

WATER PERMIT NO. 5981-3

Name of Applicant: RoMar Homes, Inc.

Address: PO Box 1174, Sioux City IA 51102

Phone: 712-252-3184

Amount of Water Claimed: 1.22 cfs (550 gpm)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: suburban housing development

County: Union

Type of Waste Disposal System:

Location: approximately 1 mile northwest of McCook Lake

PRIORITY

Date Received: 2-25-1997

Fee: \$375

Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: W 1/2 SW 1/4 Sec 5-T89N-
R48W (SD Survey) SW 1/4 NW 1/4 Sec 30-
T30N-R8E (Neb Survey)

Land to be Irrigated: NA

	X		5		

Depth of Well: 300 feet deep

Well Driller: Wetmore Drilling

Remarks: no log required - Dakota Formation

Type of Map: topo

Prepared by: Kim McLaury, P.E.

Reviewed and the Number Assigned on: 2-25-1997

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5981-3**

Date of first receipt of application February 25, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5981-3 to RoMar Homes, Inc. PO Box 1174, Sioux City IA 51102 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. 5981-3 appropriates 1.22 cubic feet of water per second (550 gallons per minute) from two wells (Dakota Formation) approximately 300 feet deep located in the W 1/2 SW 1/4 Section 5-T89N-R48W (South Dakota Survey) [SW 1/4 NW 1/4 Section 30-T30N-R8E (Nebraska Survey)].
2. The water appropriated shall be used for the purpose of supplying water for a suburban housing development 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. 5981-3 is April 21, 1997.
5. The date from which applicant may claim right is February 25, 1997.
6. One-fifth of the construction is to be completed on or before October 21, 1999.
7. All construction is to be completed on or before April 21, 2002.
8. Water is to be put to beneficial use on or before April 21, 2006.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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.
2. The wells authorized by Permit No. 5981-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

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

JUN 11 1997

date



FORM 2: Application for uses other than irrigation
(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. 5981-3 Hydrologic Unit 10170101
Basin Vermillion River
Newspaper Elk Point Leader-Courier, Elk Point, SD



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

Check use(s) of water:

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

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one)
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 RoMar Homes, Inc. Phone 712-252-3184
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 1174, Sioux City State Iowa 51102
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 1.22 *CFS or 550 **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 Ground Water SW 1/4
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells located in the NW1/4 of
Section 30; T030N-R08E (Nebraska Survey). W 1/2 SW 1/4 sec. 5-T89N-R48W (SD Survey)
County _____ Union _____
- County or counties where water will be used Union
- Annual period during which water is to be used Annually 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)

Appropriation of water will be from two wells with maximum capacities of 275 gallons per minute each to serve approximately 40 houses for domestic and fire protection purposes. The wells are to be located in the NW1/4 of Section 30; T030N-R08E (Nebraska Survey), Big Sioux Township, Union County, South Dakota.

FLORIDA
STATE OF ~~SOUTH DAKOTA~~ SS
County of Brevard

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)

I, Roger J. Malton, 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 _____

Subscribed and sworn to before me this 19th day of February 19 97

Rebecca H. Fricks

Notary Public



Rebecca H Fricks
My Commission CC615641
Expires February 18, 2001

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12.5" Depth 300'
- b) Casing Type PVC Diameter 8" Thickness Schedule 80
- c) Screen Type PVC Diameter 8" Thickness Schedule 80
- d) Gravel Pack Thickness 2.25" Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 220'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
On applicants property N/A On property owned by others 350' Terry Bernhardt

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

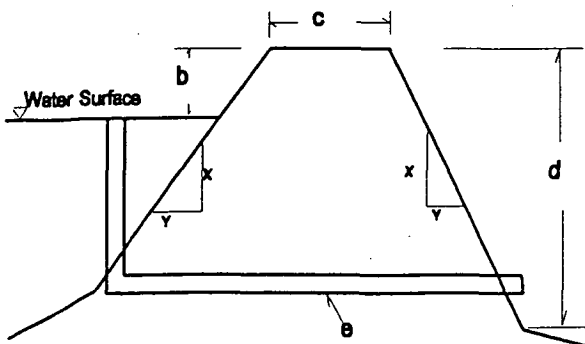
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW SW SE NE Sec 5 Twp 89 Rg 48

County

North

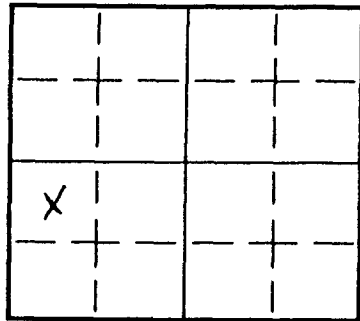
Unwon

Please mark well location with an "X"

W

E

Well Completion Date

9-18-97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 300 ft. from Septic (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>2h40</u> LB/FT	<u>8</u> IN	<u>200</u> FT	<u>0</u> FT	<u>12 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>ben</u>	<u>90</u>	_____ lb./gal	<u>200</u> ft	<u>20</u> ft
<u>cmf</u>	<u>20</u>	<u>15.5</u> lb./gal	<u>20</u> ft	<u>0</u> ft

Describe grouting procedure RemixSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 100 FEETMaterial PVCSlot Size 50 Set From 300 Feet to 200 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: cl

Laboratory sent to for water quality analysis _____

Well Owner: Deer Run (#1) # 5981-3

Business Name: _____

Address: McCook Lake, SD

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>3</u>
<u>Sand</u>	<u>3</u>	<u>42</u>
<u>Clay</u>	<u>42</u>	<u>51</u>
<u>Sand & Gravel</u>	<u>51</u>	<u>121</u>
<u>Shale</u>	<u>121</u>	<u>141</u>
<u>Sandstone</u>	<u>141</u>	<u>300</u>

STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

34 ft. After 24 Hrs. pumped 450 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 275 GPM

REMARKS

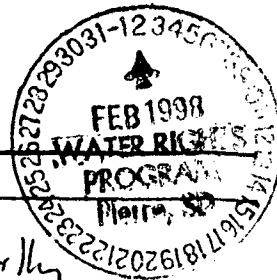
This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Watmore Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder:

Kim L. McLeary Flannery EngDate: 1-28-98

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW SW SE NE Sec 5 Twp 89 Rg 48

County

North

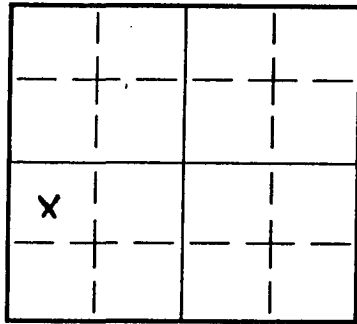
Unren

Please mark well location with an "X"

W

E

Well Completion Date

9-18-97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 300 ft. from Septic (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch 40</u> LB/FT	<u>8</u> IN	<u>200</u> FT	<u>0</u> FT	<u>6 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>port</u>	<u>90</u>	_____ lb./gal	<u>200</u> ft	<u>20</u> ft
<u>Cmt</u>	<u>20</u>	<u>16.5</u> lb./gal	<u>20</u> ft	<u>0</u> ft

Describe grouting procedure TremieSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 100 FEETMaterial PRCSlot Size 50 Set From 300 Feet to 200 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: CL

Laboratory sent to for water quality analysis _____

_____ NO, Why Not? _____

Well Owner: Deer Run (#2) #5981-3

Business Name: _____

Address: McCook Lake, SD

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	3
Sand	3	42
Clay	42	51
Sand & Gravel	51	121
Shale	121	161
Sandstone	161	300

STATIC WATER LEVEL 20 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

34 ft. After 24 Hrs. pumped 450 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 275 GPM

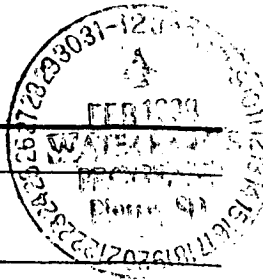
REMARKS

This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Wetmore DrillingSignature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder:

Tim L. M. Lang Flannery EngDate: 1-28-98

RECEIPT

41529

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, February 25, 19 97

RECEIVED OF Robert Forbes, Inc., P.O. Box 10000, Council Bluffs 51502

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

Fee for Application for Permit No. <u>5981-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	375	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	375 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1997

Flannery Engineering
ATTN: Kim McLaury, P.E.
118 W Main Street
Elk Point, SD 57025

Dear Mr. McLaury:

Enclosed is an instruction sheet and a partially completed application form for a water permit for non irrigation, as you requested, for your client RoMar Homes, Inc. As we discussed on the telephone, the applicant will need to sign the application in the presence of a Notary Public. Please return the completed application with an application fee of \$375.00 in the self addressed envelope provided

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Barry A. McLaury

Water Rights Program

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5981-3
for RoMar Homes, Inc.
March 20, 1997

Application No. 5981-3 proposes to appropriate 1.22 cfs (550 gpm) from two wells approximately 300 feet deep located in the W 1/2 SW 1/4 of Section 5, T89N-R48W in Union County. The water is for use in a suburban housing development.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of sand, sandstone, clay and shale which attains a thickness of about 400 feet in this area (Schoon, 1971). The aquifer is buried beneath the Missouri Elk Point aquifer and is under artesian or confined conditions. The Dakota and the Missouri Elk Point are hydraulically connected over some of this area (Niehus, 1994), however, layers of shale within the Dakota Formation locally separate the two aquifers. The Dakota Formation underlies 452 square miles in Union County and contains an estimated 7.81 million acre feet of recoverable water in storage (Hedges, 1982).

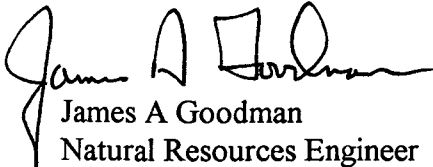
The Water Rights Program does not monitor any observation wells completed into the Dakota Formation in this immediate area. Water levels for the Dakota Formation and the overlying Missouri Elk Point appear to be similar and many observation wells completed into the Missouri Elk Point aquifer are monitored in the area. The nearest Dakota Formation observation well is located about 25 miles northwest of this application. Data for this well show generally the same characteristics as the well completed into the Missouri Elk Point aquifer. In general, water levels for the Dakota Formation and the Missouri Elk Point aquifer respond to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). Hydrographs for observation well UN-77E (Dakota Formation well) and UN-77U (Missouri Elk Point well) are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right for a Dakota Formation well is Water Permit No. 5838-3 which is located about one-half mile east of this application. However, the well completion report for this permit indicates that the well was completed into the overlying Missouri Elk Point aquifer. The next closest Dakota Formation diversion is about three miles south of this application. Interference is not a concern. Drawdown created by pumping should not cause adverse effects on other water permits/rights.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is buried and under confined conditions. However, it appears that the overlying Missouri Elk Point is hydraulically connected to the Dakota Formation in this area. Drawdown created by pumping should be significant or cause adverse effects upon existing wells. Interference should not be a concern.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Wastewater will be disposed of through individual or possibly group septic systems.
5. The applicant indicates each of the wells will be capable of about 275 gpm and will serve about 40 houses for domestic and fire protection purposes.



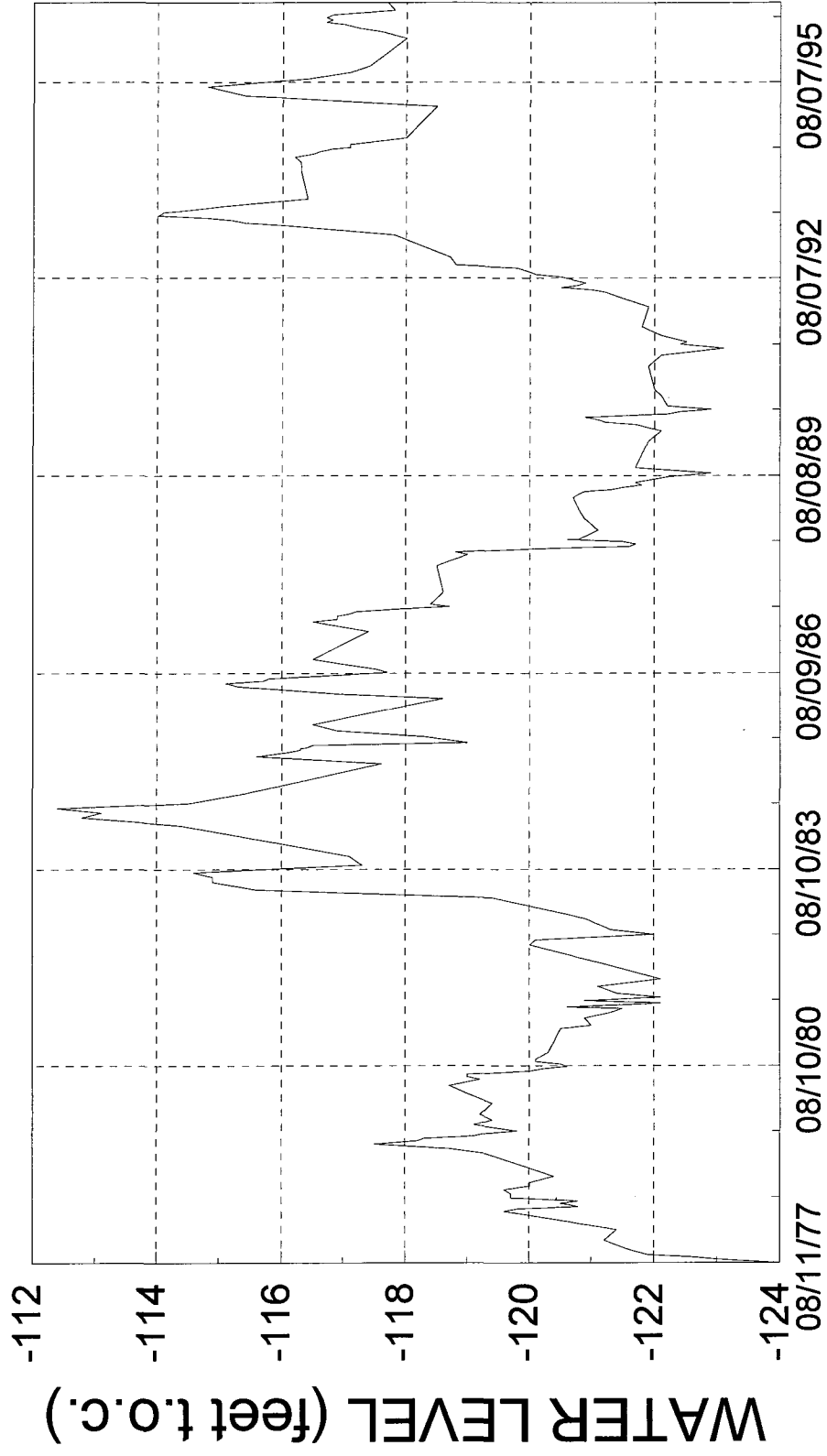
James A Goodman
Natural Resources Engineer

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.
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI 93-4195, USGS, Rapid City, SD, 57702.
- 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, 1997, Unpublished Observation Well Data for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

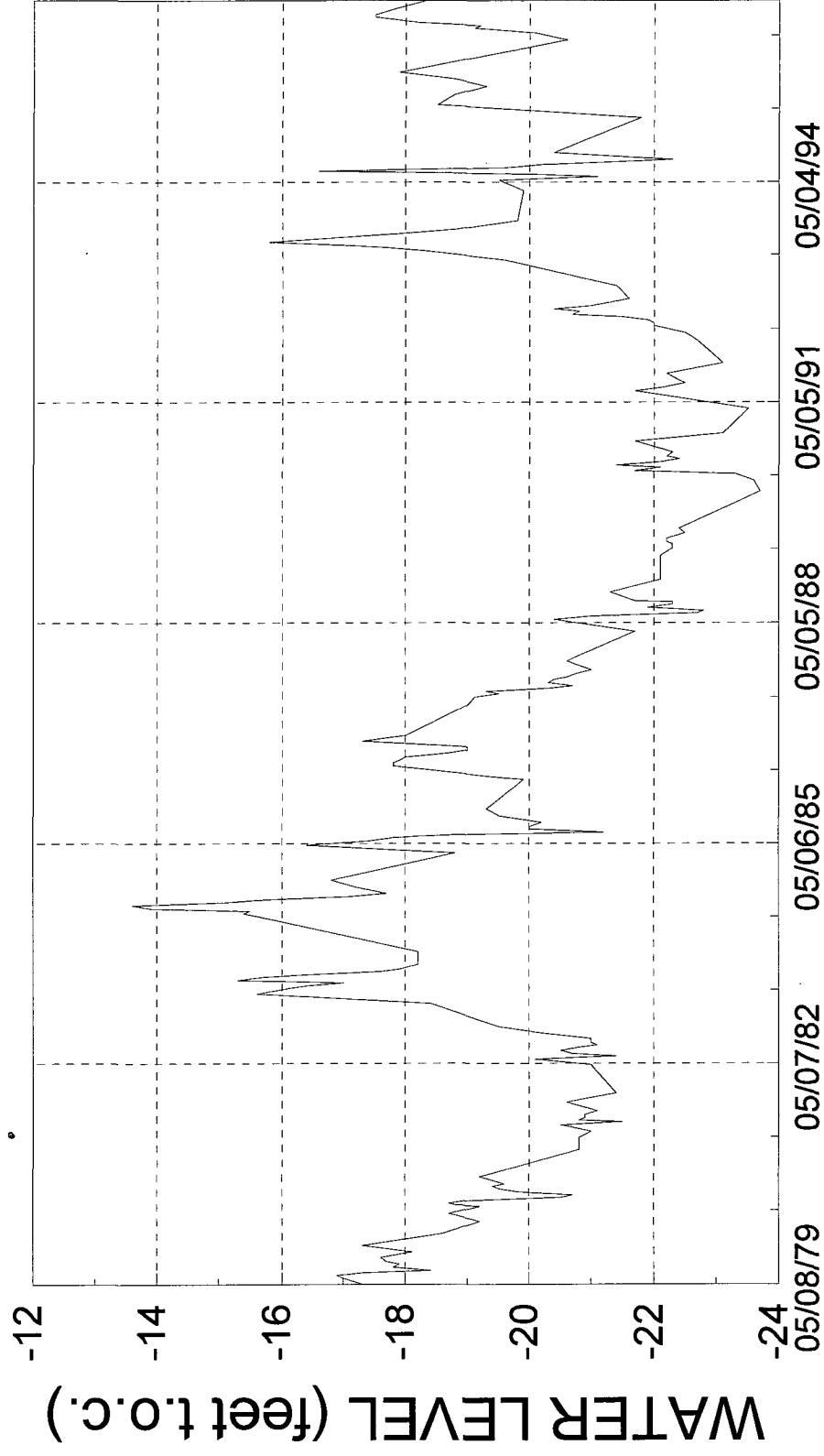
WATER RIGHTS OBSERVATION WELL

UN-77E



WATER RIGHTS OBSERVATION WELL

UN-77U



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5981-3, RoMar Homes, Inc.**

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. 5981-3, RoMar Homes, Inc., c/o Roger J. Molitor, P.O. Box 1174, Sioux City, IA 51102.

The Chief Engineer is recommending APPROVAL of Application No. 5981-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The 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.
2. The wells authorized by Permit No. 5981-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 25, 1997



**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 26, 1997

RoMar Homes, Inc.
%Roger J. Molitor
P.O. Box 1174
Sioux City, IA 51102

Dear Mr. Molitor:

Water Permit Application No. 5981-3 for suburban housing development 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.

c: Kim McLaury, P.E., Flannery Engineering, 118 West Main Street, Elk Point, SD 57025



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 26, 1997

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5981-3 to be published twice. Please publish the first notice on April 3, 1997, 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 RoMar Homes, Inc., %Roger J. Molitor, P.O. Box 1174, Sioux City, IA 51102 (Ph # (712) 252-3184).

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
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. 5981-3

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 April 3, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5981-3 to Appropriate Water

Notice is given that RoMar Homes, Inc., PO Box 1174, Sioux City IA 51102 has filed an application for a water permit to appropriate 1.22 cubic feet of water per second (550 gallons per minute) from two wells (Dakota Formation) approximately 300 feet deep located in the W 1/2 SW 1/4 Section 5-T89N-R48W (South Dakota Survey) [SW 1/4 NW 1/4 Section 30-T30N-R8E (Nebraska Survey)]. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5981-3 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 April 21, 1997.

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 hereinafter 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. 5981-3 To Appropriate Water

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 3 day of April 19 97, and that the succeeding publications were

on Thursday, the 10 day of April, 19 97

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 \$34.26, 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 10 day of April 19 97

My commission expires 3-22-04

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 5981-3 TO APPROPRIATE WATER

Notice is given that RoMar Homes, Inc., PO Box 1174, Sioux City IA 51102 has filed an application for a water permit to appropriate 1.22 cubic feet of water per second (550 gallons per minute) from two wells (Dakota Formation) approximately 300 feet deep located in the W1/2SW1/4 Section 5-T89N-R48W (South Dakota Survey) [SW1/4NW1/4 Section 30-T30N-R8E (Nebraska Survey)]. The water is for use in a suburban housing development.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5981-3 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 recommendations 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 April 21, 1997.

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. Published April 3 and 10, 1997

38-8-62

34.26



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

RoMar Homes, Inc.
%Roger J. Molitor
P.O. Box 1174
Sioux City, IA 51102

Dear Mr. Molitor:

Enclosed is Water Permit No. 5981-3/ 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.

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

ROMAR HOMES, INC.
PO BOX 10008
COCOA FL 32927 0008

Address correction requested:

Deer Run HOA c/o Kent Maeschen
24 Deer Run Circle
McCook Lake, SD 57049

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 5981-3. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: DAKOTA FORMATION
Management Unit: NOT APPLICABLE

County: UNION
Pumping Pt. Legal: SEC 05-T089N-R48W
Type of Water Use: SUBURBAN HOUSING
DEVELOPMENT

- 1) Please estimate your year 2000 water use from the above water source: 400,000 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

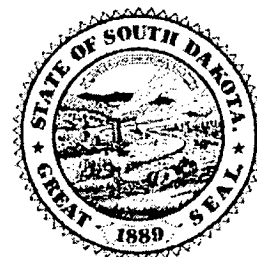
Comments:

Contact Person:

Roger McClinton

Telephone No:

321 637 3780



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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2001

No. 5981-3

Deer Run HOA
c/o Kent Maeschen
24 Deer Run Circle
McCook Lake SD 57049

Dear Mr. Maeschen:

Thank you for returning the 2000 SD Water Use Questionnaire. The form indicates a change of ownership has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 5981-3. The water permit is currently listed in the name of Romar Homes, Inc..

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5981-3

Date: 2-21-01

I/We request that Water Permit No. 5981-3

formerly owned by: Romar Homes, Inc.

be transferred to: (name & address) Deer Run Home Owners Association
24 Deer Run Rd. McCook Lake, S.D. 57049 Telephone No. 605-422-1604

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

two wells located in the W 1/2 SW 1/4 Section 5-T89N-R48W-SD Survey (SW 1/4 NW 1/4 Section 30-T30N-R8E-Nebraska Survey)

I/We understand that the validity of Water Permit No. 5981-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

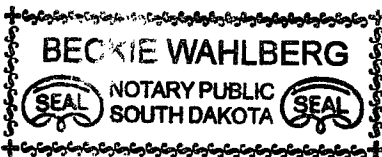
County of Union)

I/We Kent Maeschen being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Kent N. Maeschen

(Signed)

Subscribed and sworn to before me this 21 day of February, 20 01.



Beckie Wahlberg
(Notary Public)

My Commission Expires 3-31-04

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2001

5981-3

Kent Maeschen
Deer Run Home Owners Association
24 Deer Run Rd
McCook Lake, SD 57049

Dear Mr. Maeschen:

Thank you for following up on the ownership change for Water Permit No. 5981-3. The transfer has been completed. The water permit formerly listed in the name of Romar Homes, Inc., is now listed in the name of Deer Run Home Owners Association.

Enclosed is your Receipt No. 416784 in the amount of \$2.50. I am also enclosing a copy of the water permit in the event you do not have one. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

N2 416784

Pierre, February 27, _____, 2001

RECEIVED OF Deer Run Homeowners Association, 24 Deer Run Rd., Mc Cook Lake, SD 57049
the following amount in fees for services rendered as provided for by law: (Ponar Homes, Inc.)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 5981-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Harland Erbe
Chief Engineer

gm



September 6, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5981-3

Deer Run Home Owners Association
Kent Maeschen
24 Deer Run Rd
McCook Lake SD 57049

Dear Mr. Maeschen:

On June 18, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5981-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing 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 September 20, 2002

RECEIVED OF East Van Lane Cattle Assoc. Inc., 17 Deer Run Rd., McCook Lake 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	50.00	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. <u>5001-43</u>		
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. 000000

By Darlene A. Wheeler
Chief Engineer gme

Permit No. 5981-3
Vermillion River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **June 18, 2002**, made a thorough examination of the water use system owned by **Deer Run Home Owners Association** of **24 Deer Run Rd, McCook Lake SD 57049** holder of Permit No. **5981-3**, bearing the priority of **February 25, 1997** authorizing the diversion of **1.22** cu. ft. per second of the waters of **Dakota Formation** for **suburban housing** purposes, in **Union** County.

Inspection contact & relationship to permit holder, if applicable: **Kent Maeschen**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Wetmore Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **both 300** feet
- 4) Well log is available **Y**
- 5) Comment: **both wells constructed same**

Casing:

- 1) Diameter **8** inches
- 2) Length **200** feet
- 3) Type **Plastic**

Screen:

- 1) Type **PVC**
- 2) Length **100** feet
- 3) Static water level **20** feet

Pump/Motor (both wells):

- 1) Make **Unknown submersible**
- 2) Horsepower rating **20** hp
- 3) Capacity **550 combined** GPM

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

Water is diverted from the wells directly to the distribution system for Deer Run Home Owners Association.

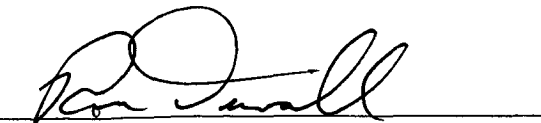
C. Compliance with Permit Requirements:

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

The system is in **good** condition with the point of diversion located as follows: **Wells (both in SE¼SW¼): North well -- 1,530 feet E and 1,030 feet N; South well -- 1,530 feet E and 950 feet N; both from the SW corner section 5-T89N-R48W (North well - Lat 42.54944 Long -96.54067; South well - Lat 42.54926 Long - 96.54066)**. The works are capable of diverting and conveying to the place of use **1.22** cu. ft. per second of water which is to be used for **suburban housing purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **1.22** cfs.

All structures, wells and lands on map **Y**

| Comments or other permit(s) associated with the project: **none**



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: **September 4, 2002**

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Deer Run Home Owners Association

ADDRESS: 24 Deer Run Rd, McCook Lake SD 57049

DATE: September 4, 2002

COUNTY: Union

TELEPHONE: 605 422-1604

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point or points may be changed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Both wells developed under No. 5981-3 are in the Dakota Formation as specified by the water permit and the diversion rate does not exceed the permitted amount. The wells "appear" to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 5-T89N-R48W rather than in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of section 5 as specified on the water permit. I say "appear" because ascertaining the exact location of the section lines in this area is difficult due to how the area was surveyed. A trimble GPS unit was used to locate the wells.

- **If irrigation, no new land is irrigated**

Not applicable, the permit is for suburban housing purposes.

- **Review of Existing Diversions**

The nearest other existing diversions are for the Wynstone Housing development located approximately one mile to the Southeast. These wells were constructed at approximately the same time as the Deer Run wells and no interference has been reported nor is any expected.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion points be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

700 0 700 Feet



5

Center of
sec 5-89N-48W

No. 5981-3

North well

1,530 ft

South well

1,030 ft

950 ft

6 5



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
September 4, 2002

No. 5981-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 25 2002

5981-3

Deer Run Homeowners Association
% Kent Maeschen
24 Deer Run Rd
McCook Lake SD 57049

Dear Mr. Maeschen:

Enclosed is Water License No. 5981-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000289 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. 5981-3, 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. 5981-3

(1) RoMar Homes, Inc., Sioux City IA made Application No. 5981-3, February 25, 1997 for a water permit to divert 1.22 cubic feet of water per second from groundwater (two wells), Union County, South Dakota for suburban housing development purposes. Permit No. 5981-3, with a priority date of February 25, 1997 was approved April 21, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 21, 2002 and for the application to beneficial use of water on or before April 21, 2006.

On February 26, 2001, Water Permit No. 5981-3 was transferred to Deer Run Homeowners Association, 24 Deer Run Rd, McCook Lake SD 57049.

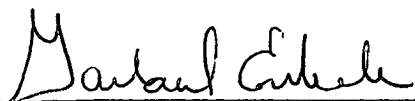
An investigation conducted for licensing purposes found the wells under Water Permit No. 5981-3 were not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion points does not increase the potential for interference with existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5981-3 is issued a license, bearing a priority date of February 25, 1997, to appropriate 1.22 cubic feet of water per second from groundwater (two wells) for suburban housing development purposes.

The diversion points are located as follows: North well – 1,530 feet east and 1,030 feet north; South well – 1,530 feet east and 950 feet north; both from the southwest corner of Section 5-T89N-R48W (SE ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5981-3, including the following qualifications:

- 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 adequate wells having prior water rights.
- The wells authorized by Permit No. 5981-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.



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

OCT 25 2002

date

