

WATER PERMIT NO. 5754-3

Phone: 232-4706

Name of Applicant: Riv-R-Land Estates, Inc.

Post Office Address: 9 Edgewater, Dakota Dunes SD 57049

Amount of Water Claimed: 0.47 cfs 210 gpm Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: suburban housing County: Union

About _____ miles _____ of _____

PRIORITY Date Received: 1-21-93 Fee: \$250 Remarks: _____

Corrected Application Received: 2-11-93 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: NE 1/4 SW 1/4 Sec 21-T89N-R48W

Land to be Irrigated: _____

		2/			
		8			

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

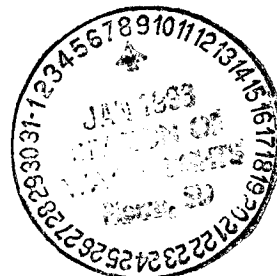
Depth of Well: 255' each REMARKS: _____

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

Assigned on: 3-2-93 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5754-3 Hydrologic Unit 10170101
Basin Vermillion River
Newspaper Elk Point Leader-Courier, Box 310
356-2632 (office use only)

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

Check use of water:

☐ Municipal ☒ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application:

(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant RIV-R-LAND ESTATES INC Phone 232-4906
Mailing Address 9 EDGEWATER, DAKOTA DUNES State SD 57049
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.47 *CFS or 210 **GPM _____ ***AF _____
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply DAKOTA
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 WELLS LOCATED IN SEC 21, T89N, R48W, 5th PM
(NE1/4 SW1/4) County UNION
- County or counties where water will be used UNION
- Annual period during which water is to be used 12 MONTHS Jan 1 - Dec 31
- Give a description of the 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)
Replacement of a 90' gravel well for 50 home housing development

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

STATE OF SOUTH DAKOTA)

County of Union)^{ss}

I, Tom Korb President of 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 Tom Korb Riv-R-Land Association President

Subscribed and sworn to before me this 4th day of January 19 93

John L A Brune
Notary Public

my commission expires

11-7-98

**SOUTH DAKOTA
WATER PERMIT NO. 5754-3**

Date of first receipt of application January 8, 1993.

Date of return to applicant for corrections, amendments or changes January 11, 1993.

Date of receipt of corrected application January 21, 1993.

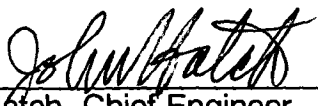
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5754-3 to Riv-R-Land Estates, Inc., 9 Edgewater, Dakota Dunes SD 57049 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5754-3 appropriates 0.47 cubic feet of water per second from 2 wells (Dakota Formation) 255 feet deep each located in the NE 1/4 SW 1/4 Section 21-T89N-R48W.
2. The water appropriated shall be used for the purpose of supplying water to Riv-R-Land Estates and may not exceed the amount of water needed for beneficial use for suburban housing development 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. 5754-3 is May 5, 1993.
5. The date from which applicant may claim right is January 8, 1993.
6. One-fifth of the construction is to be completed on or before November 5, 1995.
7. All construction is to be completed on or before May 5, 1998.
8. Water is to be put to beneficial use on or before May 5, 2002.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

WATER MANAGEMENT BOARD

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

JUN 11 1993
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12" Depth 220'
- b) Casing Type PVC Diameter 6" Thickness .516"
- c) Screen Type PVC-CONTINUOUS Diameter 6" Thickness .937"
- d) Gravel Pack Thickness 3" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 160'
- f) Depth to Water (ground surface to water level) 25-30'
- g) Distance to nearest existing domestic well:
On applicants property 100' On property owned by others 300'

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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

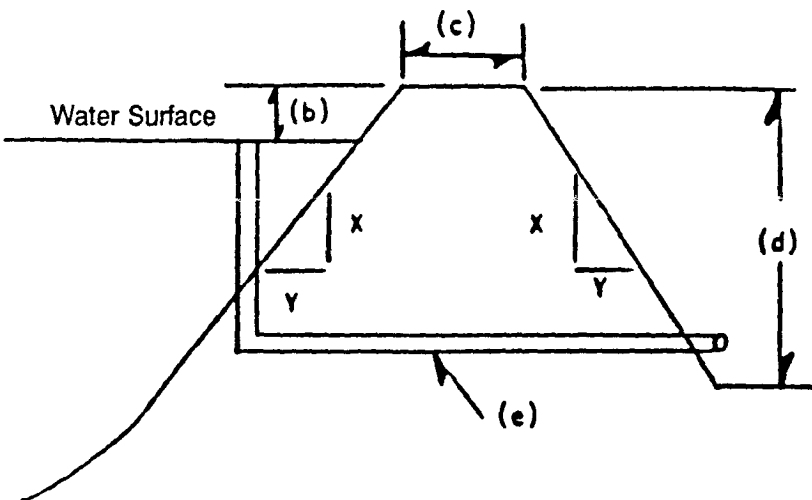
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

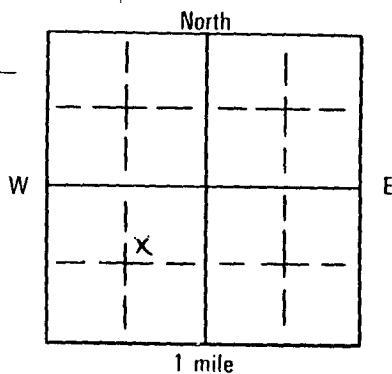
i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres



SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4 SW 1/4 Sec 21 Twp 89N Rg 48WCounty UnionPlease mark well
location with
an "X"Well Completion Date 1-29-93

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>235</u> FT	<u>12 1/4</u> IN
<u>200</u> LB/FT	<u>6</u> IN	<u>255</u> FT	<u>260</u> FT	<u>12 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 230 FEETWhat is grouting material? CementIf cement, number of sacks? 40Describe grouting procedure pumped w/ tremie pipeWhat was grout weight? 15.5 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6 IN Length 20 FEETMaterial PVCSlot Size 50 Set From 235 Feet To 255 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or s

If so, what material

Describe packer(s)

Was well disinfected

Explain ch

Bacteriological anal

Laboratory sent to

3/29/93
MIKE WETMORE

REPORTED BY PHONE THAT
BOTH OF THESE WELLS HAVE
BENTONITE GROUT BELOW

THE CEMENT GROUT —
SHOULD BE OK

JAC

Well Owner:

Name Riverland EstatesAddress Dakota Dunes, SD 57049

Well Log: _____ Depth _____

Formation	From	To
Top Soil	0	2
Fine Sand	2	63
Sand & Gravel	63	153
Sandstone	153	183
Shale	183	188
Sandstone	188	198
Shale	198	210
Sandstone	210	222
Shale	222	235
Sandstone	235	245
Shale	245	264

STATIC WATER LEVEL 26 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:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

41 ft. After 12 Hrs. pumped 90 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Well no. 1This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Wetmore Drilling

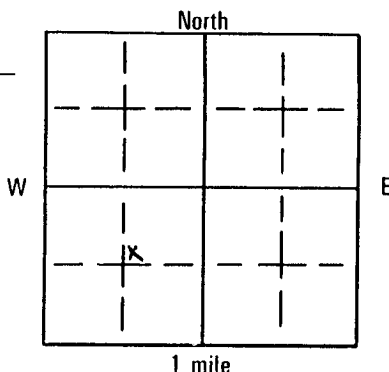
Signature of License Representative: _____

Signature of Well Owner: _____

Date 2-2-93

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4 SW 1/4 Sec 21 Twp 89N Rg 48WCounty UnionPlease mark well
location with
an "X"Well Completion Date 1-29-93

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>235</u> FT	<u>12 1/4</u> IN
<u>200</u> LB/FT	<u>6</u> IN	<u>255</u> FT	<u>260</u> FT	<u>12 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 225 FEETWhat is grouting material? CementIf cement, number of sacks? 40Describe grouting procedure Pumped w/ tremie pipeWhat was grout weight? 15.5 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6 IN Length 20 FEETMaterial PVCSlot Size 50 Set From 235 Feet To 255 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain chlorineBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Riverland EstatesAddress Dakota Dunes, SD 57049

Well Log: _____ Depth _____

Formation	From	To
Top Soil	0	2
Fine Sand	2	65
Sand & Gravel	65	156
shale	156	158
Sandstone	158	185
shale	185	191
Sandstone	191	201
shale	201	211
Sandstone	211	224
shale	224	229
Sandstone	229	266
shale	266	267

STATIC WATER LEVEL 27 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:

☒ Pumped _____☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

43 ft. After 12 Hrs. pumped 90 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Well no. 2This well was drilled under license # 341

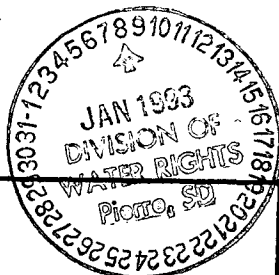
And this report is true and accurate

Drilling firm _____

Signature of License Representative: _____

Signature of Well Owner: _____

Date 2-2-93



Proposed Well Location

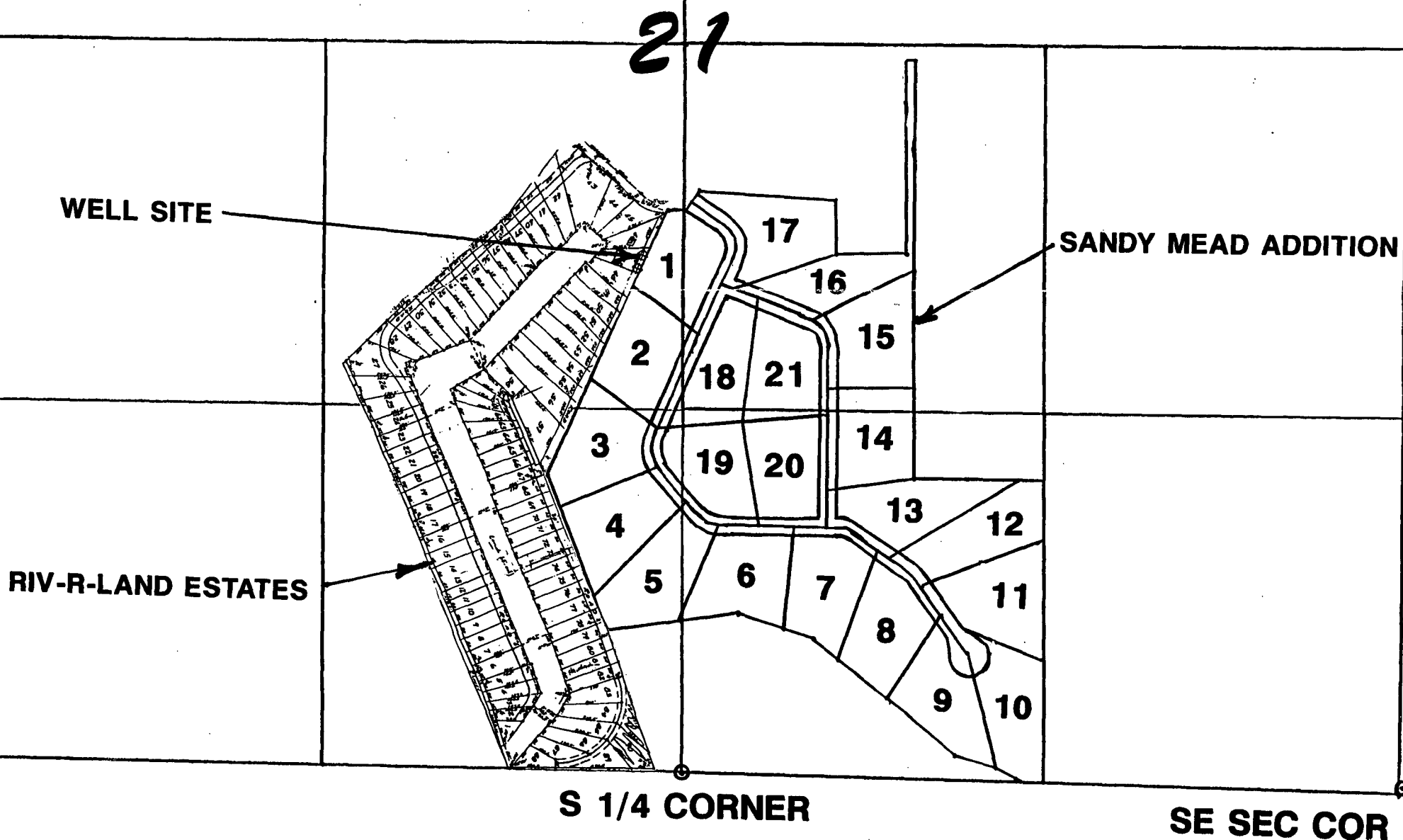
OF
TWO DOMESTIC WATER WELLS
IN RIV-R-LAND ESTATES
SCALE 1"=500'

PROPOSED WELL SITE

DISTANCE AND BEARING FROM
PROPOSED WELL SITE TO:

S 1/4 CORNER
N 5° W 1900'

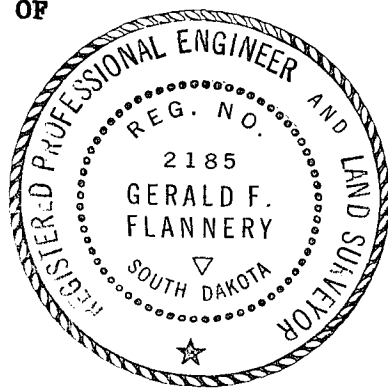
SE SECTION CORNER
N 56° W 3400'



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 # 2185



Appl No. 5754-3

RECEIPT

413602

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 21, 19 93

RECEIVED OF Riv-R-Land Estates, PO Box 4, Riverland, SD 57049-0004

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

Fee for Application for Permit No. <u>5754-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	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 _____		

(Any Other Work Provided by Law)	Total	250 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 1993

Riv-R-Land Estates, Inc.
Tom Koob, President
9 Edgewater
Dakota Dunes SD 57049

Dear Mr. Koob:

In regard to the water permit application received on January 8, 1993, the following information needs to be submitted in order to process the application.

1. Please submit a well log or driller's test log for each well. The logs must be signed by a South Dakota licensed well driller.
2. Enclosed is the check for \$360.00. The filing fee for this application, based on the gpm requested will be \$250.00.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1993

Riv-R-Land Estates, Inc.
Tom Koob, President
9 Edgewater
Dakota Dunes, SD 57049

Dear Mr. Koob:

This letter authorizes Riv-R-Land Estates to construct two test wells into the Dakota Formation prior to obtaining a Water Permit. These wells must be constructed in accordance with South Dakota Well Construction Standards and by a licensed South Dakota well driller. Upon completion and submittal of the well completion reports to our office, the water permit process will continue. This letter is not a water permit and we will hold your water permit application until the well information is submitted.

If you have any questions, please feel free to contact me.

Sincerely,

James A. Goodman
Natural Resources Engineer
Water Rights Division
(605) 773-3352

To John Hated
Division of Water Right



Fee for application for permit # 5754-3
to Riv-R-Land Est. near.

\$ 250.00

Corbe Dickson - Sec.
#9 Riv-R-Land Est.
Dakota Dunes, So. Dak. 57049



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 23, 1993

Riv-R-Land Estates, Inc.
Colleen Dickson
9 Edgewater
Dakota Dunes SD 57049

Dear Ms. Dickson:

Enclosed is the check for \$250.00 which you submitted to our office. Our records indicate that the \$250.00 application fee was received on January 21, 1993. We should have received a receipt for this amount when we sent you the information regarding the Notice of Publication.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605-773-3352

enclosure

REPORT ON APPLICATION NO. 5754-3
for Riv-R-Land Estates, Inc.
March 26, 1993

Application No. 5754-3 proposes to appropriate 0.47 cfs (210 gpm) from 2 wells approximately 255 feet deep located in the NE 1/4 SW 1/4 of section 21, T89N R48W in Union County. The water is for a suburban housing development.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sandstone and shale which is 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 storage in Union County (Hedges, 1982). The aquifer is confined and overlain by glacial sediments in this area. The Missouri Elk Point aquifer directly overlies the Dakota Formation and is hydraulically connected. In some areas, the sand and gravel of the Missouri Elk Point aquifer directly overlie the sandstone of the Dakota Formation and according to the well logs submitted with this application this is the case for this site. The well completion reports submitted with this application indicates that both wells were completed to a depth of 260 feet, had specific capacities of 5.6 and 6.0 gpm/ft of drawdown and had a static water level about 26 to 27 feet below land surface when drilled.

The Division of Water Rights monitors 4 observation wells completed into the Missouri Elk Point aquifer within 4 miles of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. None of these wells are completed into the Dakota Formation but in other areas of Union County the Dakota Formation responds similarly to the Missouri Elk Point aquifer. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

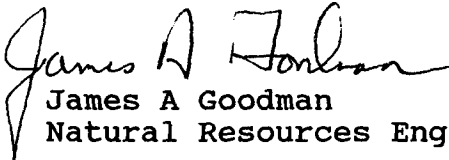
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Permit No. 5501-3 which also obtains water from the Dakota Formation and is located about 400 feet east of this application. Interference will occur. That is drawdown caused by pumping will overlap. Also the two diversions for this application are apparently next to each other. Even though drawdown will overlap interference should not be adverse. Pumps can be lowered in all the wells to obtain the amount of water needed.

CONCLUSIONS

1. Water is available from the Dakota Formation.

2. The Dakota Formation is confined. Also the Dakota Formation is overlain by the Missouri Elk Point aquifer which is hydraulically connected to the Dakota Formation. Interference is not expected to be adverse.
3. The wells authorized by this application are constructed in accordance with SD Well Construction Standards. The as built record filed with the application indicates that these wells were grouted to a depth of 230 feet below land surface. Mike Wetmore (Wetmore Drilling) reported by phone conversation (March 29, 1993) that a bentonite grout was used in these wells below the cement grout.
4. Wastewater for Riv-R-Land Estates is handled by individual septic systems.
5. The two wells authorized by this application are so close together that they can basically be considered as one diversion point.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., et al, 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, 57069.
- Water Rights, 1993, Unpublished Observation Well Data for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

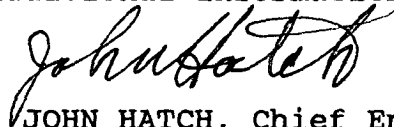
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5754-3, Riv-R-Land Estates, Inc.

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. 5754-3, Riv-R-Land Estates, Inc., c/o Tom Koob, 9 Edgewater, Dakota Dunes, SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 5754-3 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 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.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 29, 1993



**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.

March 30, 1993

Tom Koob
Riv-R-Land Estates, Inc.
9 Edgewater
Dakota Dunes, SD 57049

Dear Mr. Koob:

Water Permit Application No. 5754-3 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 (Ph # 356-2632). 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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1993

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5754-3 to be published twice. Please publish the first notice on April 8, 1993, 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 Riv-R-Land Estates, Inc., 9 Edgewater, Dakota Dunes, SD 57049 (Ph # 232-4706).

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 April 8, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5754-3 to Appropriate Water

Notice is given that Riv-R-Land Estates, Inc., 9 Edgewater, Dakota Dunes, SD 57049 has filed an application for a water permit to appropriate 0.47 cubic feet of water per second from 2 wells (Dakota Formation) 255 feet deep each located in the NE 1/4 SW 1/4 Section 21-T89N-R48W. The water is for suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5754-3 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 April 26, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The May 5, 1993, 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 April 26, 1993.

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 Eric Gronlund by April 26, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

5754-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) ss

I, Lester E. Emerson

certify that the attached printed Notice was

taken from the The Leader-Courier

printed and published in Elk Point

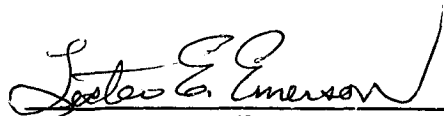
County of Union and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

April 8, 1993

April 15, 1993

Cost of Printing: \$57.11


 (Signature)

Publisher-Editor

(Title)

April 15, 1993

(Date Signed)

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ON APPLICATION NO. 5754-3
TO APPROPRIATE WATER**

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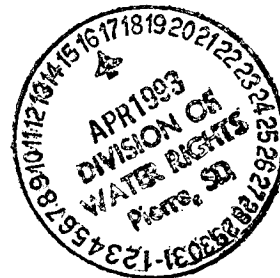
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Pub. Apr. 8, 15 57.11





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1993

Tom Koob
Riv-R-Land Estates, Inc.
9 Edgewater
Dakota Dunes, SD 57049

Dear Mr. Koob:

Enclosed is Water Permit No. 5754-3 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,

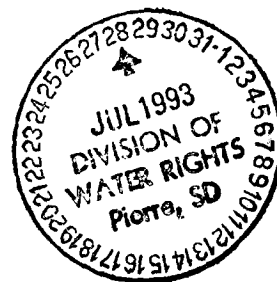
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

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 COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**



Date 7-23-93

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Riv-R-Yard Est., Inc.
(name) (address)
Dakota Dunes, So. Dak. 57049 605-232-4706
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5754-3.

Water Permit No. 5754-3 states that the diversion system is to be constructed by May 5, 1998, and that the water is put to beneficial use by May 5, 2002.
(date) (date)

The diversion system was completed on 1-29-1993.
(date)

Applying the water to beneficial use was completed on 3-8-1993.
(date)

You may schedule an inspection so that the Water License may be issued.

Colleen "Coke" Dickson
(signature) Sec. Treas.

Permit No. 5754-3
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, **July 17, 1996**, made a thorough examination of the water use system constructed by **Riv-R-Land Estates of 9 Edgewater, Dakota Dunes, SD 57049** holder of Permit No. **5754-3**, bearing the priority of **January 8, 1993** authorizing the diversion of **0.47** cu. ft. of water per second from **ground water** for **Suburban Housing** purposes, in **Union** County.

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

A. Works used to divert the water:

2 Franlin Electric motors with 90 GPM Grundfos pumps on each.

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

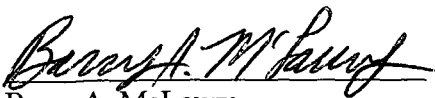
Approximately 200 feet of 6" PVC pipe.

C. Works used to apply water to beneficial use:

Home owners in the 50 home housing developement.

The system is in the following condition **good**. The point of diversion is located **North Well: 2765 feet W and 725 feet S; South Well: 2770 feet W and 755 feet S; both from the East Quarter Corner of Section 21; T089N R48W (NE1/4 SW1/4).** The works are capable of diverting and conveying to the place of use **0.40** cu. ft. of water per second which is to be used for **Suburban Housing** and the license should be issued for **0.40** cfs. Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None** Date Report Completed: **March 10, 1997**



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5754-3

Other permit(s) associated with the project: None.

DATE OF INSPECTION: July 17, 1996.

NAME OF INSPECTION CONTACT: Carol Labrune, Water Manager.

NAME & ADDRESS OF PERMIT HOLDER: Riv-R-Land Estates, Inc., 9 Edgewater, Dakota Dunes, SD 57049.

DIVERSION POINT LEGAL LOCATION: North Well: 2765 feet W and 725 feet S; South Well: 2770 feet W and 755 feet S; both from the East Quarter Corner of Section 21; T089N R48W (NE1/4 SW1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 2
- 3) Depth(s) 266 & 267 feet
- 4) Well logs are available Y

Casing:

- 1) Diameter 6 inches
- 2) Length 235 feet
- 3) Type PVC

Motor:

- 1) Make Franklins
- 2) Model No. ?
- 3) Horsepower rating 5 each HP

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 26 & 27 feet

Pump:

- 1) Make Grundfos
- 2) Model No. ?
- 3) Capacity 90 each GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 6 inches
- 3) Length 200 feet

SYSTEM TYPE:

Suburban Housing:

- 1) Water is used to supply water to a 50 home housing development known as Riv-R-Land Estates.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

COMMENTS:

Both well s under this Water Permit No. 5754-3 are identical. Riv-R-Land Estates only pumps 1 well at a time but have the ability to pump both - making the maximum diversion rate 180 gallons per minute for suburban housing use. There is a pump house located directly across the road from the two diversion points. Here the water is metered and treated.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5754-3

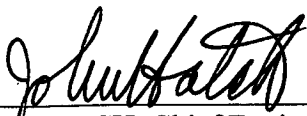
(1) Riv-R-Land Estates, Inc., 9 Edgewater, Dakota Dunes SD 57049 made Application No. 5754-3, January 8, 1993 for a water permit to divert 0.47 cubic feet of water per second from groundwater (two wells), Union County, South Dakota for suburban housing development purposes. Permit No. 5754-3, with a priority date of January 8, 1993 was approved May 5, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 5, 1998 and for the application to beneficial use of said water on or before May 5, 2002.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on July 28, 1993. The *Notice* stated the diversion system was completed on January 29, 1993 and the water placed to beneficial use on March 8, 1993.

(2) It is certified that the applicant 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 0.40 cubic feet of water per second for beneficial use. The location of the diversion point is: North well - 2,765 feet west and 725 feet south; South well - 2,770 feet west and 755 feet south; both from the east quarter corner of Section 21-T89N-R48W (NE 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Riv-R-Land Estates, Inc., 9 Edgewater, Dakota Dunes SD 57049 the holder and/or owner of Water Permit No. 5754-3 is issued a license to appropriate water, the right to use 0.40 cubic feet of water per second from groundwater (two wells) with a priority date of January 8, 1993 from the location specified in (2) of this license for the purpose of suburban housing development. This license is subject to any limitations or qualifications listed in Water Permit No. 5754-3 and subject to South Dakota State Law.



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

JUN 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 1997

5754-3

Carol Labrune, Water Manager
Riv-R-Land Estates, Inc.
9 Edgewater
Dakota Dunes, SD 57049

Dear Ms. Labrune:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5754-3, has been completed. 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

415323

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 18, 1997

RECEIVED OF Riv-K-Land Estates, P.O. Box 1272, North Sioux City, 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>5754-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

5754-3

Carol Labrune, Water Manager
Riv-R-Land Estates, Inc.
9 Edgewater
Dakota Dunes, SD 57049

Dear Ms. Labrune:

Enclosed is Water License No. 5754-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415323 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. 5754-3, 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