

WATER PERMIT NO. 6432-3

Name of Applicant: Heron Cove LLC

Address: 1311 S Main, Brookings SD 57006

Phone: 605 697-3118

Amount of Water Claimed: 12 acre-feet

Total Acres: NA

Source of Water Supply: groundwater and runoff

Water to be used for: commercial & irrigation

County: Brookings

Type of Waste Disposal System:

Location: NW part of Brookings

PRIORITY Date Received: 7-17-2003

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: No. 6003-3 authorizes irrigation of 5 acres. The storage pond may be used for irrigation and be filled by well authorized by No. 6003-3

Diversion Point: NW ¼ SW ¼ Sec 23-T110N-R50W

Land to be Irrigated: NW ¼ SW ¼ Sec 23-T110N-R50W

Depth of Well:

Well Driller: :

Remarks:

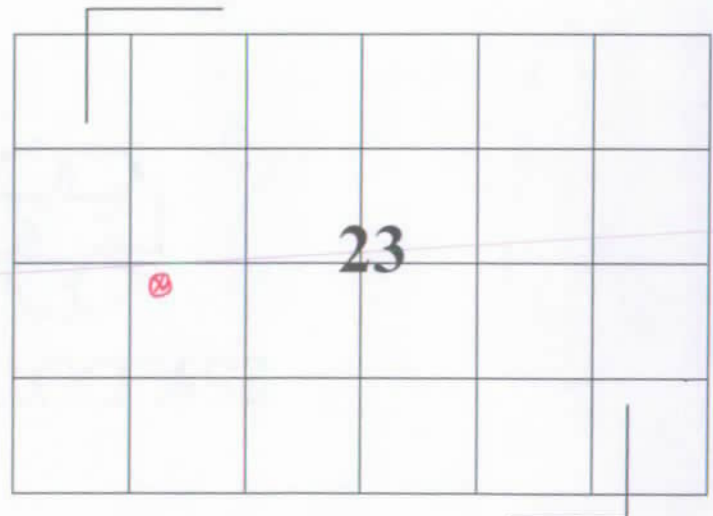
Type of Map: aerial

Prepared by: Mark Rath

Reviewed and the Number Assigned on: 7-17-2003

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6432-3 FOR IRRIGATION

Date of first receipt of application July 17, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6432-3 to Heron Cove LLC, 1311 S Main, 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. 6432-3 authorizes impoundment of 12 acre-feet of water from runoff and groundwater in a storage pond located in the NW ¼ SW ¼ Section 23-T110N-R50W. Water Permit No. 6003-3 authorized 15 gallons per minute from a well to irrigate 5.1 acres in the same area. This permit authorizes pumping from the well to the pond with water being diverted from the pond for irrigation of the 5.1 acres and commercial use purposes.
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 for irrigation and January 1 – December 31 for commercial use.
3. The date from which applicant may claim right is July 17, 2003 (impoundment).
4. The date of approval of Permit No. 6432-3 is September 4, 2003.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

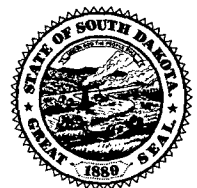
1. Water Permit No. 6432-3 authorizes a storage pond with a capacity of 12 acre feet of water and sufficient water annually to maintain the water level.
2. Pumping from the well authorized by Water Permit No. 6003-3 to the pond is not authorized when the pond is overflowing. Overflow resulting from diversions of the well to the pond constitutes a waste of water and is prohibited.

WATER MANAGEMENT BOARD

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

JAN 16 2004

date



FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED

JUL 17 2003

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6432-3</u>	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register</u>	

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 Irrigation | |

Type of Application:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
- ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
- ☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant Heron Cove LLC (Jim Flippin - contact) Phone (605) 697-3118
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 1311 S Main Brookings State SD 57006
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 12.00 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply groundwater from well (authorized by No. 6003-3) and local surface runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brookings
NW 1/4 SW 1/4 Sec 23 T110N-R50W
- County or counties where water will be used Brookings
- Annual period during which water is to be used 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)
Permit No. 6003-3 authorizes irrigation of 5 acres. This application proposes to expand the authorized use to include commercial use allowing the well to be used to fill a 12 acre-foot pond. The pond located in a townhouse complex can be filled from the either the well, or surface water runoff it may also be used to temporarily detain flood waters. Irrigation may also occur when needed by pumping water from the pond.

STATE OF SOUTH DAKOTA)

County of Brookings 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, Jim Flippin, 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.Applicant's signature Jim FlippinSubscribed and sworn to before me this 10th day of July 20 03Carolyn C. FlippinNotary Public signature 12-21-07

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

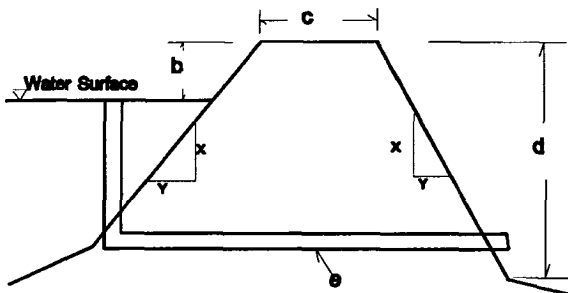
3. Dugout Information

- a) Surface Dimensions 275' X 300' Depth 10
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 17, _____, 20 03

RECEIVED OF Operating Trust Account, %Mills Property Management, 1807 6th St., Brookings.

SD 57006

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

Fee for Application for Permit No. <u>6432-3</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>6432-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

000006

By

Darland Ebele
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 6432-3

Heron Cove LLC

July 31, 2003

Application No. 6432-3, Heron Cove LLC, has filed an application for a water permit to impound 12 acre-feet of water from runoff and groundwater in a storage pond located in the NW ¼ SW ¼ of Section 23 T110N-R50W. The applicants hold Water Permit No. 6003-3 authorizing 15 gallons per minute from a well to irrigate 5.1 acres. This application proposes to pump from the well to the pond with water being diverted from the pond for irrigation of the 5.1 acres and for commercial use purposes. The proposed project is located on the NW side of the city of Brookings in Brookings County.

Review of the Proposed Project

The applicant holds Permit No. 6003-3 authorizing a 164 foot well into an unmapped aquifer (Pleistocene Unknown) for irrigation of 5.1 acres. An inspection for licensing of the permit found, in addition to the well, a 12 acre-foot pond had been constructed. The well and pond are located in the middle of a commercial townhouse complex. At times the well discharges into the pond. The pond can also be filled from local runoff and on occasion flood overflow from the nearby Six Mile Creek. Water in the pond is used for irrigation purpose of the same 5.1 acres authorized by No. 6003-3 and landscaping at the commercial townhouse complex.

Review of Existing Water Rights

There are no other existing water rights/permits in this area interference with other existing water rights and domestic use should not be a concern.

Conclusions

1. This application has filed an application for a water permit to impound 12 acre-feet of water from runoff and groundwater in a storage pond.
2. Water will be used for irrigation and commercial use at the townhouse complex.
3. Interference with other existing water rights and domestic use should not be a concern



Mark D. Rath

Natural Resources Engineering Specialist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6432-3, Heron Cove, LLC**

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. 6432-3, Heron Cove, LLC, c/o Jim Flippin, 1311 S Main St. Brookings SD 57006.

The Chief Engineer is recommending APPROVAL of Application No. 6432-3 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. Water Permit No. 6432-3 authorizes a storage pond with a capacity of 12 acre feet of water and sufficient water annually to maintain the water level.
2. Pumping from the well authorized by Water Permit No. 6003-3 to the pond is not authorized when the pond is overflowing. Overflow resulting from diversions of the well to the pond constitutes a waste of water and is prohibited.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 8, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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.

August 8, 2003

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

Dear Mr. Flippin:

Water Permit Application No. 6432-3 for commercial & 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). 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

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August 8, 2003

Brookings Register
PO Box 177
Brookings SD 57006-0177

ATTENTION: Legal Public Notice

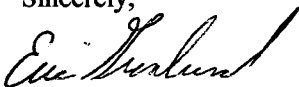
Enclosed is a Notice of Hearing on Application No. 6432-3 to Appropriate Water to be published twice. Please publish the first notice on August 18, 2003 with the second publication 7 days later.

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, Brookings SD (Ph # 605-697-3118).

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. 6432-3

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

Date _____
We are in receipt of your letter of August 8, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6432-3 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 August 18, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6432-3 to Appropriate Water

Notice is given that Heron Cove LLC, c/o Jim Flippin, 1311 S Main, Brookings SD 57006 has filed an application for a water permit to impound 12 acre-feet of water from runoff and groundwater in a storage pond located in the NW ¼ SW ¼ Section 23-T110N-R50W. Water Permit No. 6003-3 authorized 15 gallons per minute from a well to irrigate 5.1 acres in the same area. This application proposes to pump from the well to the pond with water being diverted from the pond for irrigation of the 5.1 acres and commercial use purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6432-3 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 September 4, 2003.

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.

Affidavit of Publication

State of South Dakota

SS

County of Brookings

Jessica Johnson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal # 034: " Water Permit "

Brookings and State of South Dakota, for more than one a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affidavit, was published in said newspaper for _____ 2 times, to-wit:

August 18, 2003

August 25, 2003

said Exhibit "A" inures to the sole benefit fo the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty one dollars and forty-seven cents \$ 41.47

Subscribed and sworn to before me this
August

25th

day of

2003.

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2006

Legal 034, 2x, 8/18, 8/25

PUBLIC NOTICE
NOTICE OF APPLICATION NO. 6432-3 to
Appropriate Water

Notice is given that Heron Cove LLC, c/o Jim Flippin, 1311 S Main, Brookings SD 57006 has filed an application for a water permit to impound 12 acre-feet of water from runoff and groundwater in a storage pond located in the NW 1/4 SW 1/4 Section 23-T110N-R50W. Water Permit No. 6003-3 authorized 15 gallons per minute from a well to irrigate 5.1 acres in the same area. This application proposes to pump from the well to the pond with water being diverted from the pond for irrigation of the 5.1 acres and commercial use purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6432-3 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)"

Exhibit "A"

and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 4, 2003.

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.

RECEIVED

AUG 28 2003

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2003

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

Dear Mr. Flippin:

This letter is in regards to a June 18, 2003 water right inspection I made for licensing of permit No. 6003-3. During the inspection, in addition to the permitted well, I found a pond had been constructed at the complex that was not covered by the existing water permit. A new water permit is needed for the pond and to add commercial use as an authorized use.

I am enclosing an instruction sheet and a partially completed water permit application. Please review and complete the application, sign before a notary public, and submit to this office along with a \$200 filing and licensing fee. You do not need to send in a map, I have already created a map for this application.

Upon receiving and reviewing the application, the chief engineer will issue a recommendation for either approval, approval with qualifications, denial or deferral. Notice of the proposed project and recommendation of chief engineer will then be published in the county newspaper as a legal advertisement for two consecutive weeks. Publication costs are the responsibility of the applicant. Dependent upon whether or not someone chooses to intervene in this matter, a new permit could either be issued or the application could be taken before the state Water Management Board for their consideration.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineering Specialist

Permit No. 6432-3
Big Sioux River - Water District

Contact Person & Address: **Jim Flippin, 1311 S Main, Brookings SD 57501**

Related Permits: **6003-3**

Report Of Examination Of Works

On, **June 18, 2003**, I made a thorough examination of the water use system constructed by **Heron Cove LLC** of **1311 S Main, Brookings SD** holder of Permit Nos. **6003-3**, bearing the priority **April 14, 1997** diversion of **0.03** cu. ft. per second from **ground water (Pleistocene Unknown)** and **6432-3** bearing the priority of **July 17, 2003** authorizing the storage of **12 acre-feet** of water of the waters of **local surface runoff and ground water from the well** for **commercial and irrigation** purposes, in **Brookings** County.

The system is in the following condition **good**. The point of diversion is located **from the SE corner of Section 23 T110N-R50W; 2170 feet north and 110 feet east** with a longitude of **-96.799843** and a latitude of **44.317814** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **0.03** cu. ft. per second of water which is to be used for **commercial and irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 23 T110N-R50W; NW ¼ SW ¼**

comprising a total of **5** acres of land and the license should be issued for **0.03** cfs and **12 ac-ft of storage**.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- | | |
|---|--|
| 1) Well Drilling Firm: <u>Torgrade Well Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>164</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------------|----------------------------------|
| 1) Diameter <u>5</u> inches | 2) Length <u>151</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- 1) Type PVC
- 2) Length 13 feet
- 3) Static water level 20 feet

Pump:

- 1) Make NA - submersible
- 2) Model NA
- 3) Size NA
- 4) Capacity 13.5 GPM

Motor:

- 1) Make NA
- 2) Model No. NA
- 3) Horsepower rating NA hp

DISTRIBUTION LINES OR CANALS:

- 1) Type NA

SYSTEM TYPE:

Pop-up Sprinklers:

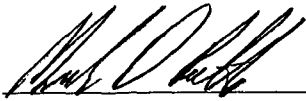
DUGOUT INFORMATION:

- 1) Width 230 feet
- 2) length 230 feet
- 3) Depth 10 ft

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

Comments : none



Mark D. Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

12-5-03

Date

Sec 23 T110N-R50W

Well

Pond

6-27-03

6432-3

Mark D. Rath
Natural Resources Engineering Specialist

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6432-3

(1) Heron Cove LLC, 1311 S Main, Brookings SD 57006 made Application No. 6432-3, July 17, 2003 for a water permit to impound 12 acre-feet of water from runoff and groundwater (one existing well), Brookings County, South Dakota for commercial and irrigation purposes. Permit No. 6432-3, with a priority date of July 17, 2003 was approved September 4, 2003 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

Water Permit No. 6003-3 with a priority date of April 14, 1997, authorizes 0.03 cubic feet of water per second (cfs) from a well to irrigate 5.1 acres. Water is pumped from the well into the impoundment with water diverted from the pond for irrigation. The applicable portions of No. 6003-3 are incorporated into No. 6432-3.

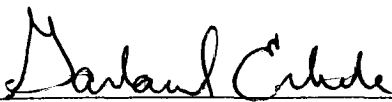
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 6432-3 is issued a license, bearing priority dates of April 14, 1997 (0.03 cfs) and July 17, 2003 (12 acre-feet impoundment) to appropriate 0.03 cfs from runoff and groundwater to irrigate 5 acres and for commercial purposes.

The diversion points (well and impoundment) are located: 2,170 feet north and 110 feet east of the southeast corner of Section 23-T110N-R50W (NW ¼ SW ¼). The acres authorized for irrigation are as follows:

NW ¼ SW ¼ Section 23-T110N-R50W 5 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6432-3 including the following now applicable qualifications:

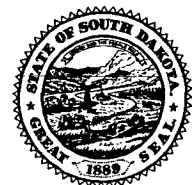
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Water Permit No. 6432-3 authorizes a storage pond with a capacity of 12 acre feet of water and sufficient water annually to maintain the water level.
- Pumping from the well authorized by Water Permit No. 6003-3 to the pond is not authorized when the pond is overflowing. Overflow resulting from diversions of the well to the pond constitutes a waste of water and is prohibited.



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

JAN 16 2004

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

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,

A handwritten signature in cursive script that reads "Garland Erbele".

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



6432-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 26, 2018

NOTICE

TO: HERON COVE LLC, JOHN MILLS, 1323 S MAIN AVE, BROOKINGS, SD 57006

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 6432-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 6432-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 30, 2018

6432-3

John Mills
Heron Cove LLC
1323 S Main Ave
Brookings SD 57006

Dear Mr. Mills:

I am writing to acknowledge receipt of the information for your 2017 irrigation questionnaire. Based on my phone conversation with someone in your office, I completed an irrigation questionnaire indicating the golf course was irrigated with city water in 2017. It is our understanding the well is in place and due to the high iron content of the well water, is being maintained as a backup supply only.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 6432-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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