

WATER PERMIT NO. 6118-3

Name of Applicant: Prairie Green Inc.

Address: 600 E Tan Tara Circle, Sioux Falls SD 57108

Phone: 605 339-0120

Amount of Water Claimed: 0.111 (50 gpm)

Total Acres:

Source of Water Supply: groundwater

Water to be used for: aesthetics purposes

County: Lincoln

Type of Waste Disposal System:

Location: 2 mile south of Sioux Falls in Lincoln County

PRIORITY

Date Received: 12-24-1998

Fee: \$150

Corrected Application Received:

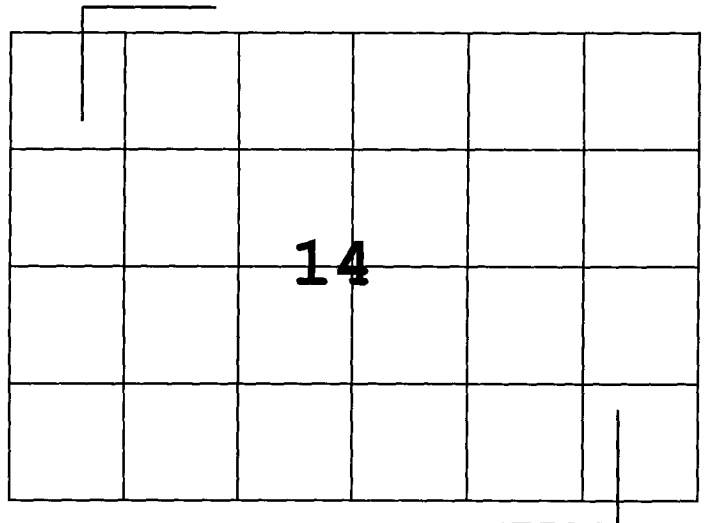
Period of Annual Use: June 1 – September 30

Remarks: during dry periods during the summer, well will supply water to ponds for aesthetics purposes

Diversion Point: SW ¼ NW ¼

Sec 14-T100N-R50W

Land to be Irrigated:



Depth of Well: 217 feet deep

Well Driller: Dave Putzke Well Drilling

Remarks:

Type of Map: plat

Prepared by: Richard R Sayre, PE

Reviewed and the Number Assigned on: 12-28-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6118-3**

Date of first receipt of application December 24, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6118-3 to Prairie Green Inc., 600 E Tan Tara Circle, Sioux Falls SD 57108 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. 6118-3 appropriates 0.111 cubic feet of water per second (50 gallons per minute) from one well (Sioux Quartzite) 217 feet deep located in the SW ¼ NW ¼ Section 14-T100N-R50W. The water will be used to maintain the water level in two ponds (approximately 18 acre-feet storage capacity) during the summer months. The ponds will receive surface runoff from 100 acres.
2. The water appropriated shall be used for the purpose of supplying water for aesthetic purposes and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: June 1 – September 30.
4. The date of approval of Permit No. 6118-3 is March 1, 1999.
5. The date from which applicant may claim right is December 24, 1998.
6. One-fifth of the construction is to be completed on or before September 1, 2001.
7. All construction is to be completed on or before March 1, 2004.
8. Water is to be put to beneficial use on or before March 1, 2008.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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. Water Permit No. 6118-3 authorizes storage in two ponds with a combined storage capacity of 18 acre feet of water and sufficient water annually to maintain the water level.
3. Pumping from the well into the ponds is not authorized when the ponds are full.

WATER MANAGEMENT BOARD

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

MAR 12 1999
date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6118-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Sioux Valley News, Canton, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: XX 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 PRAIRIE GREEN INC. Phone 605 339 0120
(check one) XX Owner Tenant/lessee
Mailing Address 600 E. TAN TARA CIRCLE SIOUX FALLS State SD 57108
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.111 *CFS or 50 **GPM ***AF Total Acreage
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply DRILLED WELL AND STORM WATER RUNOFF
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW 1/4 NW 1/4 SECTION 14, T 100 N, R 50 W
County LINCOLN
- County or counties where water will be used LINCOLN
- Annual period during which water is to be used JUNE 1 - SEPTEMBER 30
- 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)

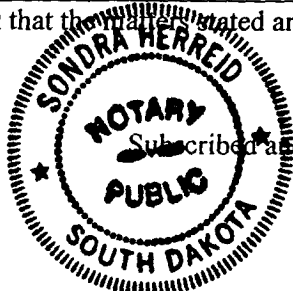
Land Description	Acres	Land Description	Acres
N/A			

8. Give a description of the project. (Attach sheet if more space is needed)
TWO BORROW PITS WERE CREATED IN THE GRADING OF THE RESIDENTIAL HOUSING DEVELOPMENT, THE LAKES AT PRAIRIE GREEN, AND THE PITS (OR PONDS) WILL BE ULTIMATELY USED FOR THE AESTHETICS. THE WELL WILL BE USED FOR MAKE-UP WATER DURING SUMMER DRY SPELLS TO MAINTAIN A REASONABLE WATER LEVEL OF THE PONDS.

STATE OF SOUTH DAKOTA) SS
County of MINNEHAHA

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, RICHARD F. SAYRE, the applicant, certify that I have read this application, have examined the attached map and that the statements are true and that I intend, and am able to complete the necessary construction.



Applicant's signature Richard F. Sayre
Subscribed and sworn to before me this 22nd day of DECEMBER 19 98

Sandra Herreid
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" Depth 217'
- b) Casing Type _____ Diameter 6" Thickness _____
- c) Screen Type PLASTIC SDR 17 Diameter 6" Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack 17"
- e) Depth to Top of Water Bearing Material 200'
- f) Depth to Water (ground surface to water level) 115'
- g) Distance to nearest existing domestic well:
- On applicants property NONE On property owned by others 1200'

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 SIOUX FALLS Sanitary System

3. Dugout Information

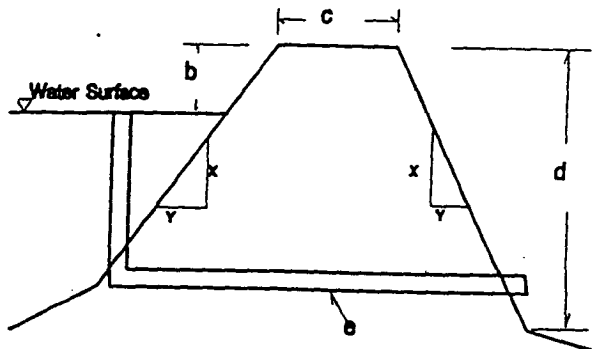
- a) Surface Dimensions 3.6 ACRES Depth 12'
- b) Depth to water (ground surface to water level) 16'

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



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415990

Pierre, December 28, 19 98

RECEIVED OF R. F. Sayre and Associates, 738 W. 10th St., Sioux Falls, SD 57104
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6118-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6160-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By

Chief Engineer

John Hatch (J)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NW 1/4 Sec 14 Twp 100 Rg 50

County
LINCOLN

Please mark well location with an "X"

W

X

E

Well Completion Date

8-26-98

1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from None (identify source).

PROPOSED USE:

Pond

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
200 LB/FT	6 IN	0 FT	217 FT	10 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Decorative Grout	18	_____ lb./gal	26 ft	190 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pump w/trimic linePump Portland 1# 6-26SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 6 IN Length 17 FEETMaterial Plastic SDR 17Slot Size 25 Set From 200 Feet to 217 FeetOther information gravel pack w O packWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

☒ NO, Why Not? _____

Laboratory sent to for water quality analysis

No pump in well yet
In spring

Well Owner: PRAIRIE GREEN, INC.

Business Name: PRAIRIE GREEN, INC.

Address: 600 TAN TARA CIRCLE

SIOUX FALLS, SD 57108

WELL LOG:

DEPTH

FORMATION	FROM	TO
Soil	0	2
Yellow clay	2	123
Blue clay	123	200
Sandstone	200	217
Granite	217	

STATIC WATER LEVEL

115

Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ PumpedDescribe: AIR☐ Bailed☐ Other

Pumping Level Below Land Surface

50 gpm.
at 160'

_____ ft. After _____ Hrs. pumped

_____ ft. After _____ Hrs. pumped

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Putzke well Drilling Inc

Signature of License Representative:

Dave Putzke

Signature of Well Owner or Equitable Property Holder:

Richard F. Sayre RICHARD F. SAYRE

Date: 08/26/98

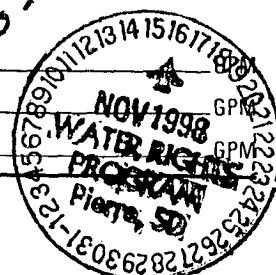


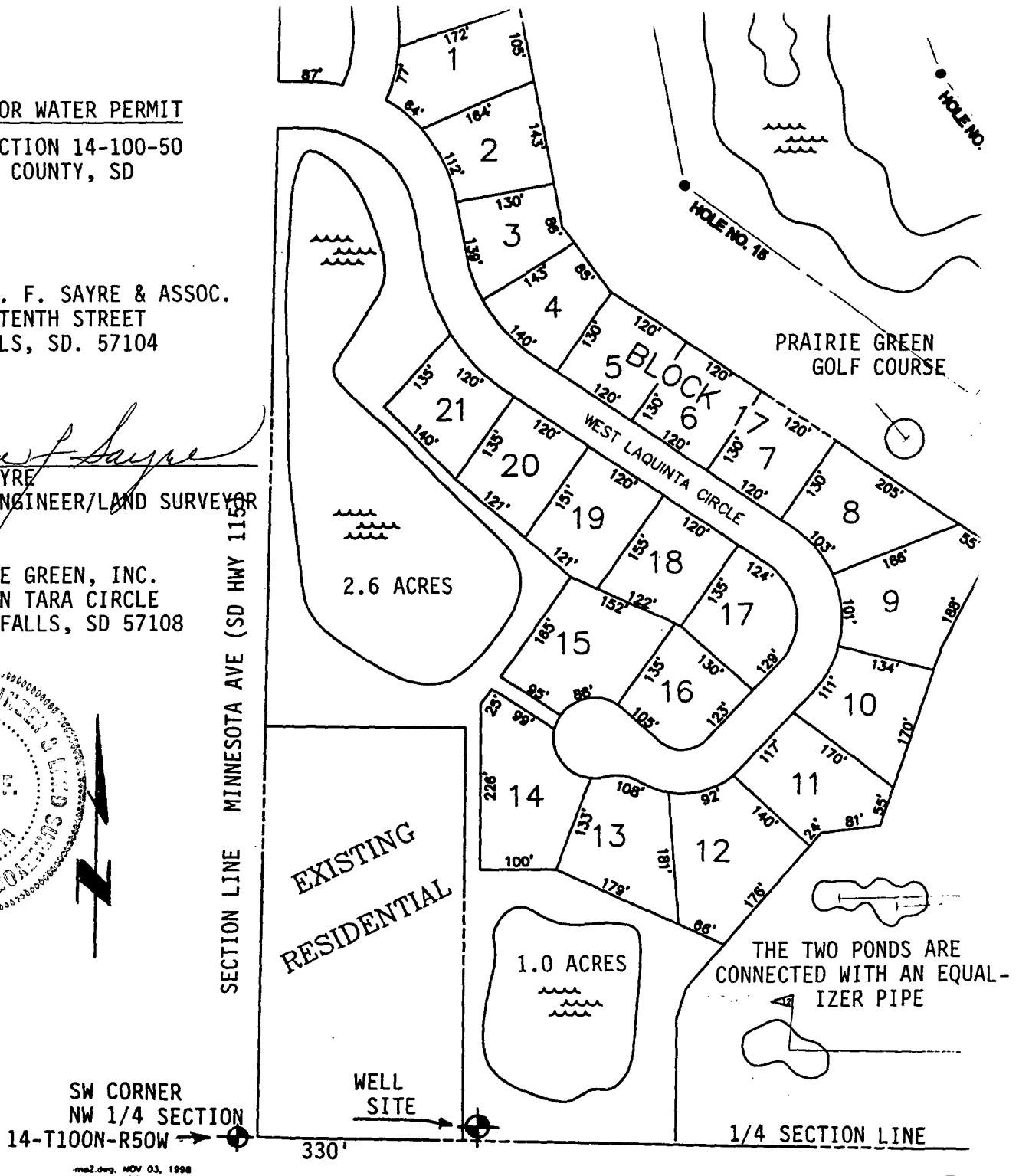
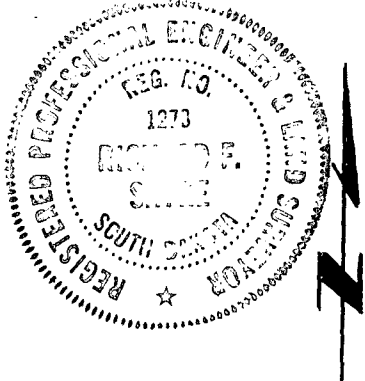
EXHIBIT FOR WATER PERMIT

NW 1/4 SECTION 14-100-50
LINCOLN COUNTY, SD

PREPARED BY R. F. SAYRE & ASSOC.
738 WEST TENTH STREET
SIOUX FALLS, SD. 57104

Richard F. Sayre
RICHARD F. SAYRE
REGISTERED ENGINEER/LAND SURVEYOR

OWNER: PRAIRIE GREEN, INC.
600 TAN TARA CIRCLE
SIOUX FALLS, SD 57108





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 24, 1998

Prairie Green, Inc.
Richard F Sayre
600 Tan Tara Circle
Sioux Falls SD 57108

Dear Mr. Sayre:

A well driller's report filed by Dave Putzke Well Drilling Inc. shows that they completed a new well for you to be used for irrigation purposes. 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 family garden, lawn, trees, shrubbery, etc. greater than one acre in area requires obtaining a water permit.
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.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to the Water Rights Program, 523 E Capitol, Pierre SD 57501. Please return by January 1, 1999.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program

enclosures



R. F. SAYRE AND ASSOCIATES
CONSULTING ENGINEERS, LAND SURVEYORS

738 West Tenth St., Box 734
Sioux Falls, SD 57101-0734
(605) 332-7211 (605) 332-7222 (Fax)

Professional Staff
Richard Sayre, PE, LS
Douglas Berkland, PE, LS
Eugene Maurice, LS
Steve Quincey, PE
Monty Miller, PE
Marshall Runge, PE



December 21, 1998

Karen Schlaak
Water Rights Program
Dept. of Environment &
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Re: Water Permit

Dear Ms. Schlaak:

Enclosed please find the application to "Appropriate Water for Irrigation" for the recently drilled well in the SW ¼ NW ¼ of Section 14, T100N, R50W.

In the true sense, this well will not be used for irrigation purpose. This well will be used for "make-up" water of the newly created ponds in the residential development called the Lakes at Prairie Green.

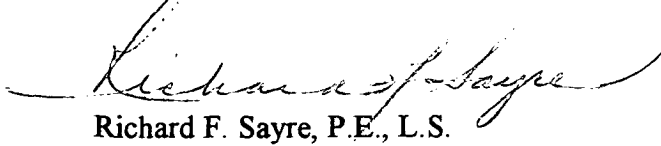
Approximately 100 acres of agricultural land drain into the ponds. Should a dry-spell occur, the well would be used as a back-up water source.

In addition to the application, also enclosed is a map outlining the area, the driller's water well completion report and a check in the amount of \$200.00 (\$150.00 for the irrigating of 60 acres and \$50.00 for the inspection/licensing fee).

If you have any questions, or need additional information, please contact me.

Sincerely,

R. F. SAYRE & ASSOCIATES, INC.

A handwritten signature in cursive script, reading "Richard F. Sayre". The signature is written in dark ink and is positioned above the printed name.

Richard F. Sayre, P.E., L.S.

RFS:sh

Encl.

REPORT ON WATER PERMIT APPLICATION NO. 6118-3

for Prairie Green Inc.

January 17, 1999

Application No. 6118-3 proposes to appropriate 0.111 cfs (50 gpm) from one well approximately 217 feet deep located in the SW 1/4 NW 1/4 of Section 14, T100N-R50W in Lincoln County. The water will be used for aesthetic purposes to maintain the water level in two ponds (approximately 18 acre feet storage capacity) during the summer months. The ponds will also receive incidental surface runoff.

AQUIFER - SIOUX QUARTZITE (SOUX)

The Sioux Quartzite consists of a pink, sometimes fractured, well cemented orthquartzite (Lindgren, 1992). The formation underlies all of Lincoln County and in some areas is overlain by pink, weathered, quartzite sand called Sioux Quartzite wash (Hansen, 1983). Either the wash or the quartzite can locally produce ground water to wells. The well log for this application indicates sandstone from 200 to 217 feet below land surface lying directly upon the Sioux Quartzite. The completed well had a static water level of 115 feet below land surface and was capable of producing 50 gpm using air to develop. The aquifer is under artesian conditions at this site and the sandstone and quartzite would be in hydraulic connection. The formation described as sandstone is either a zone of the quartzite which was not as well cemented or is weathered quartzite similar to the "wash". The well as built is constructed in accordance with SD Well Construction Standards.

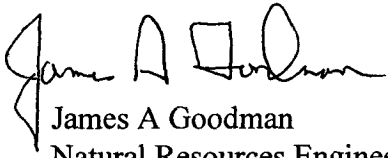
The Water Rights Program does not monitor any observation wells completed into the Sioux Quartzite or quartzite wash in this area. The nearest observation wells are over four miles away and completed into formation which are above the quartzite. One observation well, LN-80P, located about six miles west of this application is completed into the Wall Lake aquifer which lies directly upon the quartzite. Water levels for this observation well do show the effects of climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years (Water Rights, 1999). It is assumed that the Sioux Quartzite would behave in a similar manner.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/rights which obtain water from either the Sioux Quartzite or a formation lying directly upon the quartzite are located about three miles from this application. Interference is not a concern. Drawdown created by pumping should not be significant at this rate of pumping.

CONCLUSIONS

1. Water is available from the Sioux Quartzite.
2. The aquifer is confined and under artesian conditions in this area. Drawdown will be created by pumping but this is a relatively small pumping rate and the drawdown should not be significant. Interference is not a concern.
3. The well has been completed in accordance with SD Well Construction Standards.
4. The purpose of this application is to provide water to ponds for aesthetics. The ponds will collect incidental runoff from the surrounding area but during dry weather the well will be pumped to provide water to maintain the level of the ponds. Although this use can be permitted, it is a waste of perfectly good ground water.



James A Goodman
Natural Resources Engineer

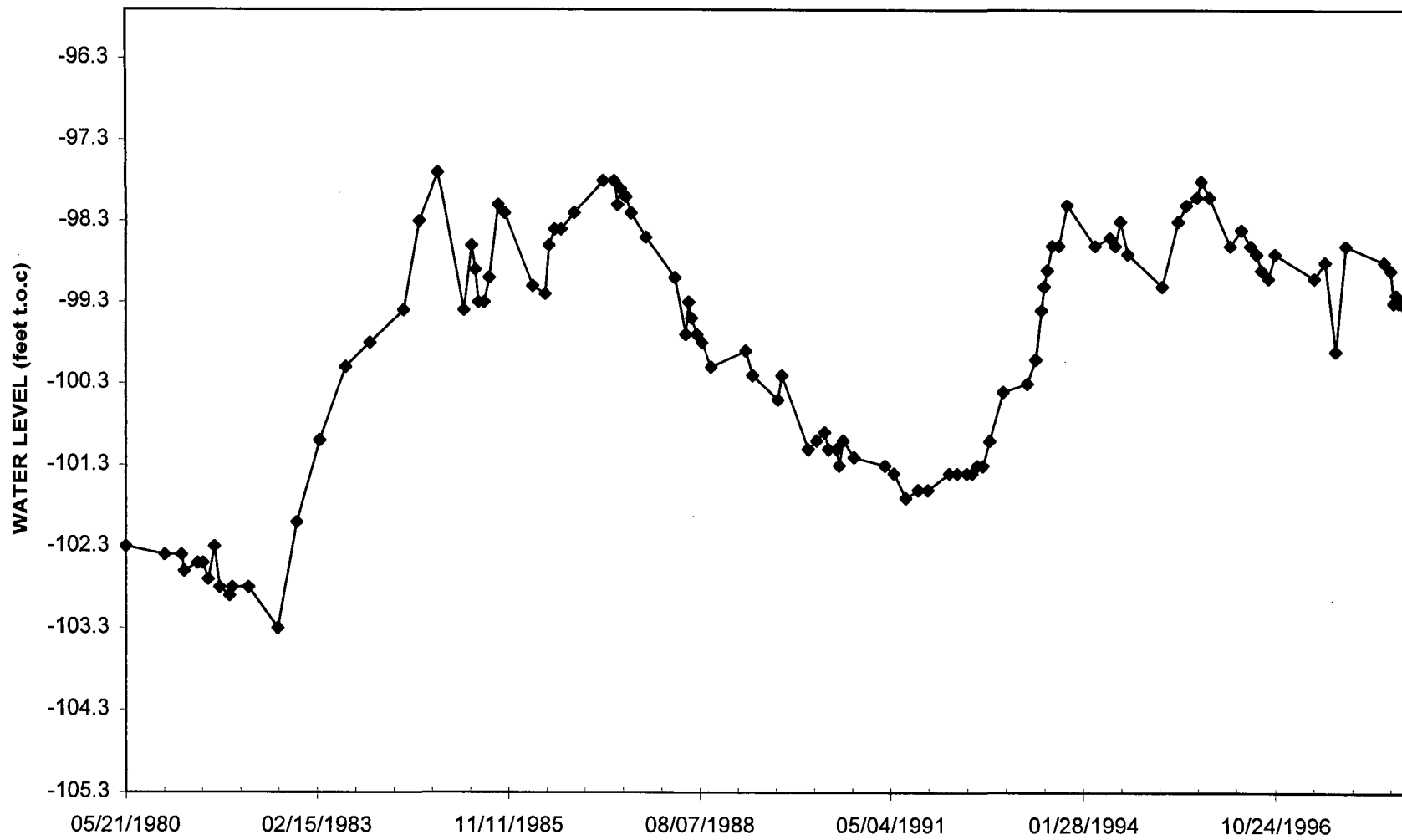
BIBLIOGRAPHY

Hansen, D.S., 1983, Water Resources of Hansen and Davison Counties, South Dakota, WRI 83-4018, USGS, Huron, SD, 57350.

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 1999, Unpublished Observation Well Data for Lincoln County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
LN-80P**



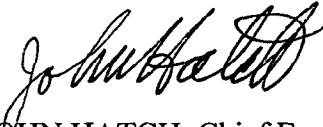
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6118-3, Prairie Green, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6118-3, Prairie Green, Inc., c/o Richard F. Sayre, 600 E. Tan Tara Circle, Sioux Falls, SD 57108..

The Chief Engineer is recommending APPROVAL of Application No. 6118-3 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) 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. Water Permit No. 6118-3 authorizes storage in two ponds with a combined storage capacity of 18 acre feet of water and sufficient water annually to maintain the water level.
3. Pumping from the well into the ponds is not authorized when the ponds are full.

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 3, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

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

February 4, 1999

Prairie Green, Inc.
%Richard F. Sayre
600 E. Tan Tara Circle
Sioux Falls, SD 57108

Dear Mr. Sayre:

Water Permit Application No. 6118-3 for aesthetics purposes 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 Sioux Valley News printed at Canton, SD (Ph # (605) 987-2631). 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
www.state.sd.us/denr

February 4, 1999

Sioux Valley News
Box 255
Canton, SD 57013-0255

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6118-3 to Appropriate Water to be published twice. Please publish the first notice on February 11, 1999, 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 Prairie Green, Inc., %Richard F. Sayre, 600 E. Tan Tara Circle, Sioux Falls, SD 57108 (Ph # (605) 339-0120).

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

-----CU T HERE-----

No. 6118-3

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

Date _____

We are in receipt of your letter of February 4, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6118-3 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 February 11, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6118-3 to Appropriate Water

Notice is given that Prairie Green Inc., c/o Richard F Sayre, 600 E Tan Tara Circle, Sioux Falls SD 57108 has filed an application for a water permit to appropriate 0.111 cubic feet of water per second (50 gallons per minute) from one well (Sioux Quartzite) 217 feet deep located in the SW ¼ NW ¼ Section 14-T100N-R50W. The water will be used for aesthetic purposes to maintain the water level in two ponds (approximate 18 acre-feet storage capacity) during the summer months. The ponds will also receive surface runoff from 100 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6118-3 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 March 1, 1999.

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



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

Connie Renli

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF APPLICATION NO. 6118-3 TO APPROPRIATE WATER (PRAIRIE GREEN)

a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

FEBRUARY 11, 1999
FEBRUARY 18, 1999

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$41.35** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Connie Renli

Subscribed and sworn to before me this
18th day of **FEBRUARY, 1999.**

Jeanne M. Limoges
Notary Public, South Dakota

(Seal)

Jeanne M. Limoges
My Commission Expires
November 18, 2003

NOTICE OF APPLICATION NO. 6118-3

TO APPROPRIATE WATER

Notice is given that Prairie Green Inc., c/o Richard F. Sayere, 600 E Tan Tara Circle, Sioux Falls SD 57108 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second (50 gallons per minute) from one well (Sioux Quartzite) 217 feet deep located in the SW1/4NW1/4 Section 14-T100N-R-50W. The water will be used for aesthetic purposes to maintain the water level in two ponds (approximate 18 acre-feet storage capacity) during the summer months. The ponds will also receive surface runoff from 100 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6118-3 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 March 1, 1999.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 4, 1999

Lyle D. Johnson, Public Works Director
City of Sioux Falls
224 W. 9th Street
Sioux Falls, SD 57102

Dear Mr. Johnson:

Falls Homes and Prairie Green each submitted a water right permit application near Sioux Falls. Enclosed is a copy of the notice of hearing, report and recommendation for each application.

Falls Homes proposes to appropriate water from the Big Sioux Southern Skunk Creek Aquifer. The notice of hearing is scheduled to be published February 11 and 18, 1999, in the Argus Leader.

Prairie Green, Inc. proposes to appropriate water from Sioux Quartzite. The notice of hearing for this application is scheduled to be published February 11 and 18, 1999 in the Sioux Valley News.

Please contact Jim Goodman or myself at (605) 773-3352 if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

MAR 12 1999

Prairie Green, Inc.
%Richard F. Sayre
600 E. Tan Tara Circle
Sioux Falls, SD 57108

Dear Mr. Sayre:

Enclosed is Water Permit No. 6118-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license 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.

Very truly yours,

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

enclosures

Form 10

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date JANUARY 14, 2000

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



FROM: PRAIRIE GREEN, INC. (RICHARD F. SAYRE)
(name)

600 EAST TAN TARA CIRCLE
(address)

SIOUX FALLS, SD 57108
(city, state, zip)

605-339-0120
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6118-3 states that the water use system is to be constructed by

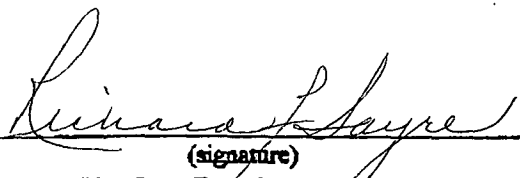
MARCH 1, 2004
(date)

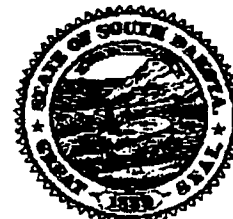
, and water is to be put to beneficial use by JUNE, 2000
(date)

The water use system was completed on NOVEMBER 30, 1999
(date)

Applying the water to beneficial use was completed on NOVEMBER 30, 1999
(date)

You may schedule an investigation so that the water license may be issued.


(signature)
RICHARD F. SAYRE



NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 24 2005

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6118-3

Date: February 22, 2005

I/We request that Water Right/Permit No. _____ formerly owned by:

Prairie Green, Inc., 600 East Tan Tara Circle be transferred to:
Sioux Falls, South Dakota 57108

New Owner Name: The Lakes at Prairie Green Homeowners Association

Address: 348 West LaQuinta Circle (Karen Dunham, Secretary/Treasurer)

City, State, Zip Sioux Falls, South Dakota 57108 Telephone No. 605-366-3291 (cell)

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

Lot 1, Block 19 and Lot 22, Block 17, the lakes at Prairie
Green, Lincoln County, South Dakota (this is the common area).

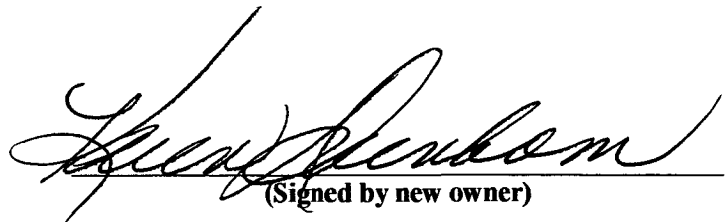
Lots 1-6, Block 18, and Lots 1-21, Block 17, are owned
individually by the homeowners.

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

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Karen Dunham, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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 February 24, 20 05

RECEIVED OF Lakes Homeowners Association, 340 West LaQuinta Circle, Sioux Falls SD 57108
(Maren Durham, Secretary-Treasurer)

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	2.50	
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>6118-3</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. _____		
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.

4776

By

Barclay E. Eide

Chief Engineer

B

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

- 1) Type pvc 2) Size 3 inches 3) Length 35 feet
1) Type concrete 2) Size 18 inches 3) Length 360 feet

C. Works used to apply water to beneficial use:

Two storage ponds for aesthetic purposes in housing development.

D. Compliance with Permit Requirements:

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

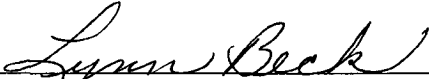
The system is in good condition except the pump and motor are to be replaced with the point(s) of diversion located as follows: 2600' S and 330' E of the W¹/₄ corner Section 14-T100N-R50W (SW¹/₄ NW¹/₄). The works are capable of diverting and conveying to the place of use 0.11 cu. ft. per second of water and/or storing 18 acre-feet of water which is to be used for aesthetic purposes. Water has been put to beneficial use to the maximum extent as follows: **To supply water to two ponds for aesthetic purposes in a housing development.**

The license should be issued for 0.11 cfs and/or 18 acre-feet of storage.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project:

The pump and motor in the well are to be replaced.



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

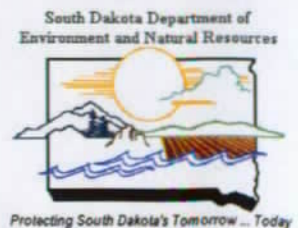
Date report completed: March 3, 2005

**WATER RIGHT NO. 6118-3
LAKE HOMEOWNER'S ASSOCIATION**



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
January 21, 2005



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6118-3

(1) Prairie Green Inc., Sioux Falls SD made Application No. 6118-3, December 24, 1998 for a water permit to divert 0.111 cubic feet of water per second from groundwater (one well) and runoff (18 acre-feet storage), Minnehaha County, South Dakota for aesthetic purposes. Permit No. 6118-3, with a priority date of December 24, 1998 was approved March 1, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 1, 2004 and for the application to beneficial use of water on or before March 1, 2008.

On February 24, 2005, Water Permit No. 6118-3 was transferred to The Lakes at Prairie Green Homeowners Association, 348 W LaQuinta Circle, Sioux Falls SD 57108.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6118-3 is issued a license, bearing a priority date of December 24, 1998 to appropriate 0.111 cubic feet of water per second and 18 acre-feet storage in two ponds from groundwater (one well) and runoff for aesthetic purposes in a suburban housing development.

The diversion point is located: Well: 2,600 feet south and 330 feet east of the W ¼ corner Section 14-T100N-R50W (SW ¼ NW ¼); the two ponds are located in the SW ¼ NW ¼ Section 14-T100N-R50W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6118-3 including the following now applicable qualifications:

- 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 Permit No. 6118-3 authorizes storage in two ponds with a combined storage capacity of 18 acre-feet of water and sufficient water annually to maintain the water level.
- Pumping from the well into the ponds is not authorized when the ponds are full.

Garland Erbele

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

APR 01 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 04 2005

6118-3

Lakes at Prairie Green Homeowners Assoc
% Karen Dunham
348 W LaQuinta Circle
Sioux Falls SD 57108

Dear Sir:

Enclosed is Water License No. 6118-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001776 in the amount of \$ 2.50 which you paid for the transfer of Water License No. 6118-3 into the name of The Lakes at Prairie Green Homeowners Association.

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

Sincerely,

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

enclosures