

WATER PERMIT NO. 5954-3

Name of Applicant: Lakeland Nurseries

Address: 124 N Maple, Watertown SD 57201

Phone: 605 886-3656

Amount of Water Claimed: 0.022 cfs (10 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial

County: Codington

Type of Waste Disposal System:

Location: in Watertown

PRIORITY

Date Received: 5-16-96

Fee: \$50.00

Corrected Application Received: 9-9-96

Period of Annual Use: April 1 - October 31

Remarks: Used for watering potted nursery stock by hand

Diversion Point: NE 1/4 NE 1/4 Sec 31-T117N-
R52W

Land to be Irrigated:

				⊗	
		31			

Depth of Well: 43 feet

Well Driller: Stadheim Well Drilling

Remarks:

Type of Map: plat

Prepared by: Darwin D. Brinkman, RLS

Reviewed and the Number Assigned on: 9-9-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5954-3</u> Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Public Opinion, Watertown, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

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

- Name of Applicant ALCANT NURSERIES
Mailing Address 124 NW Maple Watertown State SD 57201
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 0.022 *CFS or 8 to 10 **GPM ***AF Total Acreage
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable
- Source of water supply LAKE PARK - UNDERGROUND
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) one well city lands 31-117-52
STR 350/1200 GPR 1/2x1/2" CO CRASER ADDITION IN NE 1/4 (NE 1/4 NE 1/4)
County
- County or counties where water will be used Codington
- Annual period during which water is to be used April 1st to October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>None</u>			

8. Give a description of the project. (Attach sheet if more space is needed)

TO WATER Potted NURSERY stock - BY HAND AT ALCANT GARDEN CENTER

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 Codington SS

I, Nikki Keffeler, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Nikki Keffeler
Subscribed and sworn to before me this 15th day of April 1996
Nikki Keffeler
Notary Public

NIKKI KEFFELER, NOTARY PUBLIC
MY COMMISSION EXPIRES
AUGUST 6, 2000

**SOUTH DAKOTA
WATER PERMIT NO. 5954-3**

Date of first receipt of application May 16, 1996.

Date of return to applicant for corrections, amendments or changes May 16, 1996.

Date of receipt of corrected application September 9, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5954-3 to Lakeland Nurseries, 124 N Maple, Watertown SD 57201 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. 5954-3 appropriates 0.022 cubic feet of water per second (10 gallons per minute) from one well (Big Sioux North Aquifer) 43 feet deep located in the NE 1/4 NE 1/4 Section 31-T117N-R52W.
2. The water appropriated shall be used for the purpose of commercial use at a plant nursery and may not exceed the amount of water needed for beneficial use for commercial use purposes.
3. The water is to be used during the following described annual period: April 1 - October 31.
4. The date of approval of Permit No. 5954-3 is October 21, 1996.
5. The date from which applicant may claim right is September 9, 1996.
6. One-fifth of the construction is to be completed on or before April 21, 1999.
7. All construction is to be completed on or before October 21, 2001.
8. Water is to be put to beneficial use on or before October 21, 2005.
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 Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5" Depth 43'
b) Casing Type PVC Diameter 5" Thickness 1/4
c) Screen Type PLASTIC/ME Diameter 5" Thickness 1/4
d) Gravel Pack Thickness 2 1/2" Length of Gravel Pack 12'
e) Depth to Top of Water Bearing Material 32'
f) Depth to Water (ground surface to water level) 23'
g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
b) System Capacity (gallons) _____ c) Year Constructed _____
d) Connected to the City of _____ Sanitary System.

3. Dugout Information

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

4. 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

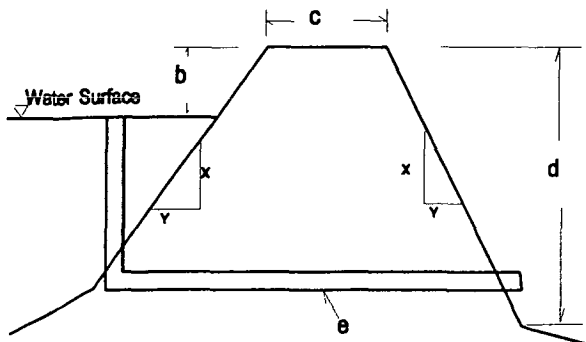
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



07-92

Date: 1-29-96

WELL LOCATION MAP

FOR LAKELAND NURSERIES, INC.

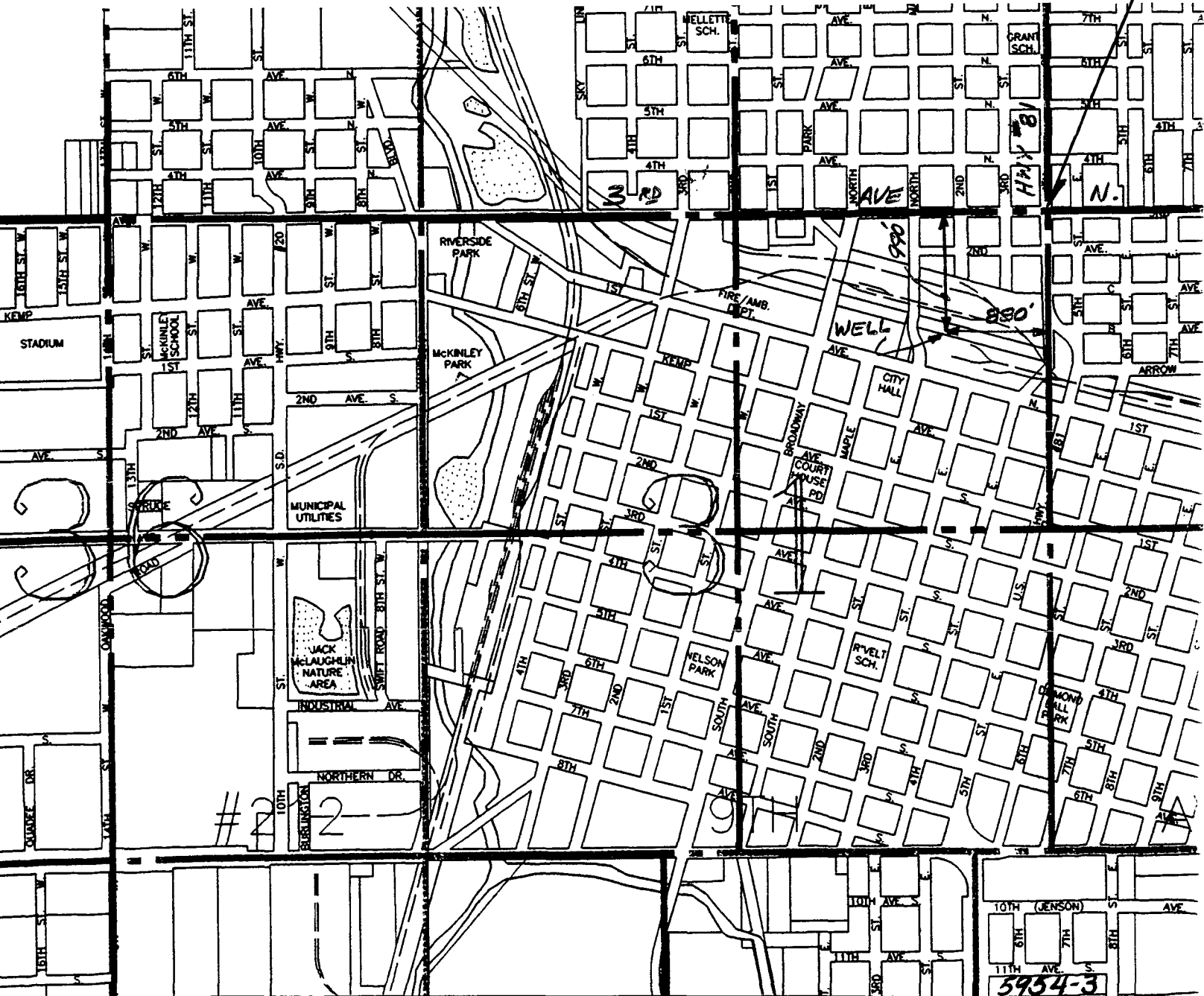
WELL IS LOCATED 880' WEST & 990' SOUTH OF NORTHEAST CORNER
OF SECTION 31-T117N-R52W OF THE 5TH P.M.



SEPT 1996
SCALE 1"=1200'

NE CORNER
SECTION 31-T117N-
R52W
WATERTOWN,
CODINGTON CO., SD

SURVEYED BY:
Darwin D. Brinkman
REGISTERED LAND SURVEYOR



RECEIPT

414964

Division of Water Rights

South Dakota Department of Environment and Natural Resources

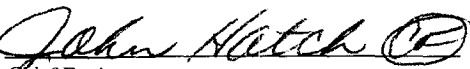
Pierre, May 16, 19 96

RECEIVED OF Lakeland Nurseries, Inc., P.O.Box 155, Watertown, SD 57201-0155

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

Fee for Application for Permit No. <u>59.54-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(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

April 9, 1996

Dan Bergan
Lake Land Nurseries
124 N Maple
Watertown, SD 57201

Dear Mr. Bergan:

A well driller's report filed by Stadheim Well Drilling shows that they completed a new well for you which produced 19 Gallons Per Minute (GPM). Based on the information in the report, it appears 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. 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 5/3/96 or contact Barry McLaury at 605-773-3352 if you have questions.

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

May 16, 1996

Daniel Bergan
Lakeland Nurseries, Inc.
PO Box 155
Watertown SD 57201

Dear Mr. Bergan:

We received the water permit application for Lakeland Nurseries, Inc. Enclosed are the two maps submitted with the application. The maps do not reference a government section corner or quarter corner by direction and distance from the well location. One of the two maps, indicates the well is located in Section 33. The application states the well is located in Section 31-T117N-R52W. It appears that Section 31 is correct? Also, 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).

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 22, 1996

Daniel Bergan
Lakeland Nurseries, Inc.
PO Box 155
Watertown SD 57201

Dear Mr. Bergan:

On May 16, 1996, you submitted an application (copy enclosed) for a permit to appropriate water for Lakeland Nurseries, Inc. You were notified on May 16, 1996 (copy enclosed) that the maps submitted with the application were incomplete and were instructed what additional information was necessary regarding the maps. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosure

P H O N E M E S S A G E M E M O	TO	<i>Karen</i>		DATE	<i>8/23/96</i>	TIME	<i>5:58</i>	AM PM						
	FROM	<i>Dan Bergan</i>		AREA CODE										
	OF	<i>Lakeland Nurseries</i>		NO.										
		<i>Watertown</i>		EXT.										
				FAX #										
	<i>He wanted you to know that he has hired a SD surveyor to survey the location & he'll be getting it sent to you ASAP. This is in response to a letter they received from</i>													
	SIGNED <i>[Signature]</i>													
	PHONED	☒	CALL BACK	☐	RETURNED CALL	☐	WANTS TO SEE YOU	☐	WAS IN	☐	WILL CALL AGAIN	☐	URGENT	☐

REPORT ON WATER PERMIT APPLICATION NO. 5954-3
for Lakeland Nurseries
September 23, 1996

Application No. 5954-3 proposes to appropriate 0.022 cfs (10 gpm) from one well approximately 43 feet deep located in the NE 1/4 NE 1/4 of Section 31, T117N-R52W in Codington County. The water is for commercial use at the plant nursery.

AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial outwash (sand and gravel) which is predominantly under unconfined or water table conditions. The aquifer underlies 150 square miles and contains an estimated 350,000 acre feet of water in storage in Codington and Grant Counties (Hansen, 1990). According to the driller's log submitted with the application the top of the aquifer was encountered about 15 feet and continued to a depth of 43 feet. The well as completed had a static water level of 23 feet below land surface and was capable of producing 80 gpm. The well is completed in accordance with SD Well Construction Standards.

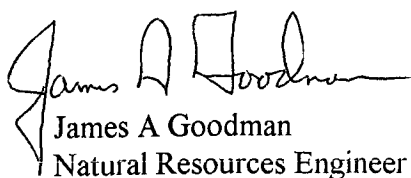
The Water Rights Program monitors two observation wells which are within three miles of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted wells are for the City of Watertown which are located about one mile west and one mile southwest of this application. Interference is not a concern. The pumping rate for this application is small and drawdown created by pumping will not be significant.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. Interference is not a concern. This is a relatively small diversion request and any drawdown caused by pumping will not be significant.
3. The well is completed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, USGS WRI 89-4147, USGS, Huron, SD, 57350.

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

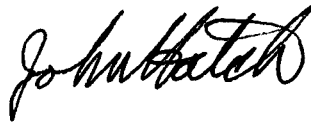
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5954-3, Lake Land Nurseries**

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. 5954-3, Lake Land Nurseries, %Dan Bergan, 124 North Maple, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 5954-3 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 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.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
September 25, 1996



**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.

September 26, 1996

Lakeland Nurseries
%Dan Bergan
124 N. Maple
Watertown, SD 57201

Dear Mr. Bergan:

Water Permit Application No. 5954-3 for commercial 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 Public Opinion printed at Watertown, SD (Ph # (605) 886-6901). 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

September 26, 1996

Public Opinion
P.O. Box 10
Watertown, SD 57201-0010

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5954-3 to be published twice. Please publish the first notice on October 4, 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 Lakeland Nurseries, %Dan Bergan, 124 N. Maple, Watertown, SD 57201 (Ph # (605) 886-3656).

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. _____

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 October 4, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5954-3 to Appropriate Water

Notice is given that Lakeland Nurseries, 124 N. Maple, Watertown, SD 57201 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well (Big Sioux North Aquifer) 43 feet deep located in the NE 1/4 NE 1/4 Section 31-T117N-R52W. The water is for commercial use at the plant nursery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5954-3 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 October 21, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was

taken from the Watertown Public Opinion

printed and published in Watertown

County of Codington and State of

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

October 4th, 1996

October 11th, 1996

Cost of Printing: 69.90

Monica Saathoff
 (Signature)

Bookkeeper

(Title)

October 11th, 1996

(Date Signed)



WATERTOWN

NOTICE OF APPLICATION NO.
5954-3 to APPROPRIATE
WATER

Notice is given that Lakeland Nurseries, 124 N. Maple, Watertown, SD 57201 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well (Big Sioux North Aquifer) 43 feet deep located in the NE 1/4 NE 1/4 Section 31-T117N-R52W. The water is for commercial use at the plant nursery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5954-3 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.

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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
 (October 4, 11, 1996)

7/4 @ 4.82 x 2 =
 7 69.90



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Lakeland Nurseries
%Dan Bergan
124 N. Maple
Watertown, SD 57201

Dear Mr. Bergan:

Enclosed is Water Permit No. 5954-3 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.

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



Date 12/20/96

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

FROM: LAKELAND NURSERIES 124 NO MAPLE
(name) (address)
WATERBURY S.D. 57201 605 886 3656
(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. 5954-3.

Water Permit No. 5954-3 states that the diversion system is to be constructed by 10-21 2001, and that the water is put to beneficial use by
(date)

10-21 2005
(date)

The diversion system was completed on 9-9-96
(date)

Applying the water to beneficial use was completed on 9-9-96
(date)

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

Laikeland Nurseries
Harold Berger
(signature)

REPORT ON INSPECTION OF PERMIT NO. 5954-3

DATE OF INSPECTION: 10/21/97

Contact Person & Address: Dan Bergen, Box 155, Watertown SD

DIVERSION POINT LEGAL LOCATION: From the NE corner of Sec 31 T117N-R52W: 990 feet south and 880 feet west.

WATER SUPPLY Source: groundwater, Big Sioux - North

Well Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Stadheim Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>43</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>5</u> inches | 2) Length <u>33</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>PVC</u> | 2) Length <u>10</u> feet |
| 3) Static water level <u>23</u> feet | |

Pump:

- | | |
|-------------------------|---------------------------|
| 1) Make <u>Aermotor</u> | 2) Model <u>AT20B-75</u> |
| 3) Size <u>?</u> | 4) Capacity <u>10</u> GPM |

Motor:

- | | |
|----------------------------------|--------------------------------|
| 1) Make <u>Franklin</u> | 2) Model No. <u>2801074915</u> |
| 3) Horsepower rating <u>3</u> hp | |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|---------------------------|---------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>1.5</u> inches | 3) Length <u>500</u> feet |
|--------------------|---------------------------|---------------------------|

PERMIT QUALIFICATIONS AND REGULATIONS:

- | |
|--|
| 1) Special qualifications to permit being abided by <u>yes</u> |
| 2) All structures, wells and lands on map <u>yes</u> |

Permit No. 5954-3
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

On, October 21, 1997, I made a thorough examination of the water use system constructed by Lakeland Nurseries of Box 155, Watertown, SD holder of Permit No. 5954-3, bearing the priority of September, 9, 1996 authorizing the diversion of 0.022 cu. ft. per second of the waters of groundwater, Big Sioux-North for commercial purposes, in Codington County.

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

- A. Works used to divert the water:
A Aermotor pump with a 10 gpm capacity.
- B. Works used to transport water to place of use:
500 feet of 1.5 inch PVC pipe

The system is in the following condition good. The point of diversion is located : From the NE corner of Sec 31 T117N-R52W: 990 feet south and 880 feet west. The works are capable of diverting and conveying to the place of use 0.022 cu. ft. per second of water which is to be used for commercial. Water has been put to beneficial use and the license should be issued for 0.022 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

10/31/97

Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 1997

5954-3

Lakeland Nurseries
%Dan Bergen
Box 155
Watertown, SD 57201

Dear Mr. Bergen:

The investigation of your water use system was conducted on October 21, 1997, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5954-3. 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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415517

Pierre, _____ November 5, 19 97

RECEIVED OF Lakeland Nurseries, Inc., P.O. Box 155, Watertown, SD 57201-0155

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>5954-3</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

NOV 12 1997

5954-3

Lakeland Nurseries
%Dan Bergan
P.O. Box 155
Watertown, SD 57201-0155

Dear Mr. Bergan:

Enclosed is Water License No. 5954-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415517 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. 5954-3, 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,

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

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

gm
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5954-3

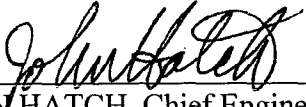
(1) Lakeland Nurseries, PO Box 155, Watertown, SD 57201-0155 made Application No. 5954-3, May 16, 1996, for a water permit to divert 0.022 cubic feet of water per second from ground water (one well - Big Sioux North Aquifer), Codington County, South Dakota for commercial purposes. Permit No. 5954-3, with a priority date of September 9, 1996 was approved October 21, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 21, 2001 and for the application to beneficial use of said water on or before October 21, 2005.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on October 21, 1997. The "Notice" stated the diversion system was completed in January, 1996 and the water was placed to beneficial use in April, 1996.

(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 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is 990'S and 880'W of the NE corner of Section 31, T117N, R52W (NE¼ NE¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lakeland Nurseries, PO Box 155, Watertown, SD 57201-0155 the holder and/or owner of Water Permit No. 5954-3 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from ground water (one well - Big Sioux North Aquifer) with a priority date of September 9, 1996 from the location specified in (2) of this license, for commercial purposes in a plant nursery. This license is subject to any limitations or qualifications listed in Water Permit No. 5954-3 and subject to South Dakota State Law.


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

NOV 12 1997

date



January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

LAKELAND NURSERIES
124 N MAPLE, PO BOX 155
WATERTOWN SD 57201 0155

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5954-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: CODINGTON

Aquifer: BIG SIOUX

Pumping Pt. Legal: SEC 31-T117N-R52W

Management Unit: NORTH

Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: None gallons

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

Comments:

Not using well

Called Dan Bergan 3/1/01. Mr Bergan stated
well was used as a backup supply. They are
connected with Watertown's system. Well water
was high in a chemical that discolored the plants. Karen Schlaak

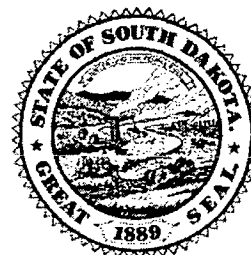
Contact Person:

DAN BERGAN

Telephone No:

605 886 3656

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



Thank you for completing the 2000 water use questionnaire.

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

