's Addition) Section 10-T93N-R55W. The water is to be used for suburban housing purposes at a mobile home trailer park.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5592-3 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. 5592-3 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.

Publ 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 12 1992

Douglas Dykstra, President
D & M Developers, Inc.
906 W 14th Street
Yankton, SD 57078

Dear Mr. Dykstra:

Enclosed is Water Permit No. 5592-3 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.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5592-3

DATE OF INVESTIGATION	September 15, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Bob Madden, resident of development, and Doug Dykstra, President
NAME & ADDRESS OF PERMIT HOLDER	D & M Developers Inc. 906 W 14 th Street Yankton SD 57078
DIVERSION POINT LEGAL LOCATION	Well: 2,400 feet W and 75 feet N from the SE corner section 10-T93N-R55W (SW¼SE¼)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 70 feet
- 4) Well log is available Y

Screen:

- 1) Type PVC
- 2) Length 12 feet
- 3) Static water level 20 feet

Casing:

- 1) Diameter 5 inches
- 2) Length 58 feet
- 3) Type Plastic

Pump/Motor:

- 1) Make Submersible unit - size unknown

DISTRIBUTION LINES OR CANALS:

Two (5,000 gallon storage tanks) to supply the housing development. B-Y rural water currently supplies the housing development. The water supply is maintained for standby purposes. Mr. Madden turned on the well to demonstrate that the well is operable.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

Permit No. 5592-3
Missouri 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, **September 15, 1998**, made a thorough examination of the water use system constructed by **D & M Developers Inc. of 906 W 14th Street, Yankton SD 57078** holder of Permit No. **5592-3**, bearing the priority of **October 9, 1991** authorizing the diversion of **0.11** cu. ft. per second of the waters of **ground water (Missouri Elk Point Aquifer)** for **suburban housing** purposes, in **Yankton** County.

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

A. Works used to divert the water:

Pump/Motor: **Submersible unit - size unknown**

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

Two (5,000 gallon storage tanks) to supply the housing development. B-Y rural water currently supplies the housing development. The water supply is maintained for standby purposes. Mr. Madden turned on the well to demonstrate that the well is operable.

The system is in the following condition **good**. The point of diversion is located **Well: 2,400 feet W and 75 feet N from the SE corner section 10-T93N-R55W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)**. The works are capable of diverting and conveying to the place of use **0.11** 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.

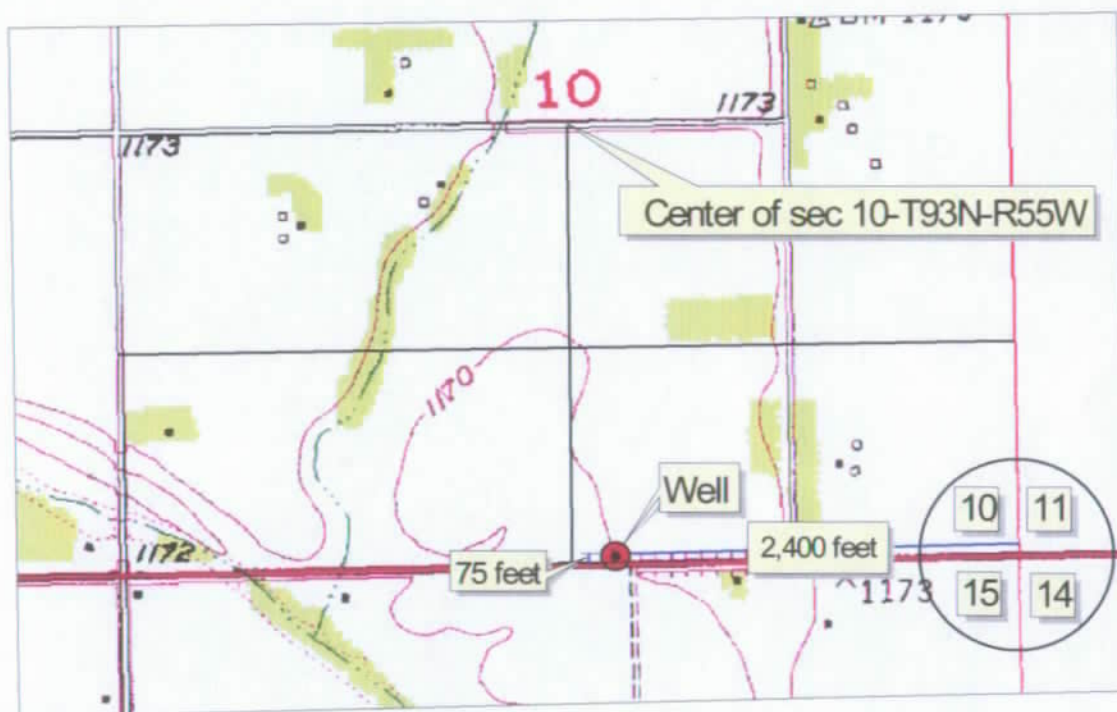
Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **none** Date report completed: **November 30, 1998.**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

1000 0 1000 Feet



Ron Duvall, Nat Res Engineer

11/30/98
Date

Water Right No. 5592-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5592-3

(1) D & M Developers Inc., 906 W 14th St, Yankton SD 57078 made Application No. 5592-3, October 9, 1991 for a water permit to divert 0.11 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for suburban housing purposes. Permit No. 5592-3, with a priority date of October 9, 1991 was approved January 21, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 21, 1997 and for the application to beneficial use of said water on or before January 21, 2001.

(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 0.11 cubic feet of water per second for beneficial use. The location of the diversion point is 2,400 feet west and 75 feet north from the southeast corner of Section 10-T93N-R55W (SW ¼ SE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. This water supply is maintained for standby purposes. B-Y Rural Water currently supplies the housing development.

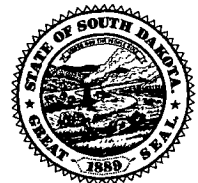
(4) Pursuant to South Dakota Water Law 46-5-30.1 D & M Developers Inc., 906 W 14th St, Yankton SD 57078 the holder and/or owner of Water Right No. 5592-3 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second from groundwater (one well) with a priority date of October 9, 1991 from the location specified in (2) of this license for a suburban housing development. This license is subject to any limitations or qualifications listed in Water Right No. 5592-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 22 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

December 14, 1998

5592-3

D & M Developers, Inc.
%Douglas Dykstra
906 W. 14th St.
Yankton, SD 57078

Dear Mr. Dykstra:

The investigation of your water use system was conducted on September 15, 1998, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5592-3. Your final water right document, the Water License, can now be issued.

Statutes require 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 begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416038

Pierre, February 10, 99

RECEIVED OF D & M Developers, Inc., 906 W. 14th, 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. 5592-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

50 00

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

FFB 2 2 1999

5592-3

D & M Developers, Inc.
%Douglas Dykstra
906 W. 14th St.
Yankton, SD 57078

Dear Mr. Dykstra:

Enclosed is Water License No. 5592-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416038 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. 5592-3, 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.

Very truly yours,

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

ks
enclosures

February 2, 2006

5592-3

2005 South Dakota Water Use Questionnaire

To:

DOUGLAS DYKSTRA
D & M DEVELOPERS INC
152 QUARRY PINES DR
YANKTON SD 57078-6881

Address correction requested:

East Winds Court, Inc.
PO Box 753
Yankton S.D 57078
owner: John P Blackburn

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5592-3. 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
Aquifer: MISSOURI
Management Unit: ELK POINT

County: YANKTON
Pumping Pt. Legal: SEC 10-T093N-R55W
Type of Water Use: SUBURBAN HOUSING
DEVELOPMENT

- 1) Please estimate your year 2005 water use from the above water source: - 0 - gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments: We are supplied water by BY Water
District -

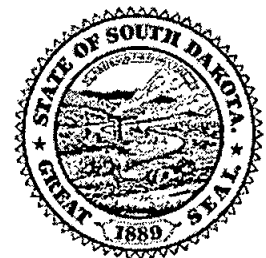
Contact Person:

Ronald V Galvan, SR.

Telephone No:

605-645-4561

Court Manager



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

Thank you for completing the 2005 water use questionnaire.

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

RECEIVED

FEB 17 2006

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 2006

5592-3

Ron Galvan, Mgr
300 Pearl Street
Yankton SD 57078

Dear Sir:

I am contacting you in follow-up to our phone conversation concerning the use of water as authorized by Water Right No. 5592-3. The water right is currently listed in the name of D & M Developers Inc. of Yankton. I have included a copy of the water right for your records.

It is our understanding that the water right should now be listed in the name of East Winds Court Inc. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5592-3

Date: 6-5-06

I/We request that Water Right No. 5592-3

formerly owned by: D & M Developers Inc

be transferred to: (name & address)

East Winds Court Inc.
PO Box 753 Yankton SD 57078
Manager's office Telephone No. 605-665-4561

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

Diversion point location: SW ¼ SE ¼ Section 10, T93N, R55W

I/We understand that the validity of Water Right No. 5592-3 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We John P. Blackburn, the new owner, certify that the above information is true and correct.

East Winds Court, Inc.
John P. Blackburn, President
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed 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.

RECEIVED
JUN 12 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 12, 20 06

RECEIVED OF East Winds Court Inc, PO Box 753, 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	2	50
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>5592-3</u>		
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	2.50

No.

02485

By

Darlene Elise
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 12, 2006

5592-3

John P Blackburn
East Winds Court Inc
PO Box 753
Yankton SD 57078

Dear Sir:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for changing ownership of Water Right No. 5592-3. The ownership change has been completed. The water right, formerly held by D & M Developers Inc. is now listed in the name of East Winds Court Inc.

Enclosed is your Receipt No. 02485 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

c: Ron Galvan, Mgr