

WATER PERMIT NO. 5935-3

Name of Applicant: Ted Waitt

Address: 402 Prairie Passage, Dakota Dunes SD 57049

Phone: 232-9250

Amount of Water Claimed: ²⁰~~75~~ gpm

Total Acres: approx. 1 acre

Source of Water Supply: well

Water to be used for: Irrigation

County: Union

Type of Waste Disposal System:

Location: Near Dakota Dunes

PRIORITY

Date Received: 5/6/96

Fee: \$150

Corrected Application Received: Period of Annual Use: March 1 - October 31

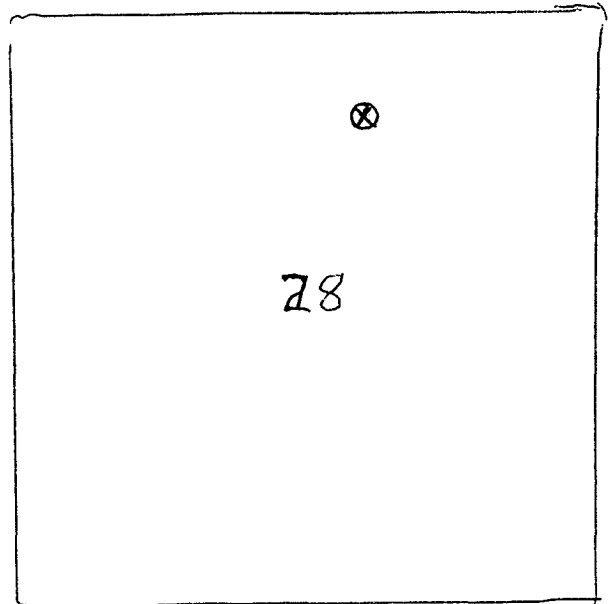
Remarks:

Diversion Point: NW1/4 NE1/4 Section ²⁸

T5N, R29E

Land to be Irrigated: : NW1/4 NE1/4 Section ²⁸

T5N, R29E



Depth of Well: 108 feet

Well Driller: Wetmore

Remarks:

Type of Map: Plat

Prepared by: Doug Mordhorst

Reviewed and the Number Assigned on: 5/7/96

By: Eric Gronlund

(See instructions)

No. 5935-3 Hydrologic Unit 10170101
Basin Vermillion River
Newspaper Elk Point Leader Courier, Elk Point, SD

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant TED WAITT Phone No. 605-232-9250
Post Office Address 402 PRAIRIE PASSAGE DAKOTA DUNES State S.D. 57049
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 20.75 G.P.M. Total acres irrigated APPROX. 1 ACRE
3. Source of Water supply MISSOURI RIVER ALLUVIAL AQUIFER
4. Location of point of diversion SEE MAP
NW 1/4 NE 1/4 Section 28, T89N, R48W
County UNION
5. Counties where water will be used UNION
6. Annual period during which water is to be used MARCH 1 THRU OCTOBER 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>LAWN NW/NE Sect 28 - PM/4th</u>	<u>APPROX. 1</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: SPRINKLER (Specify)
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

RESIDENTIAL LAWN

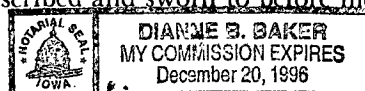
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of _____)

John T. Conner PROPERTY MANAGER, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed

Subscribed and sworn to before me this 2nd day of May 1996



Notary Public



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 12 1/4" Depth 108
- b) Casing Type PVC Diameter 6" Thickness 250 PSI
- c) Screen Type PVC Diameter 6" Thickness 250 PSI
- d) Gravel Pack Thickness 3 1/8" Length of Gravel Pack 20
- e) Depth to Top of Water Bearing Material 2'
- f) Depth to Water (ground surface to water level) 16'
- g) Distance to nearest existing domestic well:
 On applicants property 1/2 MILE APPROX. On property owned by others 1/2 MILE APPROX.

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 _____

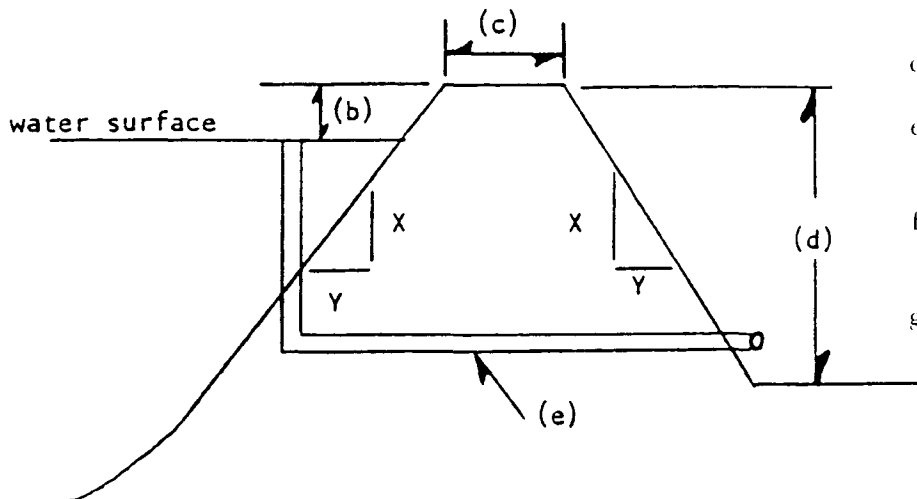
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

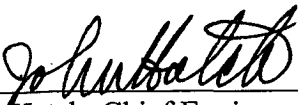
**SOUTH DAKOTA
WATER PERMIT NO. 5935-3**

Date of first receipt of application May 6, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5935-3 to Ted Waitt, 402 Prairie Passage, 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. 5935-3 appropriates 20 gallons per minute (0.044 cubic feet of water per second) from one well (Missouri:Elk Point Aquifer) 108 feet deep to irrigate approximately one acre of residential lawn. The well and irrigated acreage are located in the NW 1/4 NE 1/4 Section 28-T89N-R48W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1- October 31.
3. The date from which applicant may claim right is May 6, 1996.
4. The date of approval of Permit No. 5935-3 is July 29, 1996.
5. One-fifth of the construction is to be completed on or before January 29, 1999.
6. All construction is to be completed on or before July 29, 2001.
7. Water is to be put to beneficial use on or before July 29, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

OCT 1 1996
date

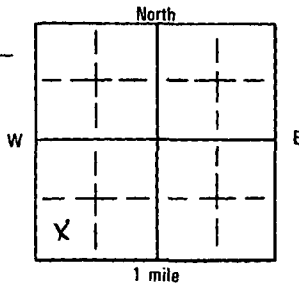


SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SW 1/4 Sec 22 Twp 89 N Rg 48 WCounty Union

Please mark well location with an "X"

Well Completion Date 6-23-94

PROPOSED USE:

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

Method of Drilling:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
250 lb.	LB/FT	6 IN	0 FT 88 FT	12 1/4 IN
	LB/FT	IN	FT	IN
	LB/FT	IN	FT	IN
	LB/FT	IN	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 88 FEETWhat is grouting material? 40 lb. bentonite 30-88If cement, number of sacks? 30 3/4 cement 0-30

Describe grouting procedure

Pumped w/ turbineWhat was grout weight? 15.5 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6 IN Length 20 FEETMaterial PVCSlot Size 40 Set From 88 Feet To 108 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Well Owner:

Name Ted WaiteAddress Pakob Dunes rd

Well Log:

Depth

Formation

From

To

top soil02fine sand259gravel59108STATIC WATER LEVEL 16 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

29 ft. After 4 Hrs. pumped 75 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Watmore Drilling

Signature of License Representative:

Signature of Well Owner:

Date 4/10/95Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain CIBacteriological analysis ☒ YES ☐ NOLaboratory sent to SDHD

RECEIPT

414946

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 7, 19 96

RECEIVED OF Ted Walitt, 402 Prairie Passage, Dakota Dunes, SD 57049

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

Fee for Application for Permit No. <u>520-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John H. Hester
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 1995

Ted Waitt
402 Prairie Passage
Dakota Dunes, SD 57049

Dear Mr. Waitt:

A well driller's report filed by Wetmore Drilling shows that they completed a new well for you which produced 75 Gallons Per Minute (GPM). Based on the information in the report, it appears you need water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Irrigation of more than one acre requires obtaining a water permit. Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. If your new well was drilled as a replacement well, and you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licensed well driller. If the old well is not going to be abandoned, but will not be used, the well must be sealed or capped at the surface until such time that it is used.

Please use the enclosed postage free envelope to return the completed application by November 30, 1995 or contact Barry McLaury, Environmental Scientist, at 605-773-3352 if you have questions.

Sincerely,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Program

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 10, 1996

Ted Waitt
402 Prairie Passage
Dakota Dunes, SD 57049

Dear Mr. Waitt:

This is a follow up to my November 2, 1995 letter concerning the possibility that you may need a water permit for irrigation. A well driller's report filed by Wetmore Drilling shows that they completed a new well for you which produced 75 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit. Any irrigation for commercial purposes requires a permit. Irrigation of **one acre or less** for private use (home garden or lawn) is considered domestic use and does not require a permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please return the application form that was sent to you with my November 2, 1995 letter by November 30, 1995 or contact Barry McLaury at 605-773-3352.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 1996

Ted Waitt
402 Prairie Passage
Dakota Dunes, SD 57049

Dear Mr. Waitt:

This is to follow up my 11/2/95 and 1/10/96 letters concerning the need for a water permit for your water use. **NO RESPONSE HAS BEEN RECEIVED.** A well driller's report filed by Wetmore Drilling shows that they completed a new well for you which produced 75 Gallons Per Minute (GPM). Based on the information in the report, it appears you need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Any irrigation in excess of 18 GPM or one acre requires obtaining a water permit. Enclosed are application forms and an instruction sheet to apply for a water permit.

2. Also, as a new well owner, you need to be aware of some of your responsibilities. If your new well was drilled as a replacement well, and you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licensed well driller. If the old well is not going to be abandoned, but will not be used, the well must be sealed or capped at the surface until such time that it is used.

Please use the enclosed postage free envelope to return the completed application by May 3, 1996 or contact Barry McLaury at 605-773-3352 if you have any questions.

Sincerely,

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

enclosure

5-3-96



John F. Clemens
83 Sunset Drive
Dakota Dunes, SD 57049
cell(712-251-1897)home(605-232-0541)
e-mail:clemwest@aol.com

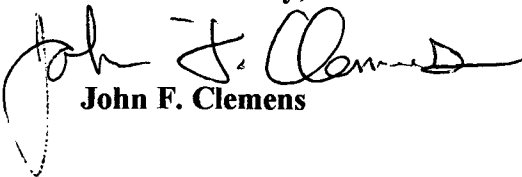
Department of Environment and Resources
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Ron Duvall,

Enclosed are copies of Form2/Form2A/Map signed by a Registered Land Surveyor/and a check in the amount of \$150.00.

If you have any questions or need any assistance please feel free to contact me at any time. Any further correspondence should be directed to myself(not Mr. or Mrs. Waitt). Thank you for you help.

Sincerely,



John F. Clemens

REPORT ON WATER PERMIT APPLICATION NO. 5935-3

for Ted Waitt

May 20, 1996

Application No. 5935-3 proposes to appropriate 0.044 cfs (20 gpm) from one well approximately 108 feet deep to irrigate approximately one acre of residential lawn. The well and irrigated acreage are located in the NW 1/4 NE 1/4 of section 28, T89N-R48W in Union County.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled glacial outwash (sand and gravel) which is under unconfined or water table conditions in this area. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to the Big Sioux South aquifer to the north, the Upper Vermillion Missouri aquifer to the north and west, to the Missouri Elk Point to the west in Clay County and to the Big Sioux and Missouri Rivers. Ground water movement is generally from northwest to southeast with the rivers acting as discharge boundaries.

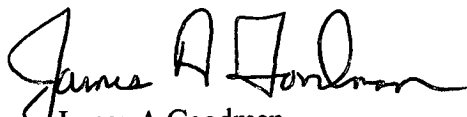
The Water Rights Program monitors an observation well UN-78C which is completed into the alluvium overlying the Missouri Elk Point aquifer. Water levels for this well should be representative of the aquifer. A hydrograph for this well is included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). The record shows good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits which obtain water from the Missouri Elk Point aquifer. There are two existing permits within one-half mile of this application which obtain water from the underlying Dakota aquifer. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions. Drawdown created by pumping will not be significant. Interference is not a concern.
3. This application requests a larger diversion rate than can be allowed under statute for one acre. However, the applicant would be allowed to irrigate an acre of land without a water permit except that this request is for 20 gpm. Technically this permit could be issued with a three acre feet per year limitation. If the applicant would cut the diversion rate back to 18 gpm then a permit would not be necessary.



James A Goodman
Natural Resources Engineer

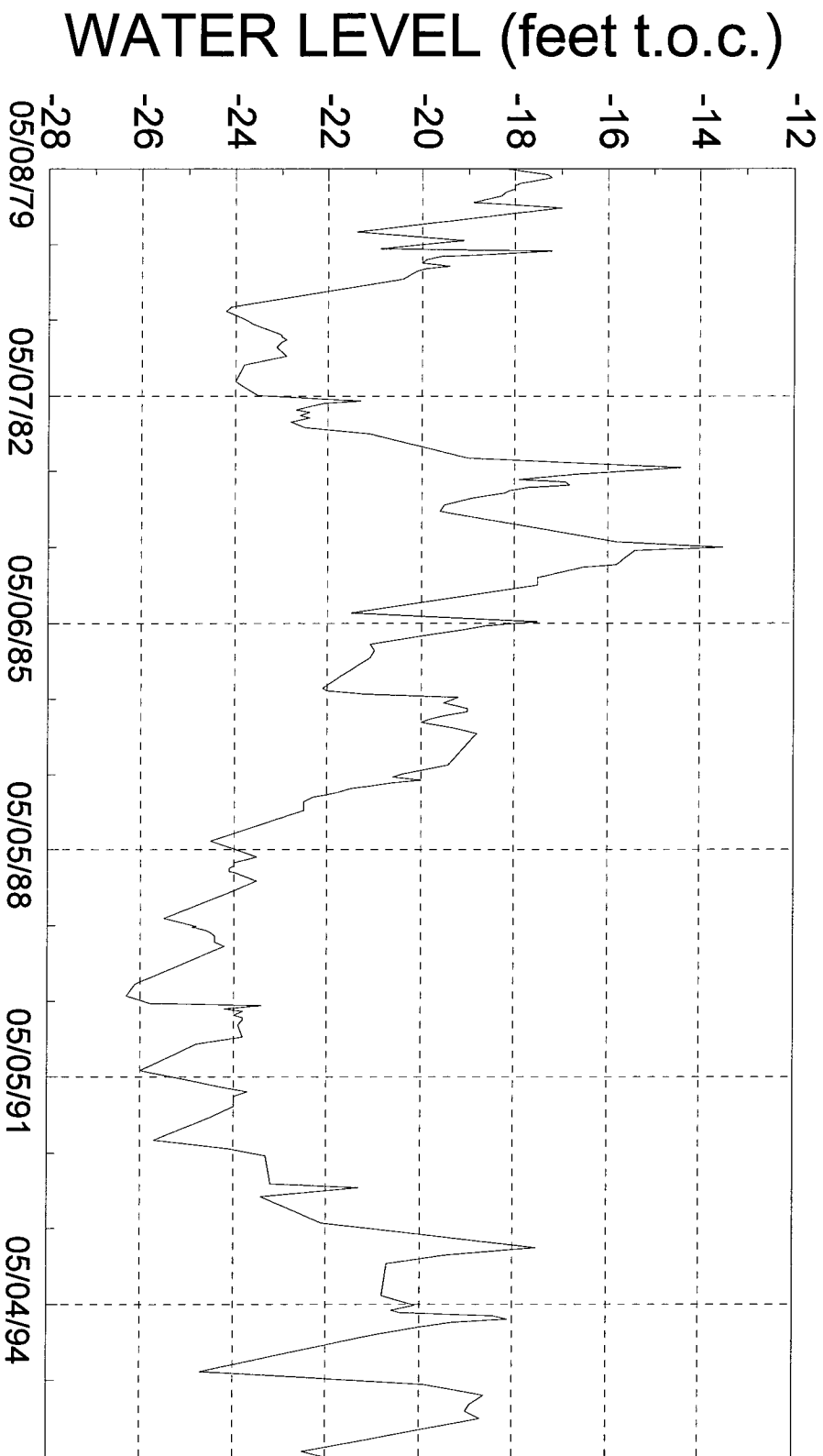
BIBLIOGRAPHY

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 1996, Unpublished Observation Well Data for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

UN-78C



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5935-3, Ted Waitt**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5935-3, Ted Waitt, 402 Prairie Passage, Dakota Dunes, SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 5935-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
June 27, 1996

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 5935-3 , Ted Waitt
Union
ADDRESS: COUNTY:

DATE: June 10, 1996 TELEPHONE:

RE: Conversation with Fred Clemens, property manager

COMMENTS:

Fred Clemens checked with the sprinkler irrigation people regarding the capacity of Mr. Waitt's lawn sprinkler system. Mr. Clemens stated there are 45 sprinkler heads and the capacity of the system is 20 gallons per minute. I stated this was well above the 75 gpm on the application. Mr. Clemens indicated that the 20 gpm is the accurate amount and the application should be amended accordingly.

Mr. Clemens they needed to operate at the 20 gpm because of the sprinkler system construction. He stated to turn off certain zone would cause high pressure that may damage the piping.

Mr. Clemens stated that the notice of hearing should be sent to his attention at PO Box 2024, North Sioux City, SD 57049

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: 



**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.

June 28, 1996

Fred Clemens
P.O. Box 2024
North Sioux City, SD 57049

Dear Mr. Clemens:

Water Permit Application No. 5935-3 for Ted Waitt's irrigation 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 # (605) 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
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

June 28, 1996

Elk Point Leader Courier
Box 310
Elk Point, SD 57026-0310

ATTENTION: Legal Department

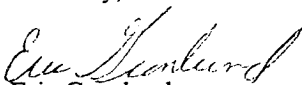
Enclosed is a Notice of Hearing on Application No. 5935-3 to be published twice. Please publish the first notice on July 11, 1996, with the second publication 7 days later.

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 Ted Waitt, %Fred Clemens, P.O. Box 2024, North Sioux City, SD 57049 (Ph # (712) 251-1897).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
Joe Foss Building
Pierre SD 57501-3181

No. 5935-3

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 July 11, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5935-3 to Appropriate Water

Notice is given that Ted Waitt, 402 Prairie Passage, Dakota Dunes, SD 57049 has filed an application for a water permit to appropriate 20 gallons per minute from one well (Missouri Elk Point Aquifer) 108 feet deep to irrigate approximately one acre of residential lawn. The well and irrigated acreage are located in the NW 1/4 NE 1/4 Section 28, T89N, R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5925-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 July 29, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Kelly Kruithoff

an employee of the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and that has been such legal newspaper during the time herein-after mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 5935-3 to Appropriate Water

Ted Waitt

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper as

The first publication being made on Thursday, the 11 day of July 19 96, and that the succeeding publications were

on Thursday, the 18 day of July, 19 96

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

on Thursday, the _____ day of _____, 19 _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper

as aforesaid were \$ 33.15, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Kruithoff

Subscribed and sworn to before me this 18 day of July 19 96

My commission expires 3-22-04

[Signature]

Notary Public

NOTICE OF APPLICATION

NO. 5935-3 to Appropriate Water

Notice is given that Ted Waitt, 402 Prairie Passage, Dakota Dunes, SD 57049 has filed an application for a water permit to appropriate 20 gallons per minute from one well (Missouri Elk Point Aquifer) 108 feet deep to irrigate approximately one acre of residential lawn. The well and irrigated acreage are located in the NW 1/4 NE 1/4 Section 28, T89N, R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5925-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3351)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 29, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary

Department of Environment and Natural Resources

Pub. July 11 & 18, 1996

#52-03-60





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 1 1996

Ted Waitt
402 Prairie Passage
Dakota Dunes, SD 57049

Dear Mr. Waitt:

Enclosed is Water Permit No. 5935-3 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

Permit No. 5935-3
Big Sioux 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 28, 2007**, made a thorough examination of the water use system constructed by **Ted Waitt** of **402 Prairie Passage, Dakota Dunes SD 57049** holder of Permit No. **5935-3**, bearing the priority of **May 6, 1996** authorizing the diversion of **0.044** cu. ft. per second of the waters of **Missouri: Elk Point Aquifer** for **irrigation** purposes, in **Union** County.

Inspection contact & relationship to permit holder, if applicable: **Brian Uhl – Property Manager (712) 490-7020**

A. Works used to divert the water:

Well Information: well #1 1) Well Drilling Firm: <u>Wetmore Well Drilling</u> 2) No. of Wells <u>1</u> 3) Depth(s) <u>108</u> feet 4) Well log is available <u>yes</u> 5) Comment: Casing: 1) Diameter <u>6</u> inches 2) Length <u>88</u> feet 3) Type <u>pvc</u> Screen: 1) Type <u>pvc</u> 2) Length <u>20</u> feet 3) Static water level <u>16</u> feet Pump: 1) Make <u>Submersible</u> 2) Model 3) Size 4) Capacity <u>20</u> GPM Motor: 1) Make <u>Submersible</u> 2) Model No. 3) Horsepower rating <u>2</u> hp	Well Information: well #2 1) Well Drilling Firm: <u>Alton Well & Concrete</u> 2) No. of Wells <u>1</u> 3) Depth(s) <u>209</u> feet 4) Well log is available <u>yes</u> 5) Comment: Casing: 1) Diameter <u>5</u> inches 2) Length <u>193</u> feet 3) Type <u>pvc</u> Screen: 1) Type <u>pvc</u> 2) Length <u>10</u> feet 3) Static water level <u>18</u> feet Pump: 1) Make <u>Submersible</u> 2) Model 3) Size 4) Capacity <u>20</u> GPM Motor: 1) Make <u>Submersible</u> 2) Model No. 3) Horsepower rating <u>2</u> hp
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B. Works used to transport water to place of use:

- 1) Type pvc 2) Size 2 inches 3) Length feet

C. Works used to apply water to beneficial use:

Lawn Sprinkler System: Run one zone at a time.

- 1) Number of Zones 23
2) Number of sprinkler heads per zone 5 - 10
3) Zone Capacity 20 GPM

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes

The system is in good condition with the point(s) of diversion located as follows: well #1 – 1990' W and 270' S (42.501898, -96.513867); well #2 – 2460' W and 654' S (42.500837, -96.515525) all from the NE corner Section 28-T89N-R48W. The works are capable of diverting and conveying to the place of use 0.044 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 28-T89N-R48W:

Well #1 - NW¼ NE¼ 1 acres

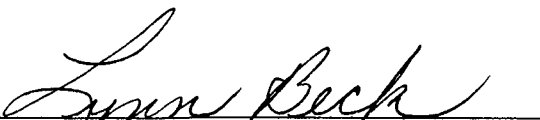
Well #2 - NW¼ NE¼ 0.8 acres

comprising a total of 1 acres of land and the license should be issued for 0.044 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

Well # 2 and the 0.8 acre of land irrigated from well #2 do not need an application as the average is less than 18 gpm and less than one acre is irrigated. Well #2 is a different water source than well #1 covered under 5935-3.

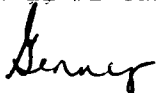


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: January 31, 2008

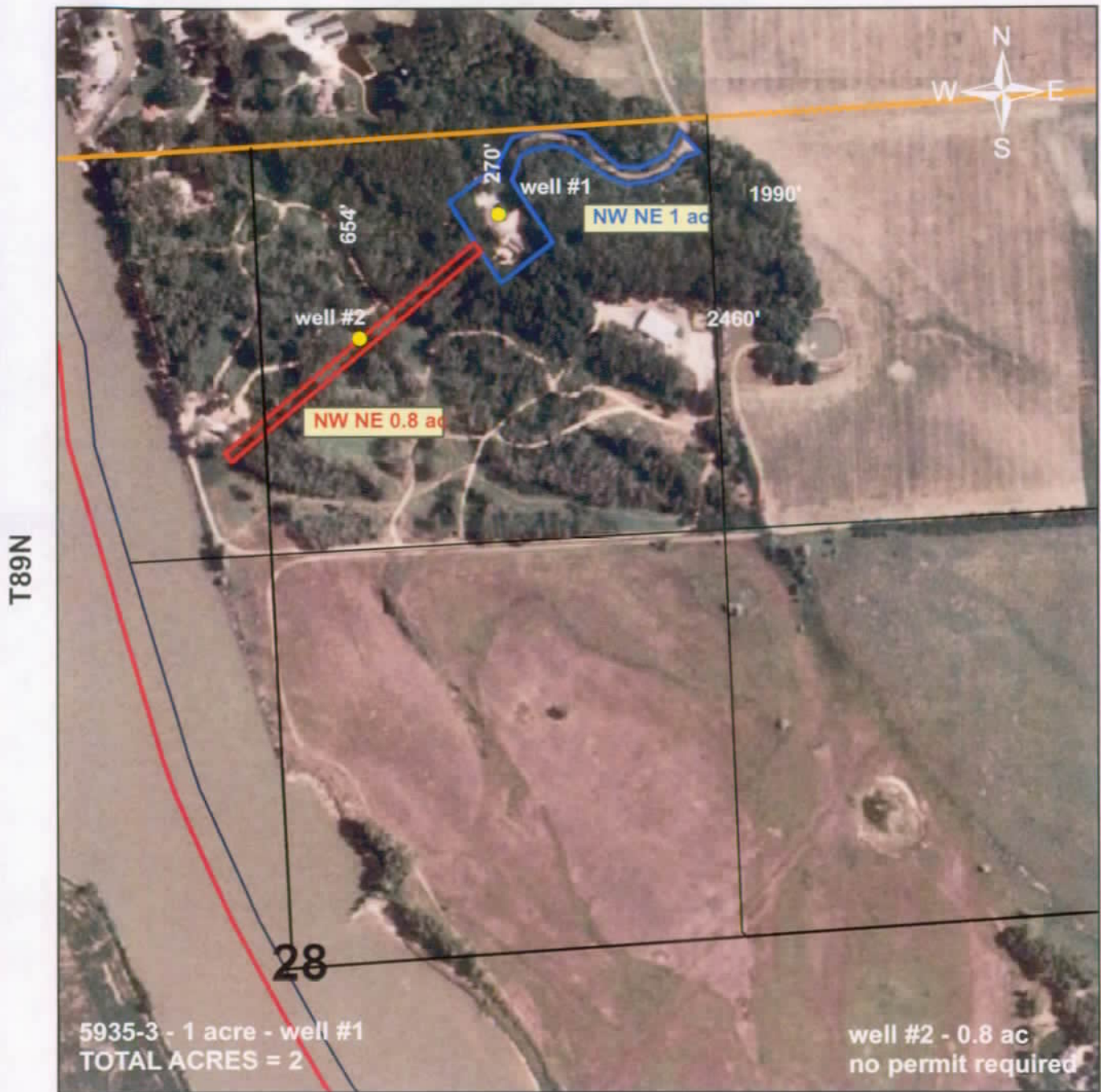
Note: Well #2 can not be added to license since it is in a different water source.



WATER RIGHT NO. 5935-3

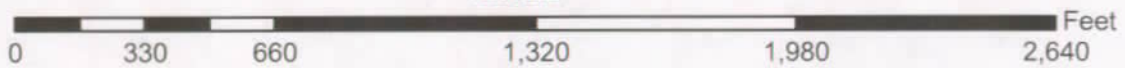
Ted Waitt

January, 31, 2008



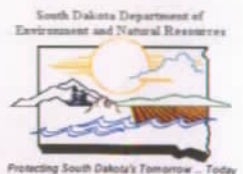
R48W

SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, 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

February 6, 2008

5935-3

Ted Waitt
402 Prairie Passage
Dakota Dunes SD 57049

Dear Mr. Waitt:

On September 28, 2007 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5935-3, was completed by Lynn Beck, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/3, 20 08

RECEIVED OF Theodore W Waitt PO Box 2409 La Jolla CA 92038

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>5935-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

63558

By

Harold Erbe
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

AUG 24 2009

5935-3

Ted Waitt
402 Prairie Passage
Dakota Dunes SD 57049

Dear Mr. Waitt:

Enclosed is your Water License No. 5935-3 and a map prepare by the staff engineer who conducted the field investigation. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is your Receipt No. 03558 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. 5935-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5935-3

(1) Ted Waitt, 402 Prairie Passage, Dakota Dunes SD 57049 made Application No. 5935-3, May 6, 1996 for a water permit to divert 0.044 cubic feet of water per second (20 gallons per minute) from ground water – one well into the Missouri Elk Point Aquifer, Union County, South Dakota for irrigation purposes. Permit No. 5935-3, with a priority date of May 6, 1996 was approved July 29, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 29, 2001 and for the application to beneficial use of said water on or before July 29, 2005.

(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 0.044 cubic feet of water per second for beneficial use. The location of the diversion point is:

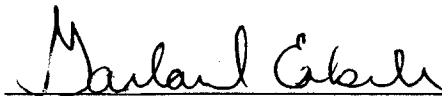
- 1,990 feet west and 270 feet south of the NE corner of Section 28, T89N, R48W (NW $\frac{1}{4}$ NE $\frac{1}{4}$)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 28, T89N, R48W NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.0 acre

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ted Waitt, 402 Prairie Passage, Dakota Dunes SD 57049 the holder and/or owner of Water Right No. 5935-3 is issued a license to appropriate water, the right to use 0.044 cubic feet of water per second from ground water – one well into the Missouri Elk Point Aquifer with a priority date of May 6, 1996 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5935-3.



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

AUG 24 2009

date

