

WATER PERMIT NO. 5998-3

Name of Applicant: **Wynstone Development Corporation**

Address: **PO Box 770, N Sioux City SD 57049**

Phone: **605 232-4723**

Amount of Water Claimed: **2.22 cfs**

Total Acres: **300 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation and fire protection**

County: **Union**

Type of Waste Disposal System: **NA**

Location: **west of McCook Lake**

PRIORITY Date Received: **4-21-97**

Fee: **\$350.00**

Corrected Application Received: **4-28-97**

Period of Annual Use: **January 1 - December 31**

Remarks: **Water will be pumped from the well into a man-made lake for irrigation of the housing development area and for fire protection**

Diversion Point: **SW 1/4 NE 1/4 Sec 18-T89N-**

R48W (SD Survey)

SW 1/4 SE 1/4 Sec 36-T30N-R7E (NE Survey)

Land to be Irrigated: **NE 1/4 SW 1/4, SE 1/4**
Sec 7; W 1/2 SW 1/4 Sec 8; NE 1/4, E 1/2 NW 1/4,
NE 1/4 SE 1/4, W 1/2 SE 1/4, NE 1/4 SW 1/4,
S 1/2 SW 1/4 Sec 18; all in T89N-R48W

Depth of Well: **100 feet**

Well Driller:

Remarks:

Type of Map: **topo**

Prepared by: **Kim McLaury, P.E.**

Reviewed and the Number Assigned on: **4-28-97**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5998-3**

Date of first receipt of application April 21, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5998-3 to Wynstone Development Corporation, PO Box 770, N Sioux City 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. 5998-3 appropriates 2.22 cubic feet of water per second from one well (Missouri:Elk Point Aquifer) 100 feet deep located in the SW 1/4 NE 1/4 Section 18-T89N-R48W (South Dakota Survey) [SW 1/4 SE 1/4 Section 36-T30N-R7E (Nebraska Survey)]. Water will be pumped from the well into a 135 acre-feet man-made lake located in the W 1/2 NE 1/4, NW 1/4 SE 1/4, NE 1/4SW 1/4 Section 18-T89N-R48W to irrigate up to 300 acres of the suburban housing development area located in portions of NE 1/4 SW 1/4, SE 1/4 Section 7; W 1/2 SW 1/4 Section 8; NE 1/4, E 1/2 NW 1/4, NE 1/4 SE 1/4, W 1/2 SE 1/4, NE 1/4 SW 1/4, S 1/2 SW 1/4 Section 18; all in T89N-R48W. The actual number of acres irrigated will be determined by how individual lot owners develop their property. The water will also be used for fire protection.
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: January 1 - December 31.
3. The date from which applicant may claim right is April 21, 1997.
4. The date of approval of Permit No. 5998-3 is June 30, 1997.
5. One-fifth of the construction is to be completed on or before December 30, 1999.
6. All construction is to be completed on or before June 30, 2002.
7. Water is to be put to beneficial use on or before June 30, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

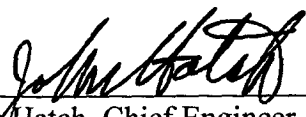
QUALIFICATIONS

1. The 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.
2. The well authorized by Permit No. 5998-3 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) pursuant to Section 74:02:04:28.

(continued)

3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

AUG 8 1997
date



Amendment to Qualification No. 3 to Water Permit No. 5998-3, Wynstone Development

(based on action take by the Water Management Board on May 1, 2002)

Qualification No. 3 is hereby amended to:

3. Wynstone Development shall report annually the amount of water diverted from the Missouri:Elk Point Aquifer.

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>5998-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Elk Point Leader Courier, Elk Point, SD</u>	



Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Wynstone Development Corporation Phone (605)232-4723
(check one) X Owner Tenant/lessee
Mailing Address PO Box 770, 600 N. Derby Lane, North Sioux City State SD 57049
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 2.22 *CFS or 1,000 **GPM 135 (dam) ***AF Total Acreage 300
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well - 100 feet deep (Missouri River Alluvium)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Well located in SW1/4 of NE1/4 of Section 18-T89N-R48W (South Dakota survey)
(SW1/4 SE1/4 of Sec 36-T30N-R7E Nebraska Survey) County Union
- County or counties where water will be used Union
Storage lake: W1/2 NE1/4, NW1/4 SE1/4, NE1/4 SW1/4 Sec 18-T89N-R48W
- Annual period during which water is to be used Annually Jan 1 - Dec 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>See amended attachment</u>			
<u>dated 4/28/97</u>			

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

Please see attached sheet.

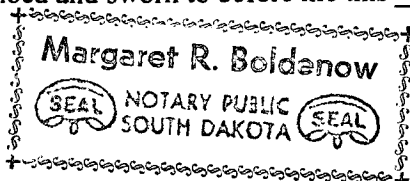
STATE OF SOUTH DAKOTA) SS
County of UNION

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, Rick Wegher, 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 Rick Wegher

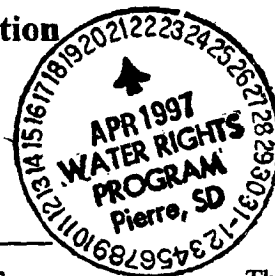
Subscribed and sworn to before me this 18th day of April 1997



Margaret R. Boldenow
Notary Public
Commission Expires 3-28-99

Supplemental Information

(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter 22" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness Schedule 40
- c) Screen Type PVC Diameter 16" Thickness Schedule 40
- d) Gravel Pack 3" Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 3'
- f) Depth to Water (ground surface to water level) 18'
- g) Distance to nearest existing domestic well:
- On applicants property 4,500 On property owned by others 3,500'

2. Wastewater Disposal System Information

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

3. Dugout Information

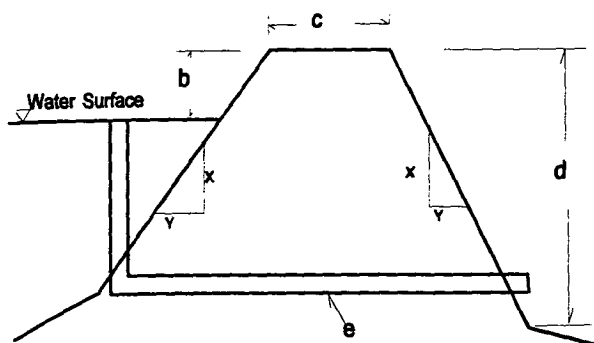
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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



We will be installing a 1,000 gpm well that will supply water to a man made lake. The water from this well will be taken from the Missouri River Alluvium and into an eighteen (18) acre lake with a depth of 8 feet.

This lake will have three (3) purposes.

1. To be an esthetically pleasing lake for the homeowners.
2. This lake will function as a storage basin for the irrigation and fire protection systems.
3. This lake will also serve as a detention pond. Its size will allow ample time for the iron and magnesium to precipitate out before it is put into the irrigation distribution system, thus practically eliminating the staining of sidewalks and buildings for homeowners.

We will be installing a booster station that will provide the water flow at a rate of 1,000 gpm, from the lake to the irrigation distribution system. There will not be any center pivots attached to this irrigation system. It will be servicing private homeowner sprinkler systems.

I have outlined the boundary of the subdivision. The lots range in size from 10.5 acres down to 1.1 acres, with an average size of 1.7+ acres.

The pond has a total volume of 319,560 CF of storage. The pond will vary in depth from 12' at booster station to a typical depth of 8' throughout the pond with 5:1 side slopes.

The property described below is divided into 40 acre divisions or fraction thereof. All descriptions are South Dakota survey:

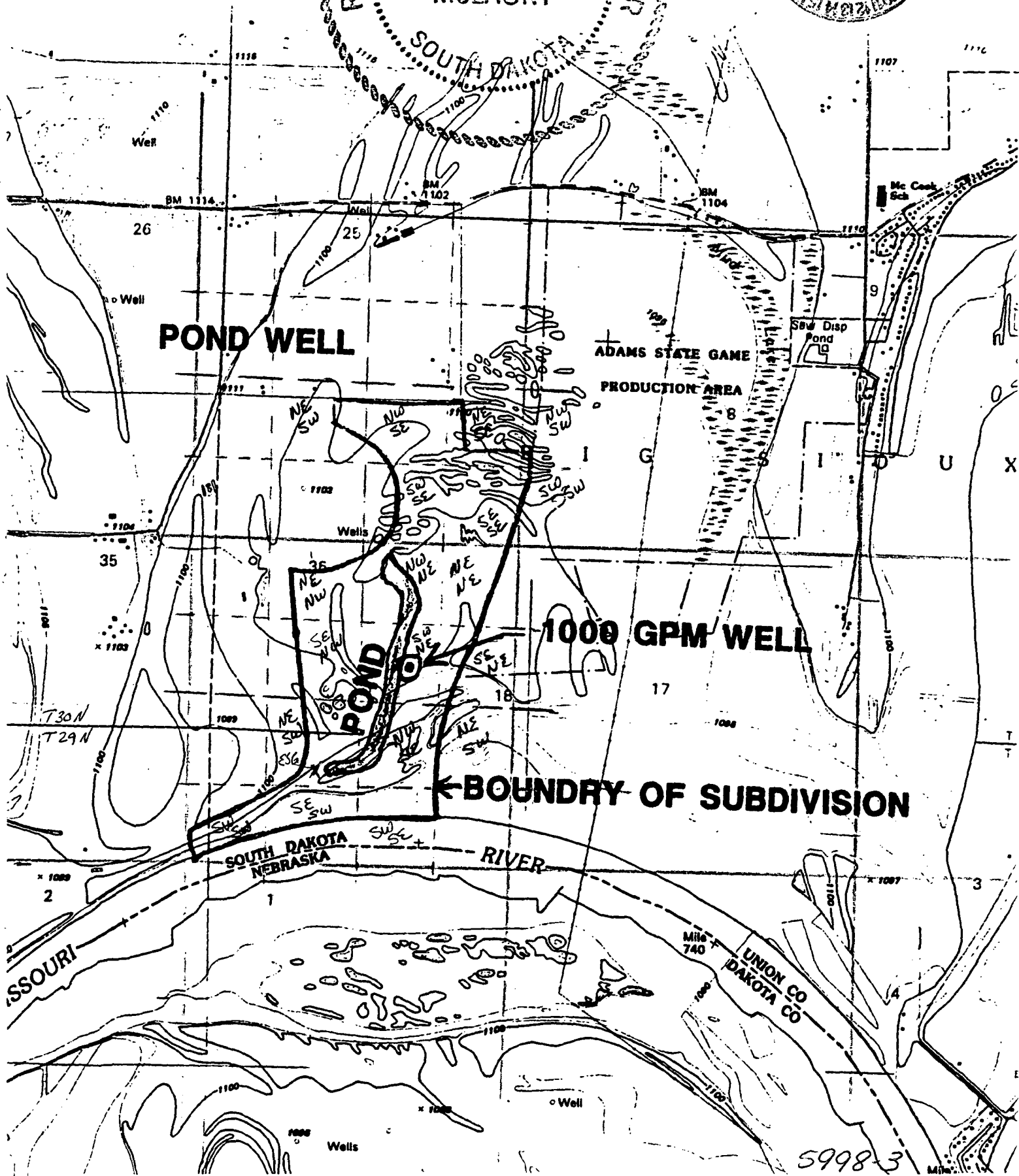
1. PART THEREOF NE/14 NE 1/4 OF 7-89-48
2. PART THEREOF NW1/4 NE1/4 OF 7-89-48
3. PART THEREOF SW1/4 NE 1/4 OF 7-89-48
4. PART THEREOF SE1/4 NE/14 OF 7-89-48
5. PART THEREOF NE1/4 SE1/4 OF 7-89-48
6. PART THEREOF NW1/4 SE1/4 OF 7-89-48
7. PART THEREOF SW1/4 SE1/4 OF 7-89-48
8. PART THEREOF SE1/4 SE1/4 OF 7-89-48
9. PART THEREOF NE/14 NE 1/4 OF 21-89-48
10. PART THEREOF NW1/4 NE1/4 OF 21-89-48
11. PART THEREOF SW1/4 NE 1/4 OF 21-89-48
12. PART THEREOF SE1/4 NE/14 OF 21-89-48



These are the rough description of properties to be irrigated by private homeowners within the subdivision.

REGISTERED PROFESSIONAL
REG. NO.
Lakae McLaury
MCLAURY
SOUTH DAKOTA

APR 1997
WATER RIGHTS
PROGRAM
PIONEER, SD



5998-3



1. Survey
 2. photographs
 3. SCALE 1:24000
 4. ROAD CLASSIFICATION
 5. Primary highway
 6. Light-duty road, hard or

We will be installing a 1,000 gpm well that will supply water to a man made lake. The water from this well will be taken from the Missouri River Alluvium and into an eighteen (18) acre lake with a depth of 8 feet.

This lake will have three (3) purposes.

1. To be an esthetically pleasing lake for the homeowners.
2. This lake will function as a storage basin for the irrigation and fire protection systems.
3. This lake will also serve as a detention pond. Its size will allow ample time for the iron and magnesium to precipitate out before it is put into the irrigation distribution system, thus practically eliminating the staining of sidewalks and buildings for homeowners.

We will be installing a booster station that will provide the water flow at a rate of 1,000 gpm, from the lake to the irrigation distribution system. There will not be any center pivots attached to this irrigation system. It will be servicing private homeowner sprinkler systems.

I have outlined the boundary of the subdivision. The lots range in size from 10.5 acres down to 1.1 acres, with an average size of 1.7+ acres.

The pond has a total volume of 319,560 CF of storage. The pond will vary in depth from 12' at booster station to a typical depth of 8' throughout the pond with 5:1 side slopes.

The property described below is divided into 40 acre divisions or fraction thereof. All descriptions are South Dakota survey:

1. PART THEREOF NE/14 SW 1/4 OF 7-89-48
2. PART THEREOF NE1/4 SE1/4 OF 7-89-48
3. PART THEREOF NW1/4 SE1/4 OF 7-89-48
4. PART THEREOF SW1/4 SE1/4 OF 7-89-48
5. PART THEREOF SE1/4 SE1/4 OF 7-89-48
6. PART THEREOF NW1/4 SW1/4 OF 8-89-48
7. PART THEREOF SW1/4 SW1/4 OF 8-89-48
8. PART THEREOF NE/14 NE 1/4 OF 18-89-48
9. PART THEREOF NW1/4 NE1/4 OF 18-89-48
10. PART THEREOF SW1/4 NE 1/4 OF 18-89-48
11. PART THEREOF SE1/4 NE1/4 OF 18-89-48
12. PART THEREOF NE/14 NW 1/4 OF 18-89-48
13. PART THEREOF SE1/4 NW1/4 OF 18-89-48
14. PART THEREOF NE/14 SE 1/4 OF 18-89-48
15. PART THEREOF NW1/4 SE1/4 OF 18-89-48
16. PART THEREOF SW1/4 SE1/4 OF 18-89-48
17. PART THEREOF NE/14 SW1/4 OF 18-89-48
18. PART THEREOF SW1/4 SW 1/4 OF 18-89-48
19. PART THEREOF SE1/4 SW1/4 OF 18-89-48



These are the rough description of properties to be irrigated by private homeowners within the subdivision.

RECEIPT

415325

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 21, 1997

RECEIVED OF R C Flyers, Inc., 955 Quail Hollow Circle, Dakota Dunes, SD 57049

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

Fee for Application for Permit No. <u>5998-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	300	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	300 00

By John Hatch 
Chief Engineer

REPORT FOR WATER PERMIT APPLICATION NO. 5998-3

Wynstone Development Corporation

May 27, 1997

Application No. 5998-3 proposes to appropriate 2.22 cfs (1000 gpm) from one well approximately 100 feet deep located in the SW 1/4 NE 1/4 of Section 18, T89N-R48W in Union County. Water will be pumped from the well into a 135 acre feet man-made lake located in the W 1/2 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 of Section 18, T89N-R48W to irrigate up to 300 acres of the suburban housing development area located in portions of the NE 1/4 SW 1/4, SE 1/4 of Section 7; W 1/2 SW 1/4 of Section 8; NE 1/4, E 1/2 NW 1/4, NE 1/4 SE 1/4, W 1/2 SE 1/4, NE 1/4 SW 1/4, S 1/2 SW 1/4 of Section 18; all in T89N-R48W. The actual number of acres irrigated will be determined by how individual lot owners develop their property. The water will also be used for fire protection.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled 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 recoverable water in storage in Union County (Niehus, 1994). The aquifer is hydraulically connected to the Big Sioux South aquifer to the north, to the Lower Vermillion Missouri aquifer to the north and west and also extends into Clay and Yankton counties to the west. The aquifer is also hydraulically connected to the Big Sioux and Missouri Rivers. Ground water movement is generally from northwest to southeast and locally a component toward the Missouri river. This application is located about one half mile from the Missouri River and the stage of the river probably dominates the ground water level. No test well log was filed with this application, however, the information in the Union County Study (Niehus, 1994) and the existing well logs in the area are sufficient to evaluate this application.

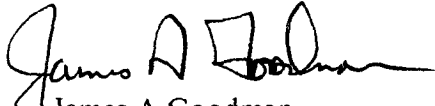
The Water Rights Program does monitor 27 observation wells completed into the Missouri Elk Point aquifer in Union County. One of these wells UN-77Q is located about two miles west of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing permitted diversions within a one mile radius of this application but there are many existing water permits/rights at a greater distance. Interference is not expected to be a concern. The close proximity of the Missouri River will dominate the ground water levels.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is unconfined and under water table conditions. Drawdown created by pumping should not be significant. Interference is not a concern.
3. The applicant proposes to pump water at a rate of 2.22 cfs from the well into a pond which will act as a detention pond from which the homeowners will be able to irrigate their property. Water will be diverted from the pond at a rate of 2.22 cfs for irrigation purposes. Because of the nature of the soils in this area the pond may not hold water. Also, it is not known what the ground water level is near the pond.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

WATER RIGHTS OBSERVATION WELL

UN-77Q



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO.
5998-3, Wynstone Development Corporation**

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. 5998-3, Wynstone Development Corporation, c/o Rick Wegher, PO Box 770, North Sioux City, SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 5998-3 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 well authorized by Permit No. 5998-3 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) pursuant to Section 74:02:04:28.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 30, 1997

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: WP Application No. 5998-3, Wynstone Development Corp.

ADDRESS: COUNTY: Union

DATE: 5/29/97 TELEPHONE:

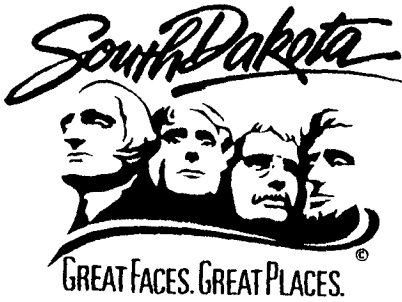
RE: Call from Kim McLaury, engineer for development

COMMENTS:

Mr. McLaury called Jim Goodman to correct the storage capacity of the pond/lake. The actual storage capacity will be 135 acre feet of water (5,880,880 cubic feet).

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: Eric Henderson



**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 3, 1997

Wynstone Development Corporation
%Rick Wegher
P.O. Box 770
North Sioux City, SD 57049

Dear Mr. Wegher:

Water Permit Application No. 5997-3 for suburban housing development use and Water Permit Application No. 5998-3 for irrigation and fire protection use have 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 recommendations of the Chief Engineer and reports on the applications 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 recommendations, 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 applications.

c: Kim McLaury, Flannery Engineering, P.O. Box 1130, Elk Point, SD 57025



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 1997

Elk Point Leader Courier
P.O. Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5997-3 and 5998-3 to be published twice. Please publish the first notice on June 12, 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 Wynstone Development Corporation, %Rick Wegher, P.O. Box 770, North Sioux City, SD 57049 (Ph # (605) 232-4723).

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

Nos. 5997-3 and 5998-3

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application Nos. 5997-3 and 5998-3 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 June 12, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5997-3 and 5998-3 to Appropriate Water

Notice is given that Wynstone Development Corporation, PO Box 770, North Sioux City SD 57049 has filed the following applications for a water permit.

Application No. 5997-3 is to appropriate 1.11 cubic feet of water per second (cfs) from two wells (Dakota Formation) 300 feet deep located in the NW 1/4 SE 1/4 Section 7-T89N-R48W (South Dakota Survey) [NE 1/4 NW 1/4 Section 36-T30N-R7E (Nebraska Survey)]. The water is for use in a suburban housing development.

Application No. 5998-3 is to appropriate 2.22 cfs from one well (Missouri:Elk Point Aquifer) 100 feet deep located in the SW 1/4 NE 1/4 Section 18-T89N-R48W (South Dakota Survey) [SW 1/4 SE 1/4 Section 36-T30N-R7E (Nebraska Survey)]. Water will be pumped from the well into a 135 acre-feet man-made lake located in the W 1/2 NE 1/4, NW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 18-T89N-R48W to irrigate up to 300 acres of the suburban housing development area located in portions of NE 1/4 SW 1/4, SE 1/4 Section 7; W 1/2 SW 1/4 Section 8; NE 1/4, E 1/2 NW 1/4, NE 1/4 SE 1/4, W 1/2 SE 1/4, NE 1/4 SW 1/4, S 1/2 SW 1/4 Section 18; all in T89N-R48W. The actual number of acres irrigated will be determined by how individual lot owners develop their property. The water will also be used for fire protection.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5997-3 and 5998-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 June 30, 1997.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota)
County of Union) ss

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. 5997-3 and 5998-3 to Appropriate Water

Wynstone

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 12 day of June 1997
and that the succeeding publications were

on Thursday, the 19 day of June, 1997

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 \$46.41 _____, 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 Kruthoff

Subscribed and sworn to before me this 19 day of June 1997

My commission expires 3-22-04

Myelin

Notary Public

**NOTICE OF APPLICATION
NO. 5997-3 AND 5998-3 TO
APPROPRIATE WATER**

Notice is given that Wynstone Development Corporation, PO Box 770, North Sioux City SD 57049 has filed the following application for a water permit.

Application No. 5997-3 is to appropriate 1.11 cubic feet of water per second (cfs) from two wells (Dakota Formation) 300 feet deep located in the NW1/4SE1/4 Section 7-T89N-R48W (South Dakota Survey) (NE1/4NW1/4 Section 36-T30N-R7E (Nebraska Survey). The water is for use in a suburban housing development.

Application No. 5998-3 is to appropriate 2.22 cfs from one well (Missouri: Elk Point Aquifer) 100 feet deep located in the SW1/4NE1/4 Section 18-T89N-R48W (South Dakota Survey) [SW1/4SE1/4 Section 36-T30N-R7E (Nebraska Survey)]. Water will be pumped from the well into a 135 acre-feet man-made lake located in the W1/2NE1/4, NW1/4SE1/4, NE1/4SW1/4 Section 18-T89N-R48W to irrigate up to 300 acres of the suburban housing development area located in portions of NE1/4SW1/4, SE1/4 Section 7; W1/2SW1/4 Section 8; NE1/4, E1/2NW1/4, NE1/4SE1/4, W1/2SE1/4, NE1/4SW1/4, S1/2SW1/4 Section 18; all in T89N-R48W. The actual number of acres irrigated will be determined by how individual lot owners develop their property. The water will also be used for fire protection.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5997-3 and 5998-3 because 1) inappropriate 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the applications of contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 June 30, 1997.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

Wynstone Development Corporation
%Rick Wegher
P.O. Box 770
North Sioux City, SD 57049

Dear Mr. Wegher:

Enclosed are Water Permit Nos. 5997-3 and 5998-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Also enclosed are Form 10's, 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 systems and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water Licenses 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 permits 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.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Wynstone Development – Water Right Permit No. 5998-3

ADDRESS: COUNTY: Union

DATE: September 8, 1999 TELEPHONE:

RE: putting grass carp and other fish in pond

COMMENTS:

I received a call from a gentleman that stated the Wynstone Development is intending to stock fish in their irrigation/fire protection pond. The purpose is to allow some fishing but primarily they want to stock grass carp to maintain the pond (ie. they have a algae/grass problem). I indicated that they do not need to make any change to their water right permit.

I encouraged him to contact GF&P. He indicated the local Conservation Officer position in vacant in Union County and he was unable to get ahold of the CO in Canton who is filling in for the time being. I gave him Tim Olson name as a GF&P contact person.

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: Eric Lund

December 12, 2001

South Dakota
Department of Environment
and Natural Resources
ATT: Mr. Garland Erbele, Chief Engineer
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182



RE: Wynstone Development – Irrigation Permit

Dear Mr. Erbele,

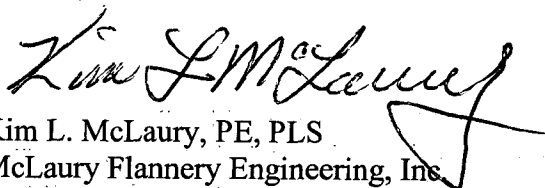
This letter is to request that Wynstone Development Corporation be removed from the requirements for the "Water Usage Irrigation Questionnaire". The irrigation permit that they have is for residential irrigation, but the requirements of the questionnaire do not apply to their water usage. The development uses the water for irrigation of lawns and gardens and not irrigation of farm crops.

The water system for Wynstone Development is on the leading edge of environmental practices. The water system is made up of two separate lines throughout the development. One line is for irrigation and another line is for domestic water supply. The irrigation water is taken from a well that has permit 5998-3. This water is pumped into an 18-acre manmade lake, it is then pumped into the distribution system for the homes. The development also has another permit for the domestic supply. The domestic water supply goes through a water treatment plant and then to a separate distribution system.

From the developer's point of view, cities do not report how much water is used for irrigation of lawns and gardens, why should Wynstone Development. With this in mind, I would like to request that Wynstone Development Corporation not be required to fill out the Water Management Board Irrigation Questionnaire in the future.

Thank you for your time on this issue. Should you have any further questions, please feel free to give me a call. My number is 605-356-2308.

Best regards,


Kim L. McLaury, PE, PLS
McLaury Flannery Engineering, Inc.

cc: Rick Wegher, Wynstone Development



MAIN OFFICE
118 W. Main St.
P.O. Box 1130
Elk Point, SD 57025
(605) 356-2308
FAX (605) 356-2795

PARKSTON OFFICE
116 N. First St.
P.O. Box 916
Parkston, SD 57366
(605) 928-7676
FAX (605) 928-3013

WAGNER OFFICE
210 S. Main St.
P.O. Box 487
Wagner, SD 57380
(605) 384-3141
FAX (605) 384-3141

Gronlund, Eric

To: kmclaury@mclauryengineering.com
Subject: Wynstone Development letter

We received your letter requesting to remove the annual irrigationnaire questionnaire requirement from Wynstone Development Corporation's water right permit. This will take Board action and will be scheduled for the March 13-14 meeting. I expect notice will be sent to Mr. Wegher and yourself sometime in mid-January schedule the exact time & place of the hearing. This notice will include the Chief Engineer's recommendation

I do have a few questions regarding the existing system. Is the water that is pumped out of the lake into the irrigation distribution system metered? Is the well metered that supplies the irrigation and maintains the lake? I can see that instead of removing the qualification, amending it to require annual metered water use to be reported without defining the number of acres irrigated or time frames when water is applied. Although we did not require reporting on Wynstone's water permit for its potable system, this type of annual reporting is consistent with how we currently handle many municipalities, rural water systems or other water distribution systems.

I do not necessarily agree with your comparison of Wynstone's system to municipalities. First, I agree that it is not practical for Wynstone to be able to report how many acres are being irrigated or the times irrigation takes place when it come to individual lawns and gardens. However, this is a dedicated distribution system for irrigation purposes, whereas, most municipalities have one distribution system to serve potable and irrigation requirements of its residents. In those instance where a municipality has a dedicated system for irrigation (ie. golf course, park, soccer or football field) they are required to get an irrigation water right and report annually. On the other hand, when one system serves all uses (potable, lawn watering, parks, golf courses, etc.) we have began requiring total annual use to be reported.

This is something we will certainly work with you on as the current irrigation questionnaire format is not practical in this situation.

Eric Gronlund
Water Rights Program
605 773-3352

Gronlund, Eric

From: Kim L. McLaury
Sent: Tuesday, December 18, 2001 12:59 PM
To: Gronlund, Eric
Subject: Wynstone Development

I have put my comments below!

We received your letter requesting to remove the annual irrigationnaire questionnaire requirement from Wynstone Development Corporation's water right permit. This will take Board action and will be scheduled for the March 13-14 meeting. I expect notice will be sent to Mr. Wegher and yourself sometime in mid-January scheduling the exact time & place of the hearing. This notice will include the Chief Engineer's recommendation

I do have a few questions regarding the existing system.

1. Is the water that is pumped out of the lake into the irrigation distribution system metered?
YES
2. Is the well metered that supplies the irrigation and maintains the lake? NO

I can see that instead of removing the qualification, amending it to require annual metered water use to be reported without defining the number of acres irrigated or time frames when water is applied. Although we did not require reporting on Wynstone's water permit for its potable system, this type of annual reporting is consistent with how we currently handle many municipalities, rural water systems or other water distribution systems.

I do not necessarily agree with your comparison of Wynstone's system to municipalities. First, I agree that it is not practical for Wynstone to be able to report how many acres are being irrigated or the times irrigation takes place when it come to individual lawns and gardens. However, this is a dedicated distribution system for irrigation purposes, whereas, most municipalities have one distribution system to serve potable and irrigation requirements of its residents. In those instance where a municipality has a dedicated system for irrigation (ie. golf course, park, soccer or football field) they are required to get an irrigation water right and report annually. On the other hand, when one system serves all uses (potable, lawn watering, parks, golf courses, etc.) we have began requiring total annual use to be reported.

This is something we will certainly work with you on as the current irrigation questionnaire format is not practical in this situation.

Eric Gronlund
Water Rights Program
605 773-3352

Realistically it is not a big deal if the form is changed to suit his requirements. He meters everything that is used by the residents and know how much water is used annually. So if he

12/18/2001

does have to report try to make the form so all he has to show is the number of gallons applied to the subdivision.

If you or anyone ever gets down to this area and would like a tour of this facility just let me know. I think it is a one of a kind in the state for residential development. I would say that by the time the water gets into the pipe it is the best water you can put on grass in the state. The treatment process that I have build really removes all the hardness and iron from the water.
Best regards,

Kim L. McLaury, PE, PLS
McLaury Flannery Engineering, Inc.
118 West Main Street; Box 1130
Elk Point, SD 57025-1130
(605) 356-2308 Ph.
(605) 356-2795 Fax

12/18/2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2002

NOTICE

TO: Rick Wegher
Wynstone Development Corporation
PO Box 465
North Sioux City SD 57049-0465

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Amendment to Qualification No. 3 on Wynstone's Irrigation Water Permit

Kim McLaury, Wynstone Development's engineering consultant, made a written request for the removal of the irrigation questionnaire qualification to Water Permit No. 5998-3. The permit appropriates water from a well that is pumped into a lake and then used to irrigate residential lawns and gardens within the development. The permit is currently subject to submittal of the annual irrigation water use questionnaire.

The Water Management Board will consider this request at 10:00 AM on March 13, 2002 in the Visitor Center (west bank of Capitol Lake), 650 East Capitol Avenue, Pierre SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items.

The Chief Engineer's recommendation is to amend the qualification as follows:

Wynstone Development shall report annually the amount of water diverted from the lake for irrigation of residential lawns.

This recommendation is based on the fact that it is not practical for Wynstone to report annually the number of acres or when acres are irrigated in a residential system of this type. Mr. McLaury did indicate that water is metered from the lake going into the irrigation distribution system. Therefore, it is my recommendation to amend the qualification to require reporting of only the total volume of water diverted from the lake each year. If the Board amends the qualification as recommended, there will no longer be a requirement to report the number of acres or times when irrigation took place.

The Chief Engineer's recommendation is not final or binding on the Board. The Board is authorized to 1) amend the qualification, 2) remove the qualification or 3) require the existing qualification to remain in place based on the facts presented at the public hearing.

Please contact Eric Gronlund at (605) 773-3352 if you have questions on the amended qualification or the scheduled hearing before the Water Management Board.

C: Kim McLaury, McLaury Flannery Engineering, PO Box 1130, Elk Point SD 57025

CERTIFICATION

I hereby certify that on January 14, 2002 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated January 14, 2002 regarding Notice of Amendment to Qualification No. 3 on Wynstone's Irrigation Water Permit addressed as stated below:

Rick Wegher
Wynstone Development Corporation
PO Box 465
North Sioux City, SD 57049-0465

Kim Mc Laury
Mc Laury Flannery Engineering
PO Box 1130
Elk Point, SD 57025

Eric Gronlund
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of January, 2002.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2002

NOTICE

TO: Rick Wegher
Wynstone Development Corporation
PO Box 465
North Sioux City SD 57049-0465

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Wynstone's Irrigation Water Permit No. 5998-3

At the March 13th hearing, the Water Management Board deferred action to amend Wynstone Development's Water Permit No. 5998-3. This permit appropriates water from a well (Missouri:Elk Point Aquifer) which is pumped into a lake and then used to irrigate residential lawns within the development.

Wynstone had requested removal of the irrigation questionnaire qualification on this permit because the questionnaire does not apply to their type of water usage. The Chief Engineer recommendation was that the qualification be amended to require annual reporting of the amount of water diverted from the lake. However, the Board stated that reporting from the lake does not reflect the amount of water diverted from the ground water source. The Board stated that annual reporting from the well is necessary in management of the aquifer. The Board further expressed that if the well is not metered, it is still possible to determine usage based on electric power records.

Based on the direction provided by the Board, the Chief Engineer recommendation is to amend the qualification as follows:

Wynstone Development shall report annually the amount of water diverted from the Missouri:Elk Point Aquifer.

The Chief Engineer's recommendation is not final or binding on the Board. The Board is authorized to 1) amend the qualification, 2) defer action or 3) require the existing qualification to remain in place based on the facts presented at the public hearing.

The Water Management Board will consider amendment to qualification No. 3 on Water Permit No. 5998-3 at 10:00 AM on May 1, 2002 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items.

Please contact Eric Gronlund at (605) 773-3352 if you have questions on the amended qualification or the scheduled hearing before the Water Management Board.

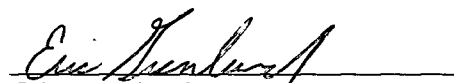
C: Kim McLaury, McLaury Flannery Engineering, PO Box 1130, Elk Point SD 57025

CERTIFICATION

I hereby certify that on March 19, 2002 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 19, 2002 regarding Notice of deferred action to amend Water Permit No. 5998-3 addressed as stated below:

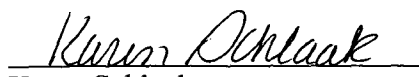
Rick Wegher
Wynstone Development corporation
PO Box 465
North Sioux City, SD 57049-0465

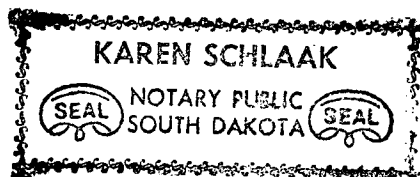
Kim McLaury
McLaury Flannery Engineering
PO Box 1130
Elk Point, SD 57025


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of March, 2002.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2002

NOTICE

TO: Rick Wegher
Wynstone Development Corporation
PO Box 465
North Sioux City SD 57049-0465

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Water Management Board meeting to be held via telephone conference call

The May 1, 2002, Water Management Board meeting will be held by teleconference. The Board is scheduled to consider amendment of qualification No. 3 on Water Permit No. 5998-3 held by Wynstone Development. This amendment involves the requirement for annual reporting of the amount of water diverted from the Missouri:Elk Point Aquifer. Applicable provisions of the notice, dated March 19, 2002, will still apply at this teleconference hearing.

The teleconference will commence at 9:00 AM CDT, on Wednesday, May 1, 2002. Agenda items will be taken in order as they appear on the enclosed amended agenda. If you wish to participate in the teleconference call, the following sites are available:

Lower Level Conference Room
Basement of the Joe Foss Building
523 E. Capitol Ave.
Pierre SD 57501

Conference Room
Rapid City Regional Office of DENR
2050 West Main, Suite 1
Rapid City SD 57702-2493

Special arrangements may be available to be connected directly into the teleconference call. Please contact Eric Gronlund at (605) 773-3352 if you want to inquire about a direct connection.

enclosure

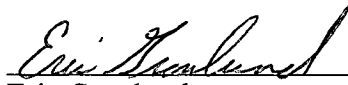
c: Kim McLaury, McLaury Flannery Engineering, PO Box 1130, Elk Point SD 57025

CERTIFICATION

I hereby certify that on April 25, 2002 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 25, 2002 regarding Water Management Board meeting to be held via telephone conference call addressed as stated below:

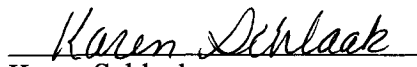
Rick Wegher
Wynstone Development Corporation
PO Box 465
North Sioux City, SD 57049-0465

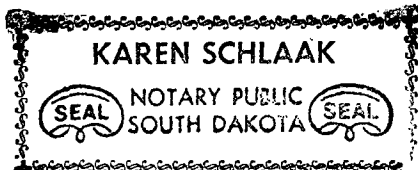
Kim McLaury
McLaury Flannery Engineering
PO Box 1130
Elk Point, SD 57025


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of April, 2002.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 3, 2002

NOTICE

TO: Rick Wegher
Wynstone Development Corporation
PO Box 465
North Sioux City SD 57049-0465

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Wynstone Development's Irrigation Water Permit No. 5998-3

At their May 1st meeting, the Water Management Board amended the irrigation questionnaire qualification on Water Permit No. 5998-3. This water permit appropriates water from a well which is pumped into a lake and then used to irrigate residential lawns within the development.

The Board's action amends the qualification to read as follows:

Wynstone Development shall report annually the amount of water diverted from the Missouri:Elk Point Aquifer.

This amendment will mean that Wynstone Development will be required to report only the total volume of water diverted from the well each year. The Development will no longer be required to report diversions from the lake, the number of acres irrigated or periods when irrigation takes place.

Please keep the attached amendment in the Development's water permit records.

If you have any questions, please feel free to Eric Gronlund at (605) 773-3352

c: Kim McLaury, McLaury Flannery Engineering, PO Box 1130, Elk Point SD 57025

CERTIFICATION

I hereby certify that on May 3, 2002 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 3, 2002 regarding Wynstone Development's Irrigation Water Permit No. 5998-3 addressed as stated below:

Rick Wegher
Wynstone Development Corporation
PO Box 465
North Sioux City, SD 57049-0465

Kim McLaury
McLaury Flannery Engineering
PO Box 1130
Elk Point, SD 57025


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of May, 2002.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



5998-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 2, 2005

Greg Merrigan
Clay Rural Water System Inc
30376 SD HWY 19
Wakonda SD 57073-6416

RE: Water Permit Nos. 5997-3, 5997A-3, 5998-3 & 5998A-3

Dear Mr. Merrigan:

I am writing in follow-up to your email communications with Eric Gronlund concerning the transfer of ownership for permits held by Wynstone Development Corporation.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$10.00). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water permits for your records. Also enclosed is a set of application forms that Eric asked that I forward to you.

If we can answer any questions for you, please contact us at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

SEP 20 2005

WATER RIGHTS
PROGRAM

No. 5998-3

Date: Sep. 6, 2005

I/We request that Water Permit No. 5998-3

formerly owned by: Wynstone Development Corporation

be transferred to: (name & address) Clay Rural Water System Inc.

30376 SD HWY 19, Wakonda SD 57073-6416

Telephone No. 267-2088

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

One well (Missouri -Elk Point Aquifer) located in the SW ¼ NE ¼ Section 18, T89N, R48W used for irrigation of up to 300 acres within the suburban housing development.

I/We understand that the validity of Water Permit No. 5998-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Clay Rural Water System, the new owner, certify that the above information is true and correct.


(Signed by new owner)

By: Gregg Merrigan, Manager

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 28, 20 05

RECEIVED OF Clay Rural Water Systems Inc., 30376 SD Hwy 19, Wakenda SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5998-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

00134

By

Darlene Allen

Chief Engineer

gms



5998-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 28, 2005

Greg Merrigan
Clay Rural Water System Inc
30376 SD HWY 19
Wakonda SD 57073-6416

RE: Water Permit Nos. 5997-3, 5997A-3, 5998-3 & 5998A-3

Dear Mr. Merrigan:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring permits held by Wynstone Development Corporation.

The ownership changes have been completed. Water Permit Nos. 5997-3, 5997A-3, 5998-3 & 5998A-3 are now listed in the name of Clay Rural Water System Inc.

Enclosed are Receipt Nos. 001972, 001973, 001974 and 001975 in the amounts of \$2.50 each. You may keep these for your records.

If we can answer any questions for you, please contact us at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
email: genny.mcmath@state.sd.us

enclosures