

WATER PERMIT NO. 6580-3

Name of Applicant: Donaghu Greenhouse LLC

Address: 204 Westshore Dr, McCook Lake SD Phone: 57049

Amount of Water Claimed: 0.1 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use County: Union

Type of Waste Disposal System:

Location: near McCook Lake

PRIORITY Date Received: 1-28-05 Application/License Fee: \$100

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks: Water Permit No. 5838-3 was issued for a Dakota Formation well. This application corrects the water source to the Missouri:Elk Point Aquifer

Diversion Point: NE ¼ NE ¼ Sec 8-T89N-R48W

Land to be Irrigated: NA

Depth of Well: 113 feet deep

Well Driller: : Marty Soole Well Drilling

Remarks:

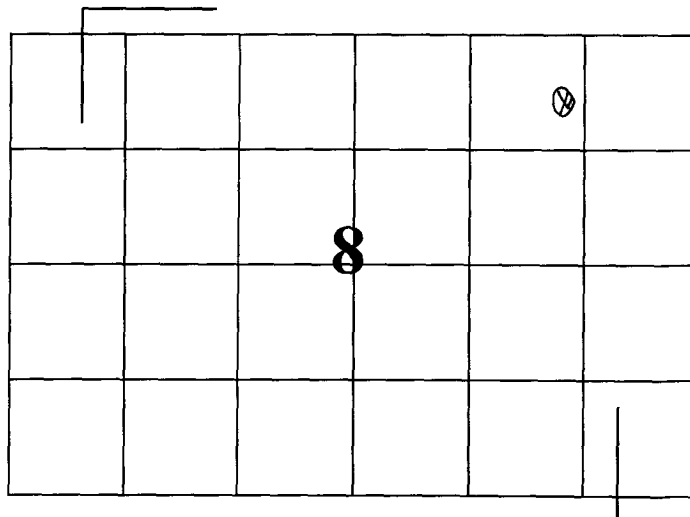
Type of Map: aerial

Prepared by: Mark Rath

Reviewed and the Number Assigned on: 1-28-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 6580-3 (office use only)
Hydrologic Unit 10170101
Basin Vermillion River
Newspaper Leader-Courier, Elk Point

RECEIVED
JAN 28 2005
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

- | | | | |
|---|--|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☒ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☐ Other _____ | |

Type of Application: (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. 5838-3

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

Correct the water source from the Dakota Aquifer to the Missouri:Elk Point Aquifer

- Name of Applicant Donaghu Greenhouse L.L.C. Phone 605-232-0350
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 204 Westshore Drive McCook Lake State SD 57049-4021
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.1 *CFS or 45 **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 Missouri:Elk Point Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
NE 1/4 NE 1/4 Section 8, T89N, R48W
- County or counties where water will be used Union
- Annual period during which water is to be used January 1 - December 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)

The well was drilled in 1995 and constructed into the Missouri:Elk Point Aquifer instead of the Dakota Formation. A map prepared by Mark Rath, staff engineer, and the well completion report are on file with the Water Rights Program.

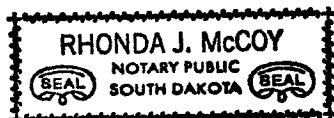
STATE OF SOUTH DAKOTA)
County of Union SS

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

I, Robert W. Donaghu, 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 Robert W. Donaghu

Subscribed and sworn to before me this 24 day of January 20 05



exp 7-3-09

Rhonda J. McCoy
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6580-3

Date of first receipt of application January 28, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6580-3 to Donaghu Greenhouse, LLC c/o Robert W Donaghu, 204 Westshore Dr, McCook Lake SD 57049-4021 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. 6580-3 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Missouri:Elk Point Aquifer (113 feet deep) located in the NE ¼ NE ¼ Section 8-T89N-R48W.
2. The water appropriated shall be used for the purpose of commercial use at the 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: January 1 – December 31.
4. The date of approval of Permit No. 6580-3 is March 28, 2005.
5. The date from which applicant may claim right is January 28, 2005.
6. One-fifth of the construction is to be completed on or before September 28, 2007.
7. All construction is to be completed on or before March 28, 2010.
8. Water is to be put to beneficial use on or before March 28, 2014.
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. 5838-3 is cancelled for non-construction.

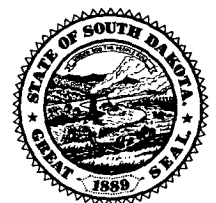
WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 19 2005

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 28, 20 05

RECEIVED OF Donaghu Greenhouses, PO Box 1490, McCook Lake SD 57049

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

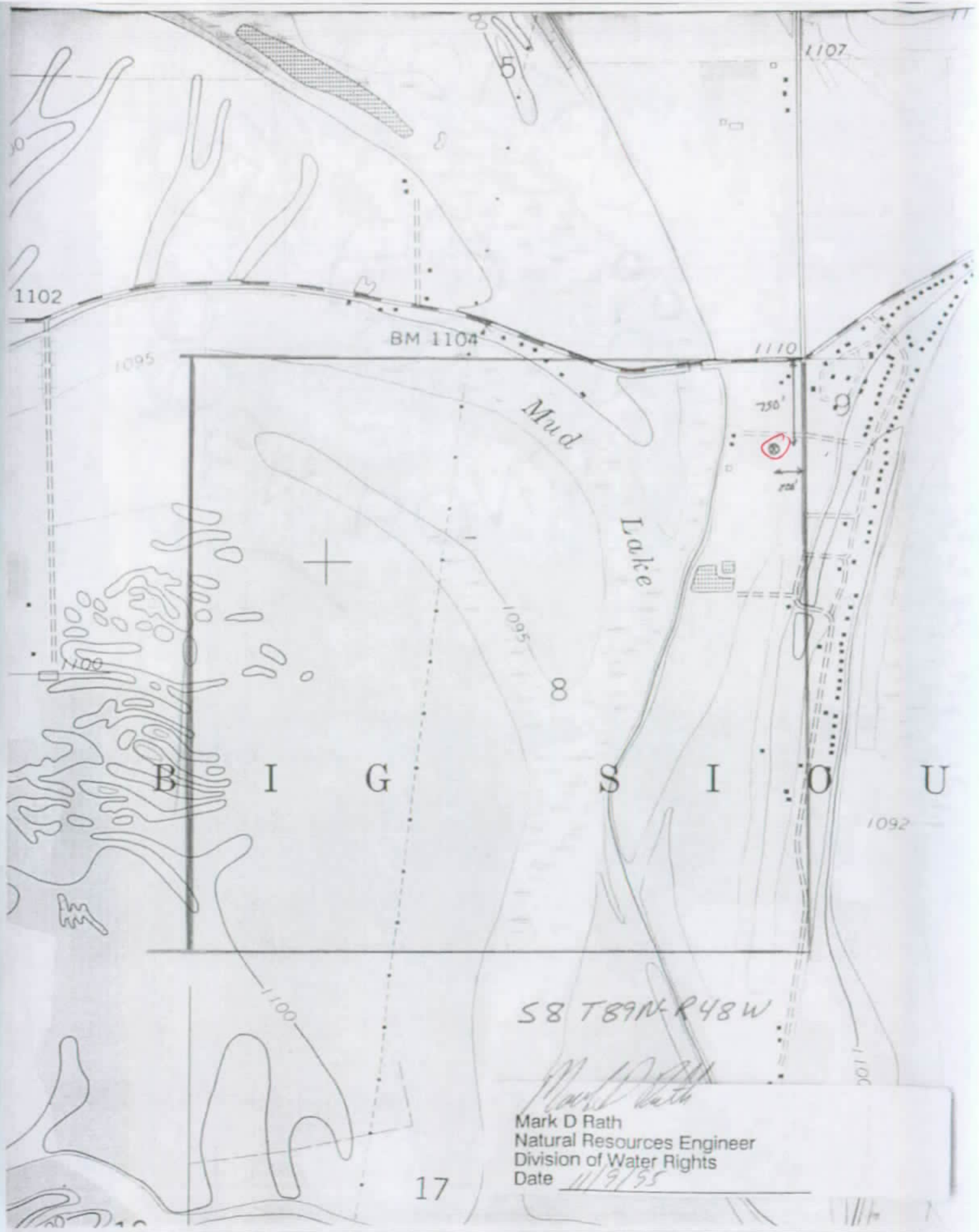
Fee for Application for Permit No. <u>6580-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6580-3</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	100.00

No.

0000007

By

Donald White
Chief Engineer



S8 T89N R48W

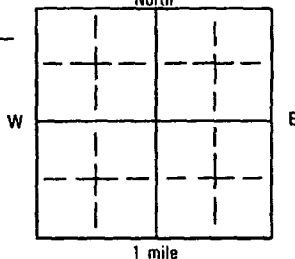
Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 11/9/95

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location $\frac{1}{4}$ Sec. 8 Twp 89 N Rg 48 W
Lot 1 - Sec 8 Big Sioux Township
 County Union

Please mark well
 location with
 an "X"



Well Completion Date 2-21-95

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe 5" 250 # PVC

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>3.554</u> LB/FT	<u>5"</u> IN	<u>0</u> FT	<u>106</u> FT	<u>9"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 100' FEET

What is grouting material? Cement

If cement, number of sacks? 23

Describe grouting procedure Pumped Through Tremie Pipe with Grout pump

What was grout weight? 20 LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 5" I.D. IN Length 6 FEET

Material PVC

Slot Size 25 Set From 106 Feet To 112 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information Johnson 5" cap on bottom

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain Chlorinated

Bacteriological analysis ☒ YES ☐ NO

Laboratory sent to Sioux land District Health

Well Owner:

Name Donaghu Greenhouse

Address 204 West Shore Dr

Well Log: McCook Lake S.D. Depth

Formation	From	To
Tough gumbo	0	14
gray clay	14	21
Fine gray Sand + clay	21	49
gray clay	49	62
rocks + gray clay	62	67
gray clay + Sand	67	75
gray clay	75	79
Fine To med. Clean sand	79	85
wood coal + Fine Sand	85	88
Fine To med Sand + coal	88	98
med. To coarse sand	98	100
Coal to Fine sand	100	104
Fine To med sand	104	106
Med. To coarse sand	106	113

STATIC WATER LEVEL 24' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

☒ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

36 ft. After 4 Hrs. pumped 60 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:



This well was drilled under license # 538

And this report is true and accurate.

Drilling firm Marty Soale Well Drilling

Signature of License Representative:

Marty Soale

Signature of Well Owner:

Date 2-25-95



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 5, 2005

Robert Donaghu
Donaghu Greenhouse
204 Westshore Drive
McCook Lake, SD 57049-4021

Dear Mr. Donaghu:

Donaghu Greenhouse obtained a water permit in 1994 authorizing diversion of water from a well for the commercial purpose of supplying water to the greenhouse. A copy of the issued water permit is enclosed. The application defined the water source to be a well constructed approximately 250 feet deep into the Dakota Formation.

The well completion report for this well indicates the well was drilled in 1995 to a depth of 113 feet. At this depth the water source is actually the Elk Point Management Unit of the Missouri Aquifer. A Water Rights Program staff person conducted an on-site visit of the water supply system in 1995 and noted that the well was constructed into a different aquifer than the permitted water source.

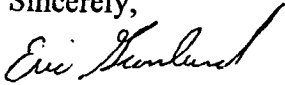
The Water Rights Program manages and permits the use of water by the source. If a permit is found to be diverting from a source other than the originally intended water source, we work with water user to get the proper permit in place.

You may be asking yourself why 10 years after the well was drilled that this came to my attention. The answer is we are processing a new application in your general vicinity. As part of that review, we look at neighboring permits to determine if developing of the new water use may unlawfully impair existing rights. During this review, I became aware that you developed into the shallower water source.

A new water permit will need to be obtained to properly permit your water use from the Missouri:Elk Point Aquifer. Enclosed is a partially completed application. Please review the application and make any necessary correction, sign in the presence of a notary public and submit along with the \$100 application filing fee. I have enclosed a stamped self addressed envelope for your convenience. If the diversion rate from the well is greater than 45 gallons per minute, give me a call because the filing fee will be greater.

Please feel free to contact me if you have any questions. It is important to have the water permit accurately reflect the greenhouse's water use. This provides for proper legal standing and protects your continuing right to use water in South Dakota for commercial use.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

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

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6580-3
For Donaghu Greenhouse LLC
February 14, 2005

Application No. 6580-3 proposes to appropriate 0.1 cfs (45 gpm) from one well approximately 113 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 8, T89N R48W in Union County. The water is for commercial use at the greenhouse.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is alluvium mantled outwash (sand and gravel) that is under water table conditions in this area. The aquifer (Niehus called this the Missouri aquifer) underlies 180 square miles and contains an estimated 1.5 million acre-feet of water in storage in Union County (Niehus, 1994). Ground water movement is from north to south in the area of this application. The aquifer is hydraulically connected to the Big Sioux and Missouri Rivers, extends into Clay County to the west, blends into the Lower Vermillion Missouri and Big Sioux South aquifers to the north, and directly overlies the Dakota aquifer in southern Union County.

The well log submitted with the application indicates clay from the surface to a depth of 21 feet followed by interbedded sands and clays to a depth of 79 feet where fine to medium sands were encountered to a total depth of 113 feet. The completed well had a static water level 24 feet below land surface and was capable of producing 60 gpm with 12 feet of drawdown. This well has been constructed in accordance with SD Well Construction Standards.

The Water Rights Program monitors five observation wells completed into the Missouri Elk Point aquifer and within three miles of this site. Observation well UN-98A located about one-quarter mile to the west illustrates the relationship of the Missouri Elk Point aquifer and the Dakota Formation very well. That log indicates sand and gravel from the land surface to a depth of 165 feet (Missouri Elk Point aquifer) followed by sandstone from 165 feet to 268 feet (Dakota aquifer). A hydrograph for observation well UN-78D located about one-half to the east is included with this report. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005).

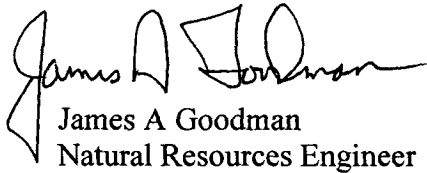
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 5838-3 for this same facility only for a Dakota Formation well. There are no other nearby water permits/rights which obtain water from the Missouri Elk Point aquifer. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.

2. The aquifer may be under artesian conditions at this site (well log) but is predominantly under water table conditions in this area. Pumping at the requested rate is not expected to create significant drawdown. Interference is not a concern.
3. This is an existing well and has been constructed in accordance with SD Well Construction Standards.
4. Approval of this application will allow licensing of this permit to reflect as built. Upon licensing of this application, then water permit No. 5838-3 can be cancelled for no construction.



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, 2005, Unpublished Observation Well Data for Union County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER LEVEL (FT. TOP OF CASING)

12/31/1981 9/26/1984 6/23/1987 3/19/1990 12/13/1992 9/9/1995 6/5/1998 3/1/2001 11/26/2003

Manual



**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. 6580-3, Donaghu Greenhouse, 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. 6580-3, Donaghu Greenhouse, LLC, c/o Robert W Donaghu, 204 Westshore Drive, McCook SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 6580-3 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. 5838-3 is cancelled for non-construction.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 28, 2005

Note: Application No. 6580-3 authorizes this well as it is constructed into the Missouri:Elk Point Aquifer. Water Permit No. 5838-3 which was originally obtained to provide water to the greenhouse was to be constructed into the Dakota Formation. Since the well is constructed into the shallower Missouri:Elk Point Aquifer, Water Permit No. 5838-3 is being cancelled for non-construction.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Union) SS

I, Susan Odson

certify that the attached printed Notice was
 taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 10, 2005

March 17, 2005

Cost of Printing \$38.75

Susan Odson
 (Signature)

Affidavits Coordinator
 (Title)

3-17-05

(Date Signed)

**NOTICE OF APPLICATION
 NO. 6580-3 TO
 APPROPRIATE WATER**

Notice is given that Donaghu Greenhouse, LLC c/o Robert W. Donaghu, 204 Westshore Drive, McCook Lake SD 57049 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Missouri: Elk Point Aquifer (113 feet deep) located in the NE1/4 NE1/4 Section 8 - T89N-R49W. This water is for commercial use at the greenhouse.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6580-3 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 28, 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.

Publish March 10 and 17, 2005

10-12 -69

38.75

RECEIVED

MAR 21 2005

**WATER RIGHTS
 PROGRAM**

Instruction to Newspaper - Publish first Notice on March 10, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6580-3 to Appropriate Water

Notice is given that Donaghu Greenhouse, LLC c/o Robert W Donaghu, 204 Westshore Drive, McCook Lake SD 57049 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Missouri:Elk Point Aquifer (113 feet deep) located in the NE ¼ NE ¼ Section 8-T89N-R48W. The water is for commercial use at the greenhouse.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6580-3_ 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.

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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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2005

Leader-Courier
PO Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6580-3 to Appropriate Water to be published twice. Please publish the first notice on March 10, 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 Donaghu Greenhouse LLC, % Robert W Donaghu, 204 Westshore Dr., McCook Lake SD (Ph # 605-232-0350).

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. 6580-3

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

Date _____

We are in receipt of your letter of March 1, 2005 enclosing Notice to Appropriate Water by Application No. 6580-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name _____ Newspaper _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 1, 2005

Donaghu Greenhouse LLC
% Robert W Donaghu
204 Westshore Dr
McCook Lake SD 57049

Dear Mr. Donaghu:

Water Permit Application No. 6580-3 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 Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice 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.



**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 19 2005

Donaghu Greenhouse LLC
% Robert W Donaghu
204 Westshore Dr
McCook Lake SD 57049-4021

Dear Mr. Donaghu:

Enclosed is Water Permit No. 6580-3 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

6580-3

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date

4/28/05

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

RECEIVED

MAY - 2 2005

WATER RIGHTS
PROGRAM

FROM:

Donaghue Greenhouse LLC
(name)

204 Westshore Dr
(address)

McCook Lake S.D. 57049
(city, state, zip)

605-232-0350
(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. 6580-3 states that the water use system is to be constructed by

MARCH 28 2010, and water is to be put to beneficial use by MARCH 28 2014
(date) (date)

The water use system was completed on

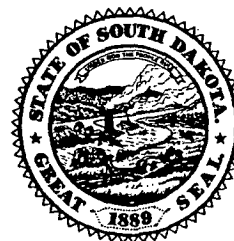
3/9/95
(date)

Applying the water to beneficial use was completed on

3/9/95
(date)

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

[Signature]
(signature)



2005 South Dakota Water Use Questionnaire

6580-3

To:

DONAGHU GREENHOUSE LLC
204 WESTSHORE DR, PO BOX 1490
MCCOOK LAKE SD 57049 4021

Address correction requested:

PLEASE SEND TRANSFER
of OWNERSHIP FORM

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 6580-3. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source: GROUNDWATER

County: UNION

Aquifer: MISSOURI

Pumping Pt. Legal: SEC 08-T089N-R48W

Management Unit: ELK POINT

Type of Water Use: COMMERCIAL

1) Please estimate your year 2005 water use from the above water source: 70,000 gallons

2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments:

Contact Person:

Norman E. Strong

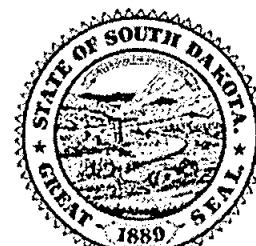
Telephone No:

712-253-9561

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr



RECEIVED
FEB 08 2006
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

February 16, 2006

No. 6580-3

Norman Strong
Donaghu Greenhouse LLC
PO Box 1490
McCook Lake SD 57049

Dear Mr. Strong:

As requested, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6580-3.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6580-3

Date: 2-20-06

I/We request that Water Right/Permit No. 6580-3

formerly owned by: Donaghu Greenhouse LLC

be transferred to: (name & address)

WEST SHORE ACRES L.L.C.
204 WESTSHORE DR. MCCOOL LAKE S.D. 57049

Telephone No. 712-253-9561

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

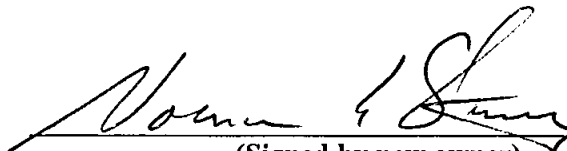
one well - NE 1/4 NE 1/4 Sec 8-T89N-R48E

I/We understand that the validity of Water Right/Permit No. 6580-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Norman E. Strong, 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.

RECEIVED
FEB 23 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 23, 20 06

RECEIVED OF Norman Strong, 202 Westshore Dr., McCook Lake SD 57049

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>6580-3</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02379

By

Darland Eide

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2006

6580-3

Norman Strong
West Shore Acres LLC
204 West Shore Dr
McCook Lake SD 57049

Dear Mr. Strong:

Thank you for following up on the ownership change for Water Permit No. 6580-3. The transfer has been completed. The water permit formerly listed in the name of Donaghu Greenhouse LLC is now listed in the name of West Shore Acres LLC.

Enclosed is your Receipt No. 02309 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

Water Rights Program - File Documentation

NAME: West Shore Acres LLC

ADDRESS: McCook Lake SD

DATE: 10-30-07 **COUNTY:** UN **TELEPHONE:**

RE: Readvertisement of Notice of Permit No. 6580-3

COMMENTS:

Upon review of Permit No. 6580-3 for licensing purposes it was found the original notice published on March 10 and 17, 2005 for Water Permit No. 6580-3 contained an error in the legal description of the well location. Readvertisement is necessary to ensure the water right is free from any legal entanglements due to insufficient public notice.

Water Permit No. 6580-3 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Missouri:Elk Point Aquifer (113 feet deep) located in the NE ¼ NE ¼ Section 8-T89N-R48W. The legal description was incorrectly advertised as being located in Section 8-T89N-R49W. This readvertisement does not authorize any increase in the developed water appropriation.

Karen Schlaak

Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 30, 2007

South Union County Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

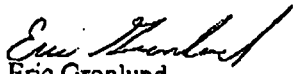
Enclosed is a Notice for Readvertisement of Permit No. 6580-3 to Appropriate Water to be published twice. Please publish the first notice on November 8, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the Water Right Program for the cost of publication.

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.** Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

No. 6850-3

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

Date 11/7/07

We are in receipt of your letter of October 30, 2007 enclosing Notice for Readvertisement of Water Permit No. 6580-3 which was first published in our issue of 11/8/07. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Susan Odson

Name

Leader-Courier

Newspaper

Instruction to Newspaper - Publish first Notice on November 8, 2007 with the second publication 7 days later. The Water Rights Program is responsible for payment.

Readvertisement of Notice of Permit No. 6580-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 6580-3 held by West Shore Acres, LLC, 204 Westshore Dr, McCook Lake SD 57049. Water Permit No. 6580-3 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Missouri:Elk Point Aquifer (113 feet deep) located in the NE ¼ NE ¼ Section 8-T89N-R48W. Readvertisement is necessary to correct the legal description of the well location prior to issuance of the water license. The legal description was incorrectly advertised on March 10 & 17, 2005 as being located in Section 8-T89N-R49W. This readvertisement does not authorize any increase in the developed water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Permit No. 6580-3 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 this 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 this 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 recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 2007.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 30, 2007

West Shore Acres LLC
Norman Strong
204 Westshore Dr
McCook Lake SD 57049

Dear Mr. Strong:

On September 27, 2007 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6580-3, was completed by Lynn Beck, a staff engineer with our program. As part of the review process, we found the original notice published on March 10 and 17, 2005 for Water Permit No. 6580-3 contained an error in the legal description of the well location. Therefore, the notice needs to be readvertised to correct the error and to ensure your water right is free from any legal entanglements due to insufficient public notice.

The notice of Readvertisement has been sent to the Publisher of the Southern Union County Leader-Courier printed at Elk Point SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 30, 2007

South Union County Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice for Readvertisement of Permit No. 6580-3 to Appropriate Water to be published twice. Please publish the first notice on November 8, 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.

Please BILL the Water Right Program for the cost of publication.

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.** Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6850-3

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

Date _____

We are in receipt of your letter of October 30, 2007 enclosing Notice for Readvertisement of Water Permit No. 6580-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

RECEIVED

NOV 19 2007

Form 8

WATER RIGHTS
PROGRAM**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)

County of Union) SSI, Susan Odsoncertify that the attached printed Notice was
takenfrom the Leader-Courierprinted and published in Elk PointCounty of Union andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

Nov. 8, 2007Nov. 15, 2007Cost of Printing \$52.23Susan Odson
(Signature)Affidavits Coordinator
(Title)Nov. 15, 2007
(Date Signed)**READVERTISEMENT OF
NOTICE OF PERMIT
NO. 6580-3 TO
APPROPRIATE WATER**

Notice is given of readvertisement of Water Permit No. 6580-3 held by West Shore Acres, LLC, 204 West Shore Dr, McCook Lake SD 57049. Water Permit No. 6580-3 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Missouri: Elk Point Aquifer (113 feet deep) located in the NE1/4NE1/4 Section 8-T89N-R48W. Readvertisement is necessary to correct the legal description of the well location prior to issuance of the water license. The legal description was incorrectly advertised on March 10 & 17, 2005 as being located in Section 8-T89N-R49W. This readvertisement does not authorize any increase in the developed water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Permit No. 6580-3 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 November 26, 2007.

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

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.
Publish November 8 and 15, 2007
45-2-78

11/19/2007

PAYMENT REQUEST FORM

PAYEE: Eastern South Dakota Peach
PO Box 310
Elk Point SD 57025

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Re-advertisement of WR No. 6580-3 West Shore Acres

AMOUNT: \$52.23

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Gail Jackson

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Eastern South Dakota Peach

108 West Main
PO Box 310
Elk Point, SD 57025
Phone 605-356-2632
Fax 605-356-3626

RECEIVED
NOV 19 2007
WATER RIGHTS
PROGRAM

Water Rights Program
C/O ERic Gronlund
Joe Foss Building
523 East Capitol
Pierre, SD 57501

11/15/07

DATE	INVOICE NO.	DESCRIPTION	CHARGES	BALANCE
11/15/07	SJ048228	Legal-Readvertisement of Notice of Permit No. 6580-3 to Appropriate Water	\$52.23	\$52.23

Finance Charge \$0.00

\$52.23

**Includes finance charges on amounts more than 30 days past due.*

Thank you for your business!

Permit No. 6580-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **September 27, 2007**, made a thorough examination of the water use system constructed by **West Shore Acres Greenhouse, LLC** of **204 Westshore Drive, McCook Lake, SD 57049** holder of Permit No. **6580-3**, bearing the priority of **January 28, 2005** authorizing the diversion of **0.10** cu. ft. per second of the waters of **Missouri: Elk Point** for **commercial use at the greenhouse** purposes, in **Union** County.

Inspection contact & relationship **Josh Strong – owner's son**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Marty Soole Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **113** feet
- 4) Well log is available **yes**
- 5) Comment:

Casing:

- 1) Diameter **5** inches
- 2) Length **106** feet
- 3) Type **pvc**

Screen:

- 1) Type **pvc**
- 2) Length **6** feet
- 3) Static water level **24** feet

Pump:

- 1) Make **Baker pitless unit submersible**
- 2) Model
- 3) Size **5"**
- 4) Capacity **45** GPM

Motor:

- 1) Make **submersible**
- 2) Model No.
- 3) Horsepower rating **5** hp

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

- 1) Type **pvc**
- 2) Size **2** inches
- 3) Length **70** feet

C. Works used to apply water to beneficial use:

Water is pumped into 3 pressure tanks in the building and chemicals are added after the tanks. Water is applied to plants using garden hoses.

Chemigation Equipment:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain na
- 5) Discharge is 20' from source na
- 6) Interlock type electrical
- 7) Injection pump type Dosmatic
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period na
- 3) Exceptions to compliance are: none

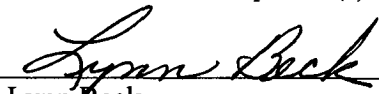
The system is in good condition with the point(s) of diversion located as follows: 750' S and 200' W of the NE corner Section 8, T89N, R48W; 42.544558, -96.527325. The works are capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water which is to be used for commercial use in a greenhouse. Water has been put to beneficial use to the maximum extent as follows:

Water plants in a commercial greenhouse.

The license should be issued for 0.10 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project: none


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

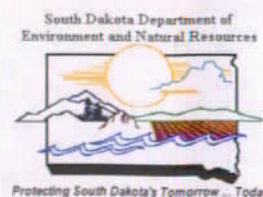
Date report completed: October 23, 2007

R48W



0 330 660 1,320 1,980 2,640 Feet

Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6580-3

(1) Donaghu Greenhouse LLC, McCook Lake SD made Application No. 6580-3, January 28, 2005 for a water permit to divert 0.1 cubic feet of water per second from groundwater (one well), Union County, South Dakota for commercial use purposes. Permit No. 6580-3, with a priority date of January 28, 2005 was approved March 28, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 28, 2010 and for the application to beneficial use of water on or before March 28, 2014.

On February 26, 2006, Water Permit No. 6580-3 was transferred to West Shore Acres LLC, 204 Westshore Dr, McCook Lake SD 57049.

The permit was readvertised on November 8 and 15, 2007 to correct an error on the original notice regarding the legal description of the diversion point. The readvertisement notice did not authorize any increase in the acreage or developed diversion rate.

(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. 6580-3 is issued a license, bearing a priority date of January 28, 2005 to appropriate 0.1 cubic feet of water per second from groundwater (one well) for commercial use purposes.

The diversion point is located: 750 feet south and 200 feet west of the northeast corner of Section 8-T89N-R48W (NE ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6580-3 including the following now applicable 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.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 02 2008

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 02 2008

6580-3

West Shore Acres LLC
204 West Shore Dr
McCook Lake SD 57049

Dear Mr. Strong:

Enclosed is Water License No. 6580-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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. 6580-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures