

WATER PERMIT NO. 5998A-3

Name of Applicant: Wynstone Development Corporation

Address: PO Box 465, N Sioux City SD 57038 Phone: 605 232-4723

Amount of Water Claimed: 2.22 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: irrigation and fire protection County: Union

Type of Waste Disposal System:

Location: west of McCook Lake

PRIORITY Date Received: 6-28-2002

Application/License Fee: \$100

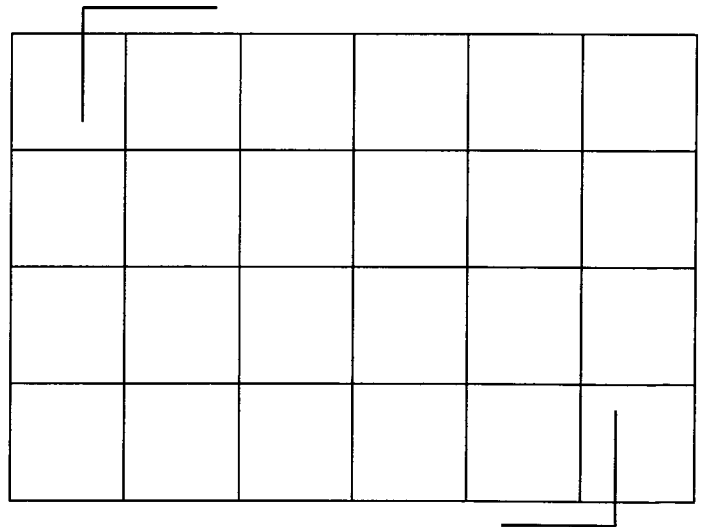
Corrected Application Received: 7-22-2002

Period of Annual Use: January 1 – December 31

Remarks: Extension of time request

Diversion Point: SW ¼ NE ¼ Sec 18-T89N-R48W

Land to be Irrigated: NE ¼ SW ¼, SE ¼ Sec 7; W ½ SW ¼ Sec 8; NE ¼, E ½ NW ¼, NE ¼ SE ¼, W ½ SE ¼, NE ¼ SW 1.4, S ½ SW ¼ Sec 18; all in T89N-R48W



Depth of Well: 100 feet deep

Well Driller: :

Remarks:

Type of Map: topo (submitted with 5998-3)

Prepared by: Kim McLaury, P.E.

Reviewed and the Number Assigned on: 7-22-98

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5998A-3

Date of first receipt of application June 28, 2002.

Date of return to applicant for corrections, amendments or changes June 28, 2002.

Date of receipt of corrected application July 22, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5998A-3 to Wynstone Development Corporation, PO Box 465, North Sioux City SD 57049-0465 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. 5998A-3 extends the length of time allowed for water to be put to beneficial use as authorized by Water Permit No. 5998-3. Water Permit No. 5998-3 appropriates 2.22 cfs from one well (Missouri:Elk Point Aquifer) 100 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18-T89N-R48W (South Dakota Survey) [SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36-T30N-R7E (Nebraska Survey)]. Water is pumped from the well into a 135 acre-feet man-made lake located in the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18-T89N-R48W to irrigate up to 300 acres of the suburban housing development area located in portions of NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 7; W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18; all in T89N-R48W. 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 of approval of Permit No. 5998A-3 is November 11, 2002.
4. The date from which applicant may claim right is April 21, 1997.
5. Water is to be put to beneficial use on or before June 30, 2011.
6. 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. Wynstone Development shall report annually the amount of water diverted from the Missouri:Elk Point Aquifer.

WATER MANAGEMENT BOARD

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

MAR 11 2003

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	No. <u>5998A-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Leader Courier, Elk Point</u>

RECEIVED
JUN 28 2002
WATER RIGHTS
PROGRAM

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. 5998-3

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

permit #5998-3 issued for irrigation + fire protection

- Name of Applicant Wynstone Development Corporation Phone (605) 232-4723
(check one) Owner Tenant/lessee
Mailing Address PO Box 465 North Sioux City SD 57038 State _____
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 2.22 *CFS or 1000 **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 Well 100' deep (Missouri River Alluvium)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW1/4 of NE1/4 Section T89N-R48W
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)

Asking for extension of beneficial use period from ~~July~~ June 30, 2006 to June 30, 2009 because development has not yet reached full capacity.

STATE OF SOUTH DAKOTA)
County of Union SS

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)

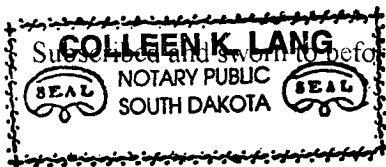
I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed

King Migh

25th day of June

19 2002



Colleen K. Lang
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 2002

Rick Wegher
Wynstone Development Corporation
PO Box 465
North Sioux City SD 57038

Dear Mr. Wegher:

Thank you for submitting the *Applications for a Permit to Appropriate Water* for an extension of time on Water Permit Nos. 5997-3 and 5998-3.

The extension of time application/license fee will be \$100 for each application (\$200 total).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

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

112 417229

Pierre, July 22, 20 02

RECEIVED OF Wynstone Waterworks, PO Box 465, North Sioux City, SD 57049-0770
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
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. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

By Darland Erbe
Chief Engineer *gm*

Tim S.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 21, 2002

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

RE: Wynstone Development Corporation Phase II – Part 2 (2002 Construction Project)
Plans & Specification No. 02-152

Dear Mr. McLaury:

The Department of Environment and Natural Resources (DENR) has received three copies of the plans and specifications for the Wynstone Development Corporation 2002 Construction Project in North Sioux City, South Dakota. The department has reviewed and hereby approves the plans and specifications for this project contingent upon the following qualifications:

General Qualifications

1. Coverage under the department's general storm water construction permit is required if your project construction will disturb five or more acres in total land area. (This is required for operations that disturb one acre or more starting January 1, 2003.) Information concerning this permit can be obtained by calling Stacy Reed at 1-800-737-8676. If a permit is required, a copy of the storm water pollution prevention plan must be kept on site during construction for review by DENR inspectors.
2. If water from temporary dewatering will be discharged to waters of the state during construction, you must first get coverage under the department's general permit for temporary dewatering. For more information contact Al Spangler at (605) 773-3351.
3. In accordance with the Administrative Rules of South Dakota (ARSD) § 74:03:06:07, the Department of Environment and Natural Resources' approval of plans and specifications becomes void two years after the date of approval if construction is not initiated prior to that time. Upon request of the owner, voided plans and specifications may be submitted for reconsideration.
4. In accordance with ARSD § 74:03:06:08, the Department of Environment and Natural Resources shall be notified when works or systems or both constructed in accordance with approved plans and specifications are placed in service.

Water Main Qualifications

1. If the irrigation pipe and the domestic pipe are going to be placed in a common trench, the domestic pipe must be placed on a ledge 18 inches above the top of the irrigation trench. If a separate trench is to be used for each type of pipe, then the pipes must maintain the 10 foot horizontal separation requirements

The following qualifications refer to section 3.3.11 of the specifications

2. Bacteriological tests must be taken in accordance with AWWA C651-99/Section 5, not Section 7 as listed.
3. The chlorinated water shall remain in the pipe for at least 24 hours and after this time have a chlorine residual of at least 25 parts per million, not 5 parts per million as specified.
4. Sufficient chlorine shall be placed in each pipe to furnish a resultant solution of greater than 50 parts per million of available chlorine, not 50 to 10 parts per million as listed in the specifications.
5. This section should also state that the chlorinated water used for disinfection must not reach a stream, river or other waterway when flushed from the system. Any questions regarding the disposal of chlorinated water can be directed to Lonnie Steinke with the department's Surface Water Quality Program at (605) 773-3351.

Storm Sewer Qualifications

1. The department's design criteria require that design flow rates expressed as design average daily and peak hourly values be submitted with plans and specifications. This will not be required for this project but the design engineer should review this information to ensure that full running capacity is maintained for all sewers and that the pump in the storm sewer pump station has adequate capacity. The engineer should also ensure that the minimum draw down requirements in Table 1 Chapter III of the department's design criteria are met.
2. Please submit a detail of the inlet at 0+00 shown on sheet 13.
3. Erosion protection shall be required at discharge outlets when the slope gradient and pipe discharge capacity is expected to reach erosion velocity for the existing soil conditions. Also measures to protect the sewer from the entrance of wildlife shall be considered.
4. Specification 4.2.7 should be revised. Pumps or ejectors shall be capable of passing spheres of at least 3 inches in diameter.
5. Adequate ventilation shall be provided for all pump stations.
6. The storm sewer force main shall have a minimum cleansing velocity of at least two feet per second. A velocity of eight feet per second should not be exceeded.

7. Force mains shall be tested at a minimum pressure of at least 50 percent above the design operating pressure, for at least 30 minutes. Leakage shall not exceed the amount given by the following formula:

$$L = NDP^{1/2} / 1850$$

Where:

L= The allowable leakage in gallons per hour

N= The number of pipe joints

D= The nominal pipe diameter in inches

P= The test pressure in psi

8. It is recommended that the pump station site be enclosed with a security type fence for safety and vandalism purposes.
9. Please contact Tim Schaal with the Water Rights Program at (605) 773-3351 to determine if the South Dakota Safety of Dam requirements in the Administrative Rules of South Dakota, Chapter 74:02:08 apply to the detention pond shown on sheet 13.

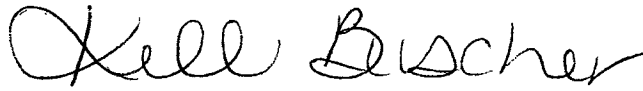
Our review is primarily to determine compliance with the minimum sanitary engineering requirements and does not cover items, such as, quality of material, structural soundness, electrical and mechanical design features. Approval of the plans and specifications does not in any way release the applicant from the responsibility that the project will be an operable facility when construction is completed.

To assist us in completing our reviews, we are asking that in the future two sets of plans be submitted. If you have any questions, please contact us.

Sincerely,



Kent R. Woodmansey, P.E.
Natural Resources Engineering Director
Surface Water Quality Program
(605) 773-3351



Kelli D. Buscher, P.E.
Natural Resources Engineering Director
Drinking Water Program
(605) 773-3754

cc: Kim L. McLaury, McLaury Flannery Engineering, Inc.
Joseph Long, Vice Chairman, City of Ethan
Mark McIntire, Drinking Water Program
Albert Spangler, Surface Water Quality Program
✓ Tim Schaal, Water Rights Program
Wynstone Development, 600 North Derby Lane, North Sioux City, IA 57049

REPORT ON WATER PERMIT APPLICATION NOS. 5997A-3 & 5998A-3
For Wynstone Development Corp.
September 23, 2002

Application Nos. 5997A-3 and 5998-3 propose to extend the length of time allowed for water to be put to beneficial use as authorized by the original water permit Nos. 5997-3 and 5998-3.

Water Permit No. 5997-3 appropriates 1.11 cfs from two wells approximately 300 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 7, T89N R48W for a suburban housing development.

Water Permit No. 5998-3 appropriates 2.22 cfs from one well approximately 100 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 18, T89N R48W for irrigation purposes at the suburban housing development. Water is pumped from this well into a 135 acre-foot pond located in the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 18 to irrigate up to 300 acres of the housing development located in portions of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of section 7; W $\frac{1}{2}$ SW $\frac{1}{4}$ of section 8; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 18; all in T89N R48W. The actual number of irrigated acres will be determined by the individual property owners and how they develop their property. The water is also to be used for fire protection.

Water Permit Nos. 5997-3 and 5998-3 were approved June 30, 1997 and the proposed projects were to be completed by June 30, 2002, with water being put to beneficial use by June 30, 2006. Application Nos. 5997A-3 and 5998A-3 are to extend the length of time allowed to put water to beneficial use from June 30, 2006 to June 30, 2011. Both of these applications propose to retain the original priority date of April 21, 1997.

AQUIFER – DAKOTA (DKOT), MISSOURI-ELK POINT (M-EP)

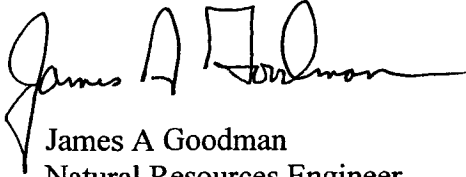
Application No. 5997A-3 obtains water from the Dakota Formation. The aquifer is confined and under artesian conditions in this area. Both production wells have been drilled and logs are available. The wells have been constructed in accordance with SD Well Construction Standards and are each capable of producing about 39 gpm/ft of drawdown. The well completion reports indicate each well has a 225 gpm pump installed.

Application No. 5998A-3 obtains water from the Missouri Elk Point aquifer. This aquifer is unconfined and under water table conditions in this area. No production well log is available for this site.

Water is available from either aquifer. The water level record indicates that both aquifers are capable of sustaining additional withdrawals. Drawdown created by pumping has not been a problem and interference is not a concern.

CONCLUSIONS

1. Application Nos. 5997A-3 and 5998A-3 are simply requests to extend the period of time needed to put water to beneficial use because time is needed to finish the project. This is a reasonable request.
2. The original priority dates for the application Nos. 5997-3 and 5998-3 can be retained.
3. The wells for water permit No. 5997-3 have been completed in accordance with SD Well Construction Standards. No information is available concerning the production well for No. 5998-3.

A handwritten signature in black ink, appearing to read "James A. Goodman". The signature is stylized with a large initial "J" and a prominent "A".

James A Goodman
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5998A-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. 5998A-3, Wynstone Development Corporation, c/o Rick Wegher, PO Box 465, North Sioux City SD 57049-0465.

The Chief Engineer is recommending APPROVAL of Application No. 5998A-3. This approval recommendation is for a five year extension of time to place water to beneficial use pursuant to SDCL 46-5-6 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following 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. Wynstone Development shall report annually the amount of water diverted from the Missouri:Elk Point Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 1, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

October 2, 2002

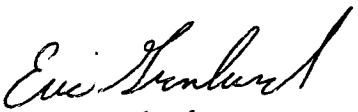
Wynstone Development Corporation
% Rick Wegher
PO Box 465
North Sioux City SD 57038

Dear Mr. Wegher:

Water Permit Application Nos. 5997A-3 & 5998A-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 Leader Courier printed at Elk Point, SD (Ph # 605-356-2632). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 2, 2002

Leader Courier
PO Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

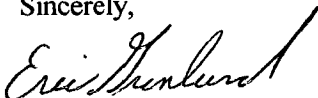
Enclosed is a Notice of Hearing on Application No. 5997A-3 & 5998-A-3 to Appropriate Water to be published twice. Please publish the first notice on October 10, 2002 with the second publication 7 days later.

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, % Rich Wegher, PO Box 465, North Sioux City SD 57038 (Ph # 605-232-4723).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 5997A-3 & 5998A-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 1, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 5997A-3 & 5998A-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 October 10, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 5997A-3 and 5998A-3 to Appropriate Water
to Amend Water Permit Nos. 5997-3 and 5998-3

Notice is given that Wynstone Development Corporation, c/o Rick Wegher, PO Box 465, North Sioux City SD 57038 has filed applications for a water permit to extend the length of time allowed for water to be put to beneficial use as authorized by Water Permit Nos. 5997-3 and 5998-3.

Water Permit No. 5997-3 appropriates 1.11 cubic feet of water per second (cfs) from two wells (Dakota Formation) 300 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7-T89N-R48W (South Dakota Survey) [NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36-T30N-R7E (Nebraska Survey)] for a suburban housing development.

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

Permit Nos. 5997-3 and 5998-3 were approved June 30, 1997, and the proposed projects were to be completed by June 30, 2002, with water being put to beneficial use by June 30, 2006. Application Nos. 5997A-3 and 5998A-3 are to extend the length of time allowed to put water to beneficial use from June 30, 2006, to June 30, 2011. Both applications, if approved, will retain the April 21, 1997, priority date assigned to Permit No. 5997-3 and 5998-3.

Application Nos. 5997A-3 and 5998A-3 are made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. These applications are requesting an extension of time because the development has not yet reached full capacity.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5997A-3 and 5998A-3 for a five year extension of time to place water to beneficial use pursuant to SDCL 46-5-6 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 28, 2002.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

October 24, 2002

October 31, 2002

Cost of Printing \$69.55

Susan Odson
 (Signature)

Affidavits Coordinator
 (Title)

10-31-02

(Date Signed)

**NOTICE OF APPLICATION
 NOS. 5997A-3 AND 5998A-3 TO
 APPROPRIATE WATER TO
 AMEND WATER PERMIT NOS.
 5997-3 AND 5998-3**

Notice is given that Wynstone Development Corporation, c/o Rick Wegher, PO Box 465, North Sioux City SD 57038 has filed applications for a water permit to extend the length of time allowed for water to be put to beneficial use as authorized by Water Permit Nos. 5997-3 and 5998-3.

Water Permit No. 5997-3 appropriates 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] for a suburban housing development.

Water Permit No. 5998-3 appropriates 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 is pumped from the well into a 135 acre-foot 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 many individual lot owners develop their property. The water is also used for fire protection.

Permit Nos. 5997-3 and 5998-3 were approved June 30, 1997, and the proposed projects were to be completed by June 30, 2002, with water being put to beneficial use by June 30, 2006. Application Nos. 5997A-3 and 5998A-3 are to extend the length of time allowed to put water to beneficial use from June 30, 2006, to June 30, 2011. Both applications, if approved, will retain the April 21, 1997, priority date assigned to Permit No. 5997-3 and 5998-3.

Application Nos. 5997A-3 and 5998A-3 are made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. These applications are requesting an extension of time because the development has not yet reached full capacity.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5997A-3 and 5998A-3 for a five year extension of time to place water to beneficial use pursuant to SDCL 46-5-6 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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 November 11, 2002.

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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish October 24 and 31, 2002
 43-10-112

RECEIVED

NOV 04 2002

WATER RIGHTS
 PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 2003

Wynstone Development Corp.
C/o Rick Wegher
PO Box 465
North Sioux City SD 57038

Dear Mr. Wegher:

Enclosed are Water Permit Nos. 5997A-3 and 5998A-3 which extend the length of time allowed for water to be put to beneficial use as authorized by Water Permit Nos. 5997-3 and 5998-3.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return this completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

5998A-3

Gronlund, Eric

From: Gronlund, Eric**Sent:** Thursday, June 16, 2005 1:44 PM**To:** 'gpmcrws@iw.net'**Subject:** Water Rights Issues - Clay RWS acquiring waterwork assists of Wynstone housing development

Mr. Merrigan:

Gayleen Lowe of the Water Resources Assistance Program of DENR made me aware of Clay Rural Water System's intention to purchase the Wynstone wells for a sub-system to serve rural users and four housing developments in the far southern Union County.

As I'm sure you are aware Wynstone Development holds separate water permits for their potable supply and for non-potable use (irrigation & fire protection). A copy of the water permits are attached.

Potable – Permit No. 5997A-3 appropriates 1.11 cfs from two Dakota Formation wells (300 feet deep) to serve the potable needs of the suburban housing development.

Non-Potable – Permit No. 5998A-3 appropriates 2.22 cfs from the well completed into the Missouri:Elk Point Aquifer (100 feet deep). Water is pumped from the well into a 135 acre foot man-made lake and then used for irrigation within development area (ie. lawns, landscaping, park) and for fire protection.

It is my understanding that Clay RWS will be taking over both the potable and non-potable systems. Once Clay RWS takes over ownership, the water permits will need to be transferred to the RWS's name. This is simple process of filing of a transfer of ownership form along with a \$2.50 filing fee for each permit. The transfer forms can be found on-line at:
<http://www.state.sd.us/denr/des/waterrights/watrightsapps.htm>

In addition, Clay RWS will then need to file to amend the water permit to change the authorized use to rural water system use. Currently, Wynstone's water permit for the potable supply is listed as suburban housing development use. The permit is also bound by the 1.11 cfs diversion rate from two Dakota Formation wells. If this use is increased, a new permit will need to be obtained for the additional diversion authority. The application forms may also be found at the website listed above.

Wynstone also holds Water Permit No. 5998A-3 for irrigation and fire protection from a well completed into Missouri:Elk Point Aquifer. If this use remains unchanged the water permit can simply be transferred to the RWS's name. If the use from the well is expanded or the well becomes part of the potable water supply, then additional permitting will become necessary.

I want to make sure you were aware of permitting issues involved with Clay RWS taking over the Wynstone system. Please feel free to contact me if you have any questions.

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

6/16/2005



5998A-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

No. 5998A-3

Date: Sep. 6, 2005

I/We request that Water Permit No. 5998A-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:

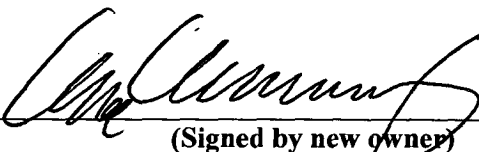
**One well (Missouri -Elk Point Aquifer) located in the SW ¼ NE ¼ Section 18, T89N, R48W used for
irrigation of up to 300 acres within the suburban housing development.**

I/We understand that the validity of Water Permit No. 5998A-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: Greg 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, Wakonda SD 57073

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	3	50
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>5998A-3</u>		
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. _____	2	50
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.

01 1975

By

Darland Elvik
Chief Engineer *gm*

5998A-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,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures