

WATER PERMIT NO. 6003-3

Name of Applicant: **Heron Cove LLC**

Address: **122 Western Avenue, Brookings, SD 57006**

Phone: **692-2823**

Amount of Water Claimed: **15 gpm (0.03 cfs)**

Total Acres: **5.1**

Source of Water Supply: **one ground water well**

Water to be used for: **irrigation (turf)**

County: **Brookings**

Type of Waste Disposal System: **N/A**

Location: **NW portion of Brookings**

PRIORITY

Date Received: **4/14/97**

Fee: **\$50**

Corrected Application Received: **5/2/97**

Period of Annual Use: **May 1 - November 30**

Remarks: **XX**

XX

Diversion Point:

NW1/4 SW1/4 Section 23, T110N, R50W

Land to be Irrigated: **Block 13**

NW1/4 SW1/4 Section 23, T110N, R50W

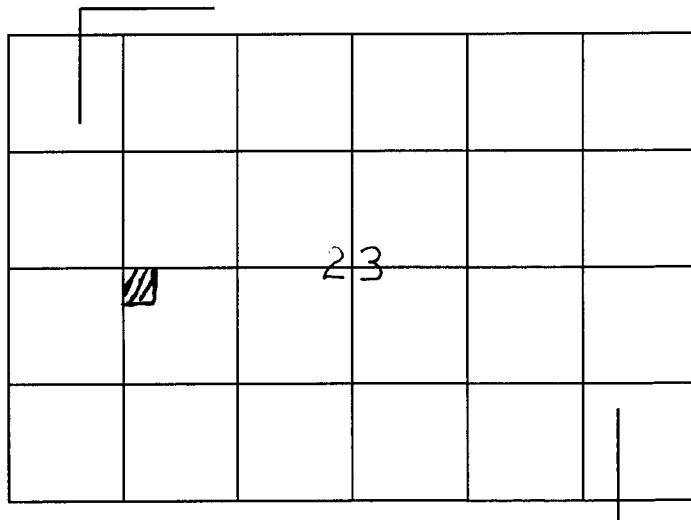
Depth of Well: **164 feet**

Well Driller: **Torgrude Well Drilling**

Remarks: **XX**

Type of Map: **Plat Map**

Prepared by: **Wayne R. Haug - PE No. 2249**



Reviewed and the Number Assigned on: **5/8/97**

By: Eric Gronlund

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6003-3**

Date of first receipt of application April 14, 1997.

Date of return to applicant for corrections, amendments or changes April 15, 1997.

Date of receipt of corrected application May 2, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6003-3 to Heron Cove LLC, 1311 S Main Ave, Brookings SD 57006 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. 6003-3 appropriates 15 gallons per minute (0.03 cubic feet of water per second) from one well (Pleistocene Unknown) 164 feet deep located in the NW 1/4 SW 1/4 Section 23 to irrigate up to 5.1 acres located in the Block 13, NW 1/4 SW 1/4 Section 23-T110N-R50W.
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: May 1 - November 30.
3. The date from which applicant may claim right is April 14, 1997.
4. The date of approval of Permit No. 6003-3 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.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

AUG 8 1997

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. _____	Hydrologic Unit _____
	Basin _____	
	Newspaper _____	



Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Heron Cove LLC ☒ Owner ☐ Tenant/Leasee Phone 605-692-2823
(check one)
- Mailing Address 1222 Western Ave State SD 57006
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed _____ *CFS or 15 **GPM _____ ***AF Total Acreage _____
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) see attached Plat Map
- _____ County _____
5. County or counties where water will be used Brookings
6. Annual period during which water is to be used May - Nov
7. 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
See Attached Plat Map			

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

See Attached plat Map.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

ss

County of BROOKINGS)

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

Signed John H. Mills

Subscribed and sworn to before me this 10th day of April 19 97

Carolyn C. Flippin
Notary Public

Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 164'
- b) Casing Type PVC Diameter 5" Thickness 220#
- c) Screen Type PVC Diameter 5" Thickness 220#
- d) Gravel Pack Thickness 145' to 163' Length of Gravel Pack 18'
- e) Depth to Top of Water Bearing Material 150'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:

On applicants property NONE On property owned by others UNKNOWN



2. Wastewater Disposal System Information

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

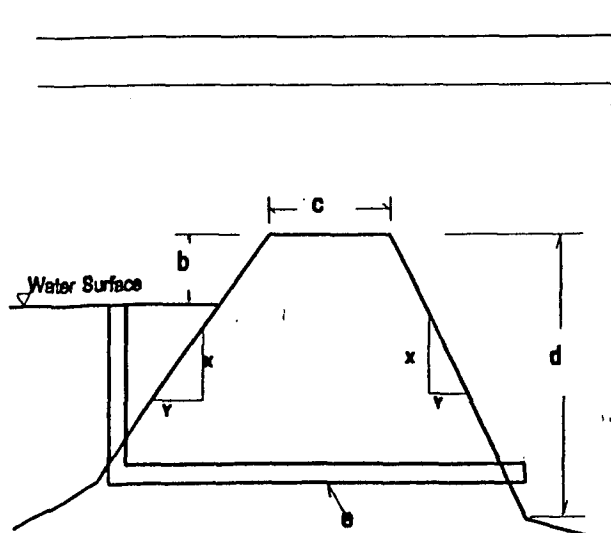
3. Dugout Information N/A

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

4. Water Storage Dams N/A

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:

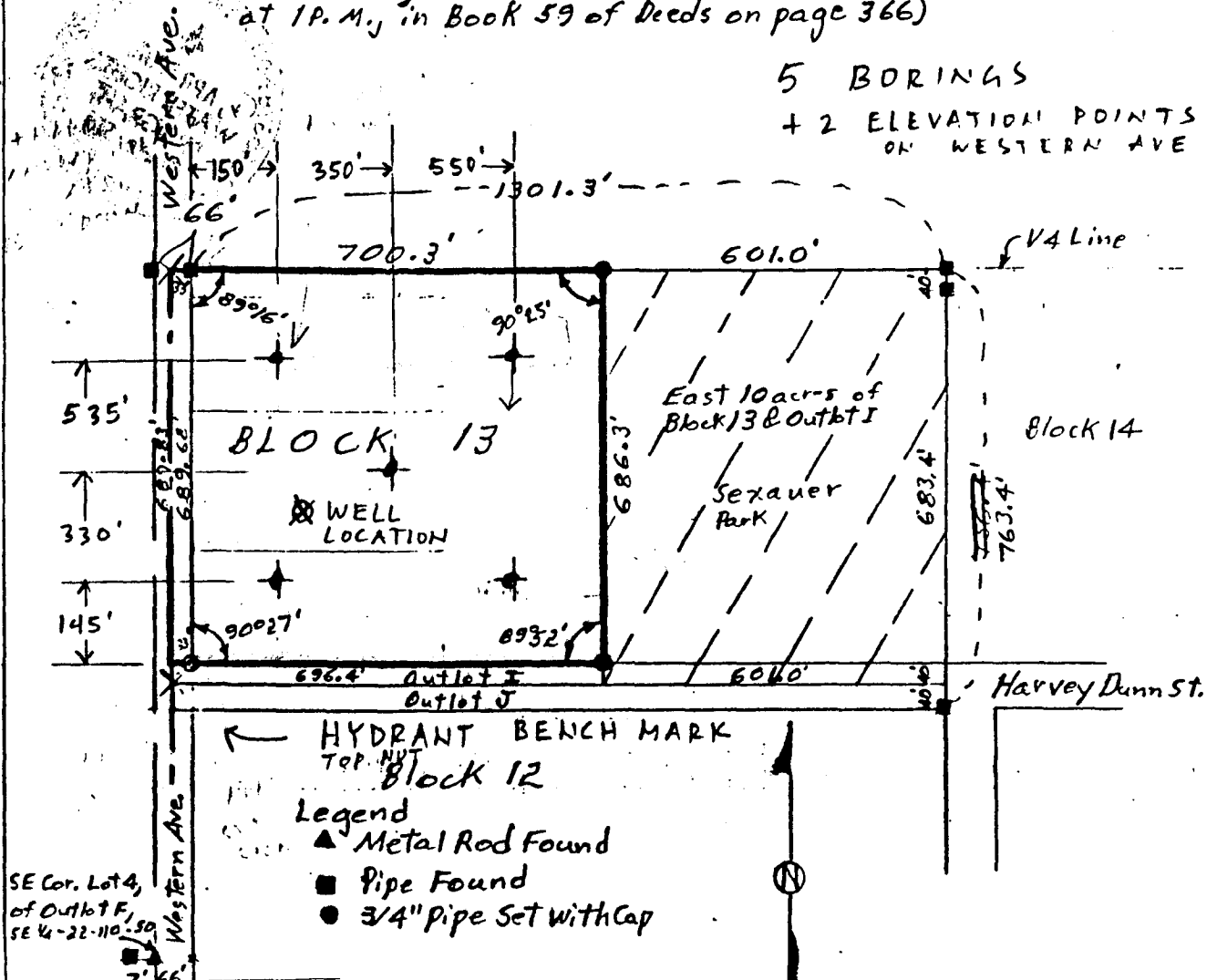


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Survey of
All of Block 13 of Parkdale Home Association's Third
Addition to Brookings, South Dakota, except the East Ten (10)
acres of Block 13 and Outlot "I" (said 10 acres to extend from
the Northern boundary of Block 13 to the Southern boundary
of Outlot "I", as recorded in Warranty Deed Recorded April 7, 1933
at 1 P. M., in Book 59 of Deeds on page 366)

5 BORINGS

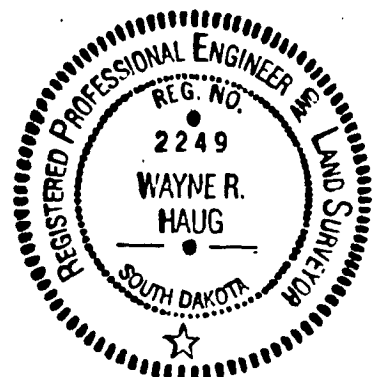
+ 2 ELEVATION POINTS
ON WESTERN AVE

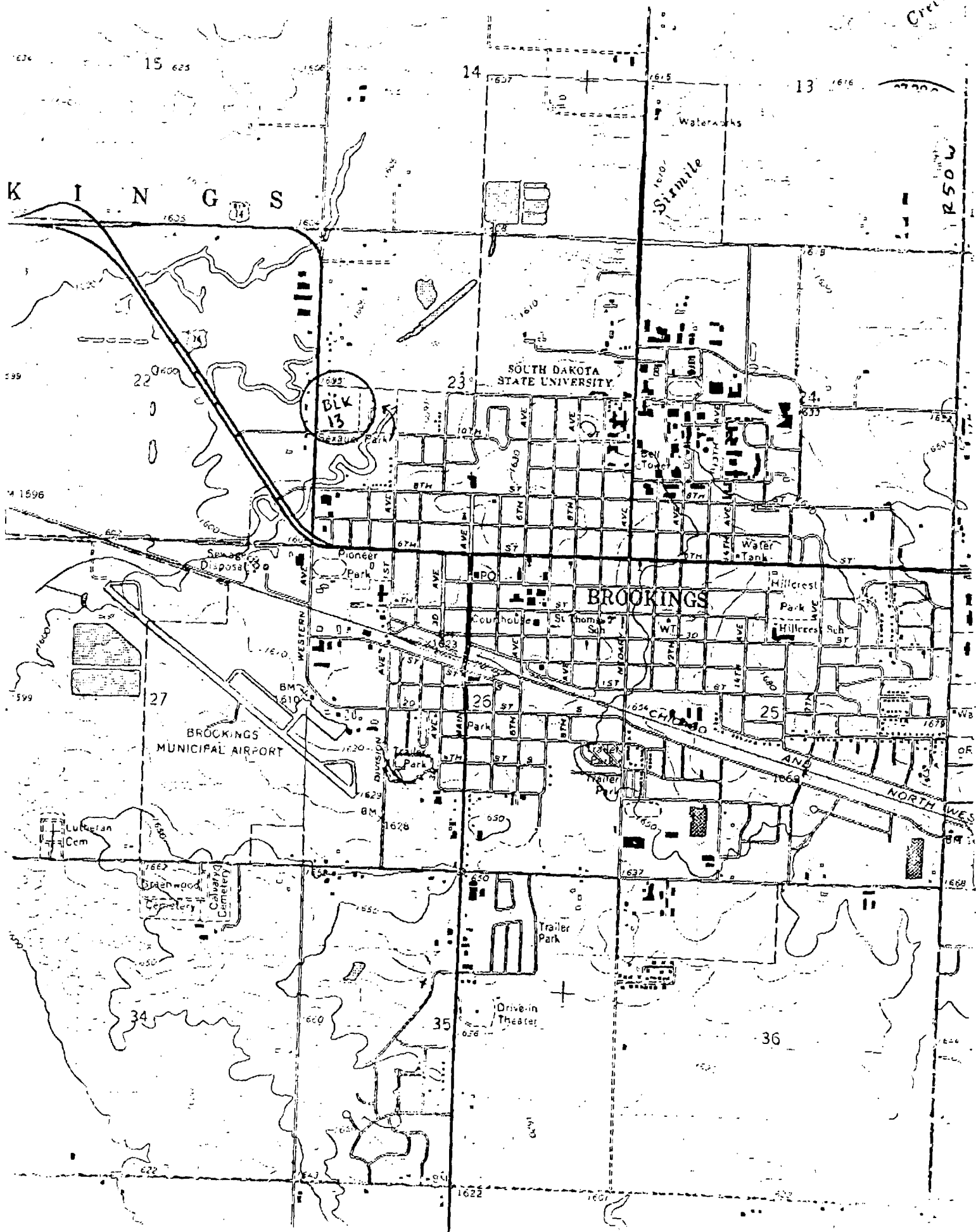


Is this the SE corner
of Section 22, T110N, Lot 17B, Block 9,
R50W?

to
P.O. Box 232
Brookings, SD 57006

By: Haug Engineering & Surveying
P.O. Box 737
Clear Lake, SD 57226





1.6 ACRES BUDGS

2.4 " POND

1.9 " PARKING

(5.1) " IRRIGATED

16039

42' RADIUS

16050

GATE

GATE

X16030

POND 2.4 ACRES

HERON COVE

X16028

2ND PHASE

WELL

MAN FLOOR

MAN FLOOR

16030

25'

and ...
9-V-95

07-92

Date:

RECEIPT

Division of Water Rights

415316

South Dakota Department of Environment and Natural Resources

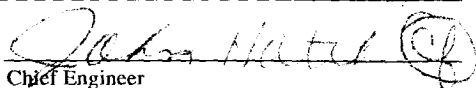
Pierre, _____ April 14, 1997

RECEIVED OF Baron Cove LLC, 1222 Western Ave., Brookings, SD 57006

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

Fee for Application for Permit No. <u>6103-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hater 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1997

Harvey E. Mills
H.E. Mills Construction
1222 Western Avenue
Brookings, SD 57006

Dear Mr. Mills:

A well driller's report filed by Torgrude Drilling shows that they completed a new well for you which produced 15 Gallons Per Minute (GPM). Based on the information in the report, it appears you may need a water permit.

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

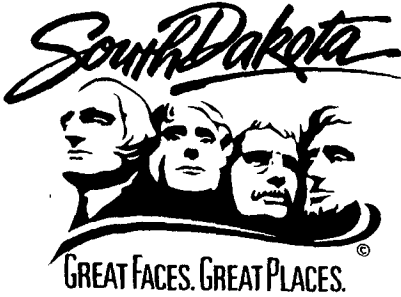
2. Also, as a new well owner, you need to be aware of some of your responsibilities. If your new well was drilled as a replacement well, and you do not plan to use the old well, the old well is considered abandoned. All abandoned wells must be plugged by a licensed well driller. If the old well is not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

Please use the enclosed postage free envelope to return the completed application by 3/14/97 or contact Barry McLaury at 605-773-3352 if you have questions.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 1997

Harvey E. Mills
H.E. Mills Construction
1222 Western Avenue
Brookings, SD 57006

Dear Mr. Mills:

This is a follow up to my 2/25/97 letter concerning the possibility that you may need a water permit for irrigation. A well driller's report filed by Torgrude Drilling shows that they completed a new well for you which produced 15 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit. Any irrigation for commercial purposes requires a permit. Irrigation of one acre or less for private use (home garden or lawn) is considered domestic use and does not require a permit.

Please return the application form that was sent to you with my 2/25/97 letter by 5/2/97 or contact Barry McLaury at 605-773-3352.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John H Mills
Heron Cove LLC
1222 Western Ave
Brookings SD 57006

Dear Mr. Mills:

Thank you for submitting your *Application for a Permit to Appropriate Water for Irrigation*.

Enclosed is the plat map submitted with the application. The map needs to reference a government section corner or quarter corner by direction and distance. It appears the map may identify the SE corner of Section 22-T110N-R50W; however, it is somewhat unclear and I wanted to get clarification from you. Also, please outline the area to be irrigated on the map. Is the land to be irrigated within what is outlined as Block 13?

The application is also being returned. Please complete Item No. 7, listing the location of the lands to be irrigated and number of acres.

The application is being sent back for clarification so that it is processed correctly the first time. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Date: 5-2-97

Attn:

Name:

Karen Schlaak

Address:

Joe Foss BuildingPierreEnvironment + Natural Resources

Telefax #

773-4068

From:

Jim Flippin Heion Cove LLC**Mills****Development Corporation**

1222 Western Ave.
 Brookings, S.D. 57006
 (605) 692-2823
 (605) 692-1869 fax

Number of Pages Being Sent Including Cover 3

Comments:

Karen,

You had ask for additional info.
 concerning a well permit for Heion
 Cove in Brookings. I'm faxing a
 couple of maps that further explain
 what you may need. Would you
 review them and I will call you
 Monday to see if this ~~will~~ will
 be what we need - Thanks

REPORT ON WATER PERMIT APPLICATION NO. 6003-3
for Heron Cove LLC
May 29, 1997

Application No. 6003-3 proposes to appropriate 15 gpm (0.03 cfs) from one well approximately 164 feet deep located in the NW 1/4 SW 1/4 of Section 23 to irrigate up to 5.1 acres located in the NW 1/4 SW 1/4 of Section 23, T110N-R50W in Brookings County.

AQUIFER - PLEISTOCENE UNKNOWN (PS-U)

The aquifer consists of a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The Brookings County Study did not identify an aquifer at this depth for this location. In fact, the only mapped aquifer that would fit the conditions for this site would be the Rutland aquifer. The driller's log filed with the application indicates the top of the aquifer was encountered at a depth of 150 feet and continued to a depth of 164 feet. The well as completed had a static water level of 20 feet below land surface and was capable of producing 15 gpm with a drawdown of 60 feet. This data indicates a relatively low yield well for glacial outwash. This well is completed in accordance with SD Well Construction Standards.

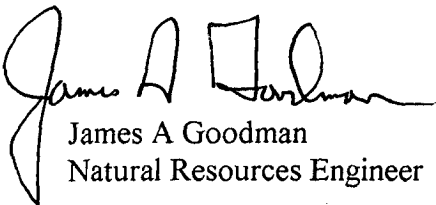
The Water Rights Program does not monitor any observation wells completed into this aquifer in this area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights from this aquifer in this area. Because of the low yield of the well and the relatively small requested diversion rate, interference should not be a concern.

CONCLUSIONS

1. Water is available from the Pleistocene unknown aquifer.
2. The aquifer is confined and under artesian conditions. Interference is not a concern because of the small diversion rate and there are no other nearby permitted users.
3. This well has been constructed in accordance with SD Well Construction Standards.
4. The requested diversion rate for this application is less than half the statutory limit for irrigation of 5.1 acres.


James A Goodman
Natural Resources Engineer

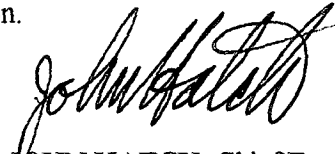
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6003-3**

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. 6003-3, Heron Cove LLC, Jim Flippin, 1311 S. Main Ave., Brookings, SD 57006.

The Chief Engineer is recommending APPROVAL of Application No. 6003-3 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 qualification:

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
June 2, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 3, 1997

Heron Cove LLC
%Jim Flippin
1311 S. Main Ave.
Brookings, SD 57006

Dear Mr. Flippin:

Water Permit Application No. 6003-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Brookings Register printed at Brookings, SD (Ph # (605) 692-6271). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 1997

Brookings Register
Box 177
Brookings, SD 57006-0177

ATTENTION: Legal Department

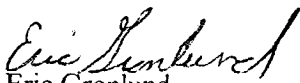
Enclosed is a Notice of Hearing on Application No. 6003-3 to be published twice. Please publish the first notice on June 11, 1997, with the second publication 7 days later.

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 Heron Cove LLC, %Jim Flippin, 1311 S. Main Ave., Brookings, SD 57006 (Ph # (605) 697-3100).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 11, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6003-3 to Appropriate Water

Notice is given that Heron Cove LLC, %Jim Flippin, 1311 S. Main Ave., Brookings, SD 57006 has filed an application for a water permit to appropriate 15 gallons per minute (0.03 cubic feet of water per second) from one well (Pleistocene Unknown) 164 feet deep located in the NW1/4 SW1/4 Section 23 to irrigate up to 5.1 acres located in the Block 13, NW1/4 SW1/4 Section 23, T110N, R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6003-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 30, 1997.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brookings) SS

I, Nancy P Skyberg

certify that the attached printed Notice was taken
from the Brookings Register

printed and published in Brookings

County of Brookings and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 11, 1997

June 18, 1997

Cost of Printing \$34.25 Thirty-four
dollars and 25/100

Nancy P Skyberg
(Signature)

Legal Ad Coordinator
(Title)

6-18-97
(Date Signed)



Legal 330, 2x, 6/11, 18
NOTICE OF APPLICATION
NO. 6003-3 to Appropriate Water
Notice is given that Heron Cove LLC,
%Jim Flippin, 1311 S. Main Ave.,
Brookings, SD 57006 has filed an applica-
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gallons per minute (0.03 cubic feet of
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located in the NW 1/4 SW 1/4 Section 23
to irrigate up to 5.1 acres located in the
Block 13, NW 1/4 SW 1/4 Section 23,
T110N, R50W.
Pursuant to SDCL 46-2A-2, the Chief
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unless a petition is filed opposing the
application or the applicant files a peti-
tion contesting the chief engineer's rec-
ommendation. If a petition opposing the
application or contesting the recommen-
dation 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 peti-
tion.
Any person interested in opposing or
supporting this application or recom-
mendation must file a written petition
with BOTH the applicant and chief engi-
neer. The applicant must file a petition if
contesting the chief engineer's recom-
mendation. The Chief Engineer's
address is "Water Rights Program, Foss
Building, 523 E Capitol, Pierre SD 57501
(605 773-3352)" and the applicant's mail-
ing address is given above. A petition
filed by either an interested person or the
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porting the application, and the signa-
ture and mailing address of the petition-
er 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 applica-
tion. Nettie H. Myers, Secretary,
Department of Environment and Natural
Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

Heron Cove LLC
%Jim Flippin
1311 S. Main Ave.
Brookings, SD 57006

Dear Mr. Flippin:

Enclosed is Water Permit No. 6003-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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

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

6003-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 16 2004

6432-3

Heron Cove LLC
% Jim Flippin
1311 S Main
Brookings SD 57006

Dear Mr. Flippin:

Enclosed is Water License No. 6432-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6432-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

NOTE: The applicable portions of No. 6003-3 are incorporated into Water License No. 6432-3.

enclosures