

WATER PERMIT NO. 6552-3

Name of Applicant: Landscape Garden Centers

Address: 26971 Minnesota Ave, Sioux Falls SD 57101

Phone: 605 338-0706

Amount of Water Claimed: 0.122 cfs

Total Acres: NA

Source of Water Supply: groundwater (1 well)

Water to be used for: commercial

County: Lincoln

Type of Waste Disposal System:

Location: southeast of Sioux Falls

PRIORITY Date Received: 11-15-04

Application/License Fee: \$200

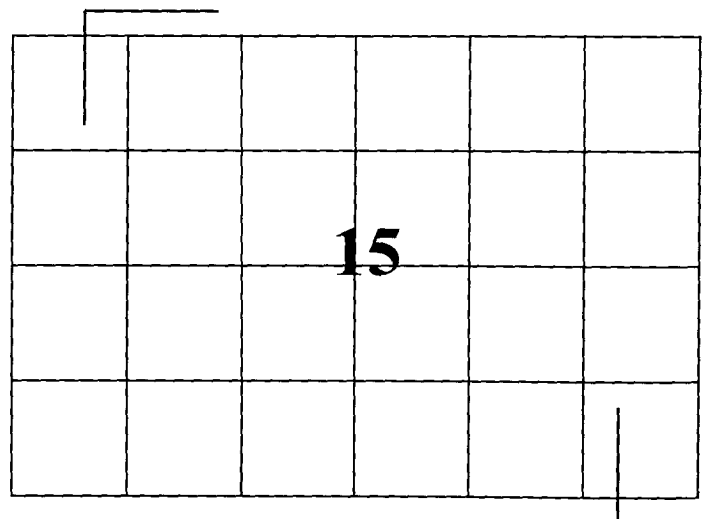
Corrected Application Received: 12-13-04

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: NE ¼ SE ¼ Sec 15-T100N-R50W

Land to be Irrigated: NE ¼ SE ¼ Sec 15-T100N-R50W



Depth of Well: 230 feet deep

Well Driller: : Dave Putzke Well Drilling

Remarks:

Type of Map: aerial photo

Prepared by: Paul J Korn, PE

Reviewed and the Number Assigned on: 12-13-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6552-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Sioux Valley News, Canton</u>	

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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 <u>Nursery & Greenhouse</u>	

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

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

- Name of Applicant LANDSCAPE GARDEN CENTERS Phone 605-338-0706
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 26971 Minnesota Ave Sioux Falls SD State SD 57101
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.123 *CFS or ~50-55 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Deep Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 Well 15100 50 TR 3A Fischlich Add.
NE1/4 SE1/4 Sec 15-T100N-R50W County Lincoln
- County or counties where water will be used Lincoln
- Annual period during which water is to be used April - October 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)
STANDARD well dug for watering trees + shrubs
currently not being used

STATE OF SOUTH DAKOTA)
County of Lincoln 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, Landscape Garden Centers Erik Jelland President, 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 Erik Jelland

Subscribed and sworn to before me this 10 day of November 2004

My Commission Expires
March 7, 2006

Patty Schetter
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6552-3

Date of first receipt of application November 15, 2004.

Date of return to applicant for corrections, amendments or changes November 15, 2004.

Date of receipt of corrected application December 13, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6552-3 to Landscape Garden Centers, 26971 Minnesota Ave, Sioux Falls SD 57101 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. 6552-3 appropriates 0.123 cubic feet of water per second from one well to be completed into the Sioux Quartzite Aquifer (approximately 570 feet deep) located in the NE ¼ SE ¼ Sec 15- T100N-R50W.
2. The water appropriated shall be used for the purpose of commercial use at a nursery and greenhouse 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: April 1 – October 31.
4. The date of approval of Permit No. 6552-3 is January 31, 2005.
5. The date from which applicant may claim right is November 15, 2004.
6. One-fifth of the construction is to be completed on or before July 31, 2007.
7. All construction is to be completed on or before January 31, 2010.
8. Water is to be put to beneficial use on or before January 31, 2014.
9. 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: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 19 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8" ? Depth 570'
- b) Casing Type PVC Diameter 8" ? 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 _____

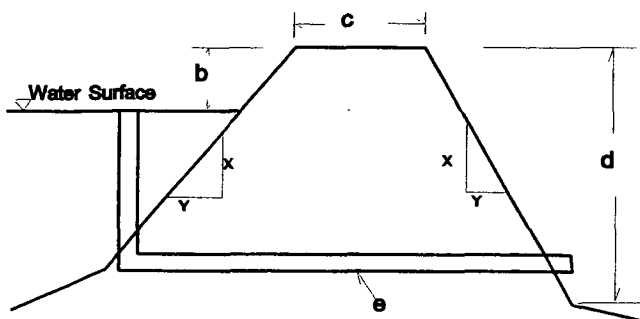
3. Dugout Information

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

4. Water Storage Dams

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

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



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

LEGAL DESCRIPTION FOR LANDSCAPE GARDEN CENTERS

Tract 3A Fischenich Addition in the SE1/4 of Section Fifteen (15),
Township One Hundred North (100N), Range Fifty (50) West of
the 5th P.M., County of Lincoln, State of South Dakota.

19.97 Acres, Springdale Township

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P.O. BOX 1669 • SIOUX FALLS, SOUTH DAKOTA 57101 • FAX (605) 338-2040 • (605) 338-0706

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date NOVEMBER 15, 20 04

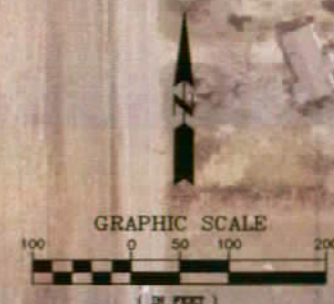
RECEIVED OF Landscape Garden Centers, PO Box 1669, Sioux Falls SD 57101

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

Fee for Application for Permit No. <u>6552-3</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>6552-3</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. 000000

By Darlene Erbe
Chief Engineer gpm



E 1/4 CORNER
SEC. 15 T100N R50W

768 FT

750 FT

DIVERSION
POINT

MINNESOTA
AVENUE

LANDSCAPE GARDEN CENTER

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

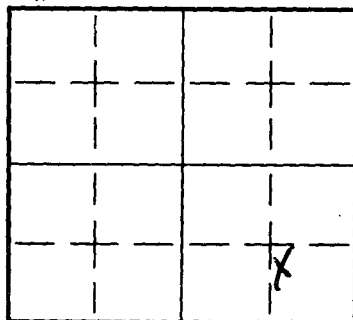
Tract 3A Fishhawk
 Location 1/4 SE 1/4 Sec 15 Twp 100N Rg 50
 County West of the 5th P.M. North
Lincoln

Please mark well location with an "X"

W

E

Well Completion Date

6-17-04

1 Mile

LOCATION:

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

PROPOSED USE:

☐ 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
<u>11.18</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>230</u> FT	<u>10</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
_____	_____	_____ lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Pump w/ drilling Rig
4 yds of Portland

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: 5 gallons

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

OR chlorinePump

Well Owner: _____

Business Name: Landscape GardensAddress: P.O. Box 1669
Sioux Falls S.Dak 57101

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>yellow clay</u>	<u>2</u>	<u>66</u>
<u>Blue clay</u>	<u>66</u>	<u>230</u>
<u>Granite</u>	<u>230</u>	<u>562</u>

STATIC WATER LEVEL 137 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☐ BailedPumped 55 gpm☐ OtherAt 240'

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Pugh Well Drilling IncSignature of License Representative: Dave PughSignature of Well Owner or Marketable Property Holder: John Miller PresidentDate: 6/24/04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 2004

Landscape Gardens
PO Box 1669
Sioux Falls SD 57101

Dear Sir:

A well driller's report filed by Dave Putzke Well Drilling, Inc. shows that they completed a new well for you. The report indicates the well water will be used for irrigation. Based on the information in the report, it appears you 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 less than 25,920 gallons per day with a maximum rate not to exceed 25 gallons per minute. Irrigation of more than one acre requires obtaining a water permit.

1. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.
2. 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.

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 Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 29, 2004

Landscape Gardens
PO Box 1669
Sioux Falls SD 57101

Dear Sir:

On August 4, 2004, you were sent applications forms for a Permit to Appropriate Water based on a well completion report filed by Dave Putzke Well Drilling, Inc. The report indicated the proposed water use would be irrigation and business. Based on this information, it appears that an application is necessary to obtain a permit which will reflect your use. To date, we have not received a response regarding this application.

Enclosed is another set of application forms and instruction sheet. Please complete the application and return to us by December 1, 2004.

Obtaining a water permit that accurately reflects the water use at your business ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

If you have any questions, please contact Eric Gronlund or me. We will be happy to help you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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November 15, 2004

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Erik Hellend, President
Landscape Garden Centers
26971 Minnesota Ave
Sioux Falls SD 57101

Dear Mr. Hellend:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use at your nursery and greenhouse. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. The map needs to reference a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.

Our suggestion is to contact the Lincoln County Agricultural Conservation & Stabilization Service office. Someone at that office would be qualified to help prepare and sign an aerial photo map for you.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6552-3
For Landscape Garden Center
December 21, 2004

Application No. 6552-3 proposes to appropriate 0.123 cfs (55 gpm) from one well approximately 570 feet deep located in the NE ¼ SE ¼ of section 15, T100N R50W in Lincoln County. The water is for commercial use at a nursery and greenhouse.

AQUIFER – SIOUX QUARTZITE (SOUX)

The Sioux Quartzite consists of a pink, sometimes fractured, well-cemented orthoquartzite (Niehus, 1994). In some areas the quartzite is overlain by pink weathered quartzite sand called the Quartzite wash or by the Dakota Formation (Niehus, 1994). Both of these formations are considered aquifers. The quartzite also may produce water from fractures or natural jointing within the rock type. In this later instance typically the well is a low yield well and may not sustain a pumping rate. The quartzite is buried and under confined or artesian conditions at this site.

The well log filed with the application indicates brown clay (weathered) from near the land surface to 66 feet, blue clay (unweathered) from 66 to 230 feet, and granite (Sioux Quartzite) from 230 to 562 feet. The completed well was capable of producing 55 gpm using air to develop. The well had a static water level of 137 feet below land surface. This well has been constructed in accordance with South Dakota Well Construction Standards.

The Water Right Program does not monitor any observation wells completed into the Sioux quartzite aquifer in this area. Some monitor wells are completed into the wash or other aquifer lying directly upon the quartzite. The nearest observation well of this nature is LN-80P completed into the Wall Lake aquifer and located about six miles west of this application. Water levels for this well respond to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. It is assumed that the quartzite aquifer would respond in a similar manner (Water Rights, 2004).

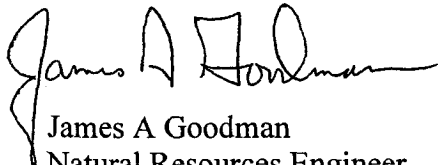
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing nearby water permit No. 6118-3 (0.111 cfs) that is located about 1,325 feet northeast of the well for this application. Interference is not expected to be a concern. This are both relatively low yield wells and drawdown should not be significant.

CONCLUSIONS

1. Water is available from the Sioux Quartzite aquifer.
2. The aquifer is under artesian conditions at this site. Pumping is not expected to create significant drawdown. Interference should not be a concern.

3. This is an existing well and has been constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 2004, Unpublished Observation Well Records for Minnehaha and Lincoln Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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. 6552-3, Landscape Garden Centers**

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. 6552-3, Landscape Garden Centers, c/o Erik Hellend, President, 26971 Minnesota Avenue, Sioux Falls SD 57101.

The Chief Engineer is recommending APPROVAL of Application No. 6552-3 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 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.

Garland Erbele, Chief Engineer
January 6, 2005

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Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

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 6552-3 TO APPROPRIATE WATER

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:

JANUARY 13, 2005
JANUARY 20, 2005

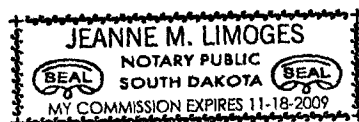
that the full amount of the fees charged for publishing the same to-wit: the sum of **\$32.56** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Julie Gerber

Subscribed and sworn to before me this **20th** day of **JANUARY, 2005**.

Jeanne M. Limoges
Notary Public, South Dakota

(Seal)



NOTICE OF APPLICATION NO. 6552-3 TO APPROPRIATE WATER

Notice is given that Landscape Garden Centers, 26971 Minnesota Avenue, Sioux Falls, SD 57101 has filed an application for a water permit to appropriate 0.123 cubic feet of water per second from one well to be completed in to the Sioux Quartzite Aquifer (approximately 570 feet deep) located in the NE 1/4 SE 1/4 Sec 15-T100N-R50W. The water is for commercial use at a nursery and greenhouse.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6552-3 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 January 31, 2005.

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. (1-13, 20)



**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.

January 6, 2005

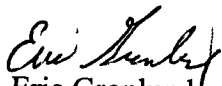
Landscape Garden Center
% Erik Hellend President
26971 Minnesota Ave
Sioux Falls SD 57101

Dear Mr. Hellend:

Water Permit Application No. 6552-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Sioux Valley News printed at Canton, SD (Ph # 605-764-2000). 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 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. 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.

Instruction to Newspaper - Publish first Notice on January 13, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6552-3 to Appropriate Water

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 6, 2005

Sioux Valley News
PO Box 255
Canton SD 57013-0255

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6552-3 to Appropriate Water to be published twice. Please publish the first notice on January 13, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Landscape Garden Centers, %Erik Hellend, President, 26971 Minnesota Ave., Sioux Falls SD (Ph # 605-338-0706).

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. 6552-3

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

Date _____

We are in receipt of your letter of January 6, 2005 enclosing Notice to Appropriate Water by Application No. 6552-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



APR 19 2005

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Landscape Garden Centers
% Erik Hellend President
26971 Minnesota Ave
Sioux Falls SD 57101

Dear Mr. Hellend:

Enclosed is Water Permit No. 6552-3 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.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAR 31 2014

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6552-3Date: 3-28-2014

I/We request that Water Right/Permit No. 6552-3 formerly owned by:
Landscape Garden Center be transferred to:

New Owner Name: GV LLCAddress: 5104 S Barrington DriveCity, State, Zip Sioux Falls SD 57108 Telephone No. 605-360-4587

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

Tract 4A Fischenich Addition to the City of Sioux Falls, Lincoln County SD.(current Legal)
Which came out of the NE1/4 of the SE 1/4 of Section 15 T100N R50W

☒ I understand that the validity of Water Right/Permit No. 6552-3 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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Preston Mettler (GV LLC Manager), 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 3/31, 20 14

RECEIVED OF GV LLC 5104 S Barrington Dr Sioux Falls SD 57108

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6552-3</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06805**

By J. Anne Goodman
Chief Engineer

6552-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



6552A-3

JUN 18 2014

GV LLC
c/o Preston Mettler, Mgr
5104 S Barrington Drive
Sioux Falls SD 57108

Dear Mr. Mettler:

Enclosed is Water Permit and License No. 6552A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is a receipt for \$50.00 which you paid for the Notice of Transfer of Ownership on Permit No. 6552-3. Also, included with your license is a map prepared by Lynn Beck, staff engineer who conducted the investigation.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: The applicable portions of No. 6552-3 are incorporated into Water License No. 6552A-3.

enclosures