

WATER PERMIT NO. 1854-1

Name of Applicant: **Old Apostolic Lutheran Church of Spearfish**

Address: **PO Box 675, Spearfish SD 57783** Phone: **605 892-4757**

Amount of Water Claimed: **0.17 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **institutional use** County: **Lawrence**

Type of Waste Disposal System:

Location: **½ mile north of Spearfish**

PRIORITY Date Received: **11-22-05** Application/License Fee: **\$200**

Corrected Application Received: Period of Annual Use: **January 1 - December**

Remarks: **Water Right No. 1344-1 authorizes a Minnelusa well – replacement well is a Madison well**

Diversion Point: **NE ¼ NE ¼ Sec 32-T7N-R2E**

Land to be Irrigated: **NA**

Depth of Well: **1300 feet**

Well Driller:

Remarks:

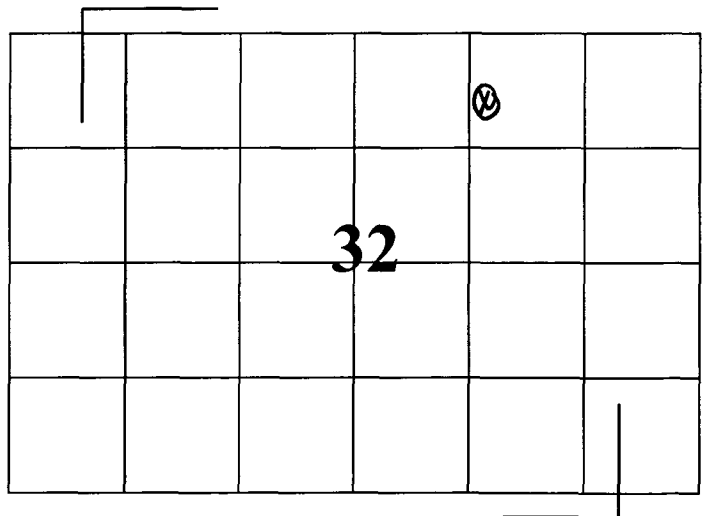
Type of Map: **aerial**

Prepared by: **Robert A Reiling, RLS**

Reviewed and the Number Assigned on: **11-22-06**

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
c/o Foss Building
23 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No.	1854-1	(office use only) Hydrologic Unit	10120203
Basin	Belle Fourche R		
Newspaper	Black Hills Pioneer, Spearfish		

RECEIVED
NOV 22 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: ☒ 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.) _____

1. Name of Applicant Old Apostolic Lutheran Church of Spearfish Phone 892-4757
(check one) ☐ Owner ☐ Tenant/lessee 347-3972
Mailing Address PO Box 675 Spearfish State SD 57783
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.17 *CFS or 75 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Madison Formation

4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
NE 1/4 NE 1/4 Sec. 32, T7N, R2E, BHM
County Lawrence

5. County or counties where water will be used Lawrence

6. Annual period during which water is to be used Jan. 1 thru Dec. 31

7. 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)

Drill new well into Madison Formation to replace existing Minnolusa well. Water Right No. 1344-1

STATE OF SOUTH DAKOTA)
County of Butte 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, Duane Wilcox for The Old Apostolic Lutheran Church
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 Duane Wilcox

Subscribed and sworn to before me this 21st day of November 20 05

Eveline McConlis
Notary Public signature

My Commission expires: July 13, 2010

**SOUTH DAKOTA
WATER PERMIT NO. 1854-1**

Date of first receipt of application November 22, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1854-1 to Old Apostolic Lutheran Church of Spearfish, PO Box 675, Spearfish SD 57783 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. 1854-1 appropriates 0.17 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 1300 feet deep) located in the NE ¼ NE ¼ Section 32-T7N-R2E.
2. The water appropriated shall be used for the purpose of institutional use 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. 1854-1 is January 9, 2006.
5. The date from which applicant may claim right is November 22, 2005.
6. One-fifth of the construction is to be completed on or before July 9, 2008.
7. All construction is to be completed on or before January 9, 2011.
8. Water is to be put to beneficial use on or before January 9, 2015.
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. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1854-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1854-1 may also be cancelled for nonconstruction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
2. 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.
3. The well authorized by Permit No. 1854-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 26 2006

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth 1300 Ft est.
- b) Casing Type Steel Diameter 5 1/2" O.D. Thickness 15 1/2 lb per ft
- c) Screen Type open hole Diameter _____ Thickness _____
- d) Gravel Pack NA Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 1100' Est.
- f) Depth to Water (ground surface to water level) Artesian Flow anticipated
- g) Distance to nearest existing domestic well:
On applicants property 400' S. East On property owned by others 1/8 miles

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 _____

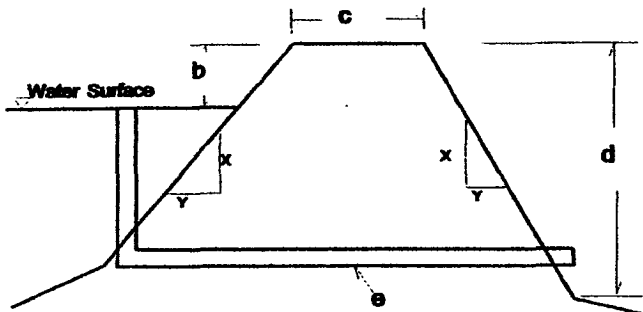
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 22, 2005

RECEIVED OF Old Apostolic Lutheran Church, @ PO Box 675, Spearfish SD 57783

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

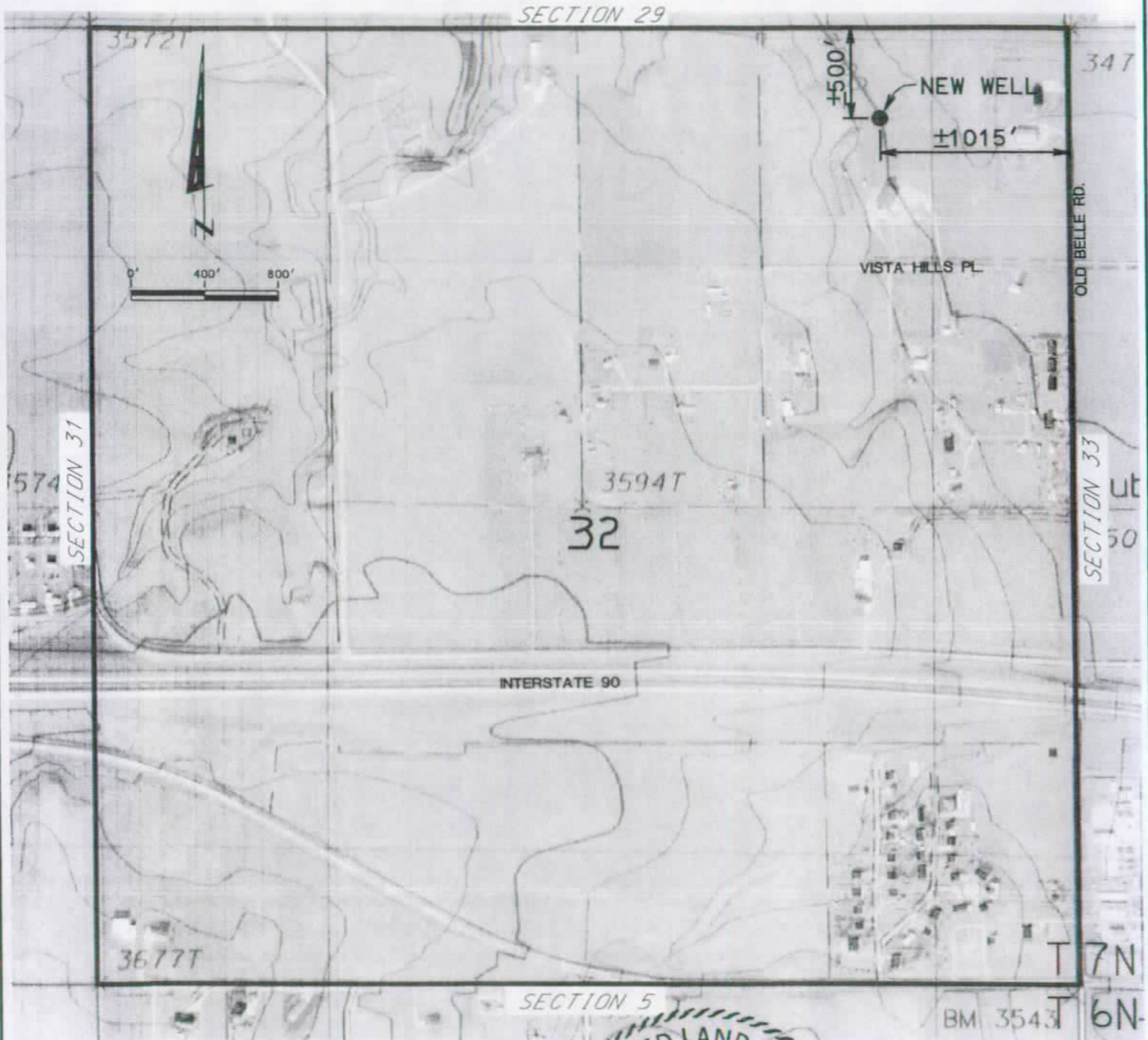
Fee for Application for Permit No. <u>1754-1</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1754-1</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. 002093

By

Darlene E. Eide
Chief Engineer
gm

WELL LOCATION
OLD APOSTOLIC LUTHERAN CHURCH
SECTION 32, T7N, R2E, BHM,
LAWRENCE COUNTY, SD



Robt. A. Reiling

Date: 11-18-05

Reg. No. 6117



PREPARED BY:





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 2005

Old Apostolic Lutheran Church
PO Box 675
Spearfish, SD 57783

Dear Sir or Madam:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Old Apostolic Lutheran Church is authorized to construct a test hole prior to approval of a water permit. The test well will be completed into the Madison aquifer and will be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T7N-R2E. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

REPORT ON APPLICATION NO. 1854-1
For Old Apostolic Lutheran Church of Spearfish
November 29, 2005

This application proposes to appropriate 0.17 cubic feet of water per second (cfs) from one well completed into the Madison Aquifer (approximately 1300 feet deep) located in the NE ¼ NE ¼ Section 32-T7N-R2E. The water is for institutional use.

AQUIFER – MADISON FORMATION (MDSN)

The Madison (Pahasapa) Limestone can be described as a massive cavernous limestone and dolomite approximately 600 feet thick in the area of this application (Gries, 1977). The Madison Limestone underlies approximately 314,880 acres of Lawrence County and contains an estimated 9,446,400 acre-feet of recoverable water in storage in the county (Allen, 1984). Numerous fractures and solution openings in the Madison Limestone provide extensive secondary porosity and increased permeability in the aquifer. The average porosity of the Madison is estimated to be 11% and the effective porosity is estimated to be 5% (Rahn, 1979).

The Madison Aquifer is primarily recharged from stream flow losses where streams cross the exposed limestone and infiltration of precipitation falling directly on surface outcrops of the Madison Limestone. The estimated average annual recharge for the Madison aquifer in South Dakota ranges from 140,000 to 400,000 acre-feet annually (Woodward Clyde, 1981). Average annual recharge from 1931-1998 is estimated to be approximately 137,000 ac-ft/yr (Carter and Driscoll, 2001).

The Water Rights Division monitors an observation well (LA-88C) located approximately 4 miles southeast of this location. The water level of the Madison Aquifer fluctuated approximately 20 feet during the period of record. This fluctuation appears to be seasonal in response to recharge events. A hydrograph of this well is included in this report labeled as Figure 1. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005).

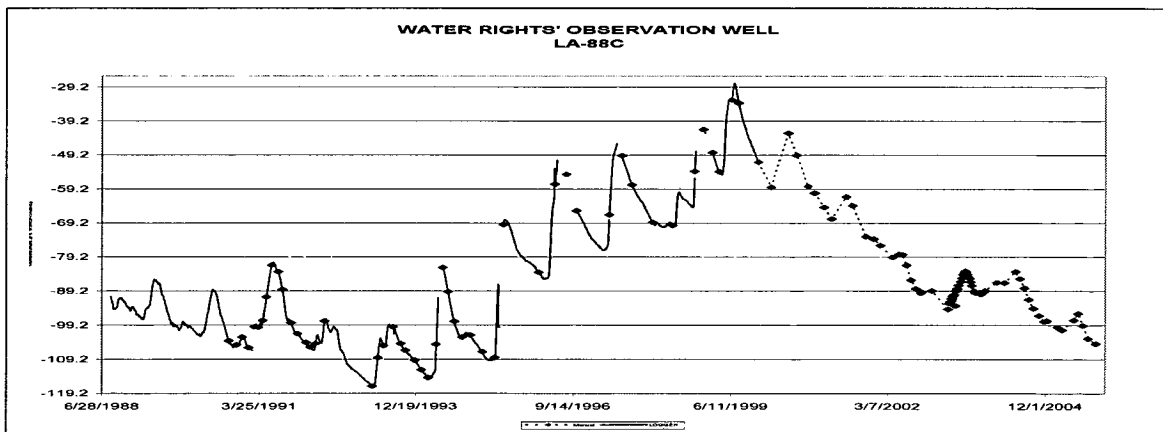


Figure 1. Hydrograph of observation well LA-88C.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing Water Rights appropriating ground water in the Spearfish area. Most of these are supplied by shallower formations than the Madison. A list of the permits in the Spearfish area is included with this report labeled as Table 1. The nearest water right/permit from the Madison Formation is approximately 2.5 miles southeast. This well is for Water Rights No. 1452-1 (3.32 cfs for irrigation). Interference should not be a problem.

Table 1. Table identifying permits in the Spearfish area.

PERMIT NO	LAST NAME	AQUIFER	USE	LIC CFS
1164-1	WESTVIEW SUBDIVISION	MNKT	SHD	0.05
1194-1	SPEARFISH FAIRGROUND	MNKT	IND	0.2
1313-1	SPEARFISH MEADOWS	SPRF	SHD	0.07
1337-1	BACKENS	MNLS	COM	0.33
1344-1	OLD APOSTOLIC LUTHERAN	MNLS	INS	0.07
1646-1	FISHER SAND & GRAVEL	MNLS	IND	0.77
1739-1	SPEARFISH MEADOWS HOMEOWNERS	MNKT	SHD	0.11
1779-1	SPEARFISH	MNKT	IRR	0.02
1811-1	BUTTE ELECTRIC COOPERATIVE INC	MNKT	COM	0

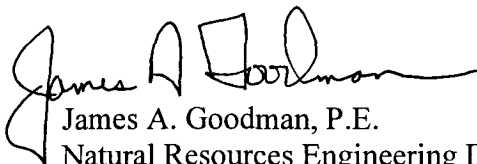
CONCLUSIONS

1. Water is available for appropriation from the Madison Formation.
2. The aquifer is under artesian conditions. Interference should not be a concern because of the relatively small pumping rate and the distance between existing wells.
3. The well is to be constructed in accordance with SD Well Construction Standards.
4. This is a Madison aquifer diversion. According to SDCL 46-2A-20 this application must contain a 20 year term limitation unless information is presented that will show this diversion will not adversely affect the water supply from the Madison Formation.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

- Allen, J.C., D. Iles, A. Petres, 1984, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Task 3 & 4: Groundwater Resources Inventory, US Army Corp of Engineers Contract DAWC 45-82-C015, SD DENR Division of Geological Survey, Vermillion SD.
- Carter, J.M., and Driscoll, D.G., 2001, Estimated Recharge to the Madison and Minnelusa Aquifers in the Black Hills Area, South Dakota and Wyoming, Water Years 1931-98: U.S. Geological Survey Water-Resources Investigations Report 00-4278, 66 p.
- Gries, J.P., 1977, Geothermal Applications on the Madison (Pahasapa) Aquifer System in South Dakota, South Dakota School of Mines and Technology, Rapid City, SD.
- Rahn, P. H., 1979, Groundwater Resources of Western South Dakota, US Army Corps of Engineers, South Dakota School of Mines and Technology, Project #2533.
- Water Rights, 2005, Madison Formation Observation Well Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Woodward Clyde, 1981, Well Field Hydrology Technical Report, for ETSI Coal Slurry Pipeline Project, U.S. Department of Interior, Bureau of Land Management.



**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. 1854-1, Old Apostolic Lutheran Church**

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. 1854-1, Old Apostolic Lutheran Church, PO Box 675, Spearfish SD 57783.

The Chief Engineer is recommending APPROVAL of Application No. 1854-1 for a 20 year term because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1854-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1854-1 may also be cancelled for nonconstruction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
2. 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.
3. The wells authorized by Permit No. 1854-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 12, 2005

Affidavit of Publication

STATE OF SOUTH DAKOTA:
COUNTY OF LAWRENCE:

Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Stewart Huntington, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice Of Application
No. 1854-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive and consecutive weeks, the first publication being made on the 21st day of Dec, 2005, and the last publication on the 28th day of Dec, 2005, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 35.34, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 28th day of Dec, 2005

[Signature]
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2010



NOTICE OF APPLICATION NO. 1854-1 to Appropriate Water

Notice is given that Old Apostolic Lutheran Church of Spearfish, PO Box 675, Spearfish SD 57783 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second from one well to be completed into the Madison Aquifer (approximately 1300 feet deep) located in the NE 1/4 NE 1/4 Section 32-T7N-R2E. The water is for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1854-1 for a 20 year term because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use, and 3) 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 Square 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 9, 2006

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.

#332
Dec. 21, 2005

RECEIVED
JAN - 9 2006
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on December 21, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1854-1 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1854-1 for a 20 year term because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use, and 3) 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 9, 2006.

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

December 12, 2005

Black Hills Pioneer
PO Box 7
Spearfish SD 57783-007

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1854-1 to Appropriate Water to be published twice. Please publish the first notice on December 21, 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 Old Apostolic Lutheran Church of Spearfish, % Duane Wilen, PO Box 675, Spearfish SD (Ph # 605-892-4757 or 605-347-3972).

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. 1854-1

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

Date _____

We are in receipt of your letter of December 12, 2005 enclosing Notice to Appropriate Water by Application No. 1854-1 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.

December 12, 2005

Old Apostolic Lutheran Church of Spearfish
% Duane Wilen
PO Box 675
Spearfish SD 57783

Dear Mr. Wilen:

Water Permit Application No. 1854-1 for institutional 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 Black Hills Pioneer printed at Spearfish, SD (Ph # 605-642-2761). 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**

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

JAN 26 2006

Old Apostolic Lutheran Church of Spearfish
% Duane Wilen
PO Box 675
Spearfish SD 57783

Dear Mr. Wilen:

Enclosed is Water Permit No. 1854-1 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

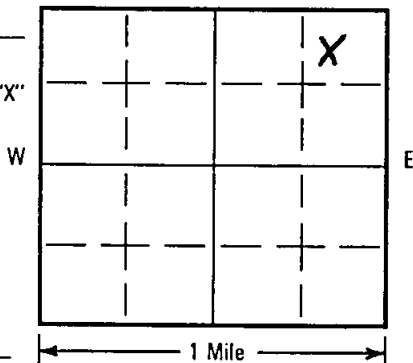
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

1854-1
07-92

Location NE 1/4 NE 1/4 Sec 32 Twp 2N Rg 2E
County Lawrence

Please mark well location with an "X"



Well Completion Date

Feb. 22, 06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary - Mud

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>24 LB/FT</u>	<u>8 5/8 IN</u>	<u>+2 FT</u>	<u>86 FT</u>	<u>13 1/2 IN</u>
<u>15.5 LB/FT</u>	<u>5 1/2 IN</u>	<u>+2 FT</u>	<u>1070 FT</u>	<u>7 7/8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>60</u>	<u>14.5 lb./gal</u>	<u>0</u> ft.	<u>86</u> ft.
<u>Portland</u>	<u>250</u>	<u>14.5 lb./gal</u>	<u>0</u> ft.	<u>1070</u> ft.

Describe grouting procedure Pressure grouted through casing.

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: shockwave solution

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Old Apostolic Lutheran Church

Business Name: _____

Address: P.O. Box 675

Spearfish, SD 57785

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>LT. BROWN Sandy clay</u>	<u>0</u>	<u>60</u>
<u>Red shale + Gravel Layers</u>		
<u>Spearfish</u>	<u>60</u>	<u>358</u>
<u>Minnekahta</u>	<u>358</u>	<u>402</u>
<u>Opeache</u>	<u>402</u>	<u>500</u>
<u>Minnekahta</u>	<u>500</u>	<u>1040</u>
<u>Madison</u>	<u>1040</u>	<u>1360</u>

STATIC WATER LEVEL 0 Feet

If flowing: closed in pressure 56 PSI

GPM flow 60 through 2" inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped Describe: Air Developed

☐ Bailed

☒ Other _____

Pumping Level Below Land Surface

300 ft. After 2 Hrs. pumped 125 GPM

100 ft. After 1/2 Hrs. pumped 110 GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Taylor Drilling Co.

Signature of License Representative:

K Tyl

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIVED
 MAR 14 2006
 WATER RIGHTS
 PROGRAM

1854-1

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

Date 4-10-2006

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

FROM: Old Apostolic Lutheran Church
(name)
P.O. Box 675
(address)
Spearfish, SD 57783 (605) 892-4757
(city, state, zip) (605) 347-3972
(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. 1854-1 states that the water use system is to be constructed by
1-9-2011 (date), and water is to be put to beneficial use by 1-9-2015 (date).

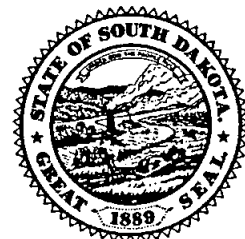
The water use system was completed on 4-8-2006 (date).

Applying the water to beneficial use was completed on 4-8-2006 (date).

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

Ruane G. Gales
(signature)

RECEIVED
APR 11 2006
WATER RIGHTS
PROGRAM



Permit No. 1854-1
Belle Fourche 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, **27 August 2007**, made a thorough examination of the water use system constructed by **Old Apostolic Church of Spearfish** of **PO Box 675, Spearfish, SD. 57783** holder of Permit No. **1854-1**, bearing the priority of **22 November 2005** authorizing the diversion of **0.17** cu. ft. per second and/or the storage of **0.0** acre-feet of the waters of **the Madison Aquifer** for **institutional** purposes, in **Lawrence** County.

Inspection contact & relationship to permit holder, if applicable: **Pastor Ben Williamson**
2040 Vista Hills Dr.
Spearfish, SD 57783
605-347-1644

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Taylor Drilling Inc.**
- 2) No. of Wells **1**
- 3) Depth(s) **1360** feet
- 4) Well log is available **Y**
- 5) Comment: **This is a replacement well for water license No. 1344-1. License 1344-1 has been cancelled and the well has been plugged. The well authorized under Permit No. 1854-1 is under artesian conditions. Pressure gage at time of inspection showed 56 psi.**

Casing:

- 1) Diameter **8 5/8 / 5 1/2** inches
- 2) Length **84 / 1068** feet
- 3) Type **steel / steel**

Screen:

- 1) Type **NA**
- 2) Static water level **0** feet

Pump:

- 1) Make **NA**

2) Capacity NA GPM

Motor:

1) Make NA

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

1) Type PVC 2) Size 2 inches 3) Length 500 feet

Chemigation Equipment:

1) Does chemigate N

C. Compliance with Permit Requirements:

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

The system is in good condition with the point(s) of diversion located as follows: NE ¼ NE ¼ Sec 32-T7N-R2E, approximately 989 feet west and 436 feet south of the northeast corner of Sec 32-T7N-R2E, N 44.53119 Latitude, W -103.89409 Longitude. The works are capable of diverting and conveying to the place of use 0.17 cu. ft. per second for institutional use.

All structures, wells and lands on map Y



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 11 September 2007

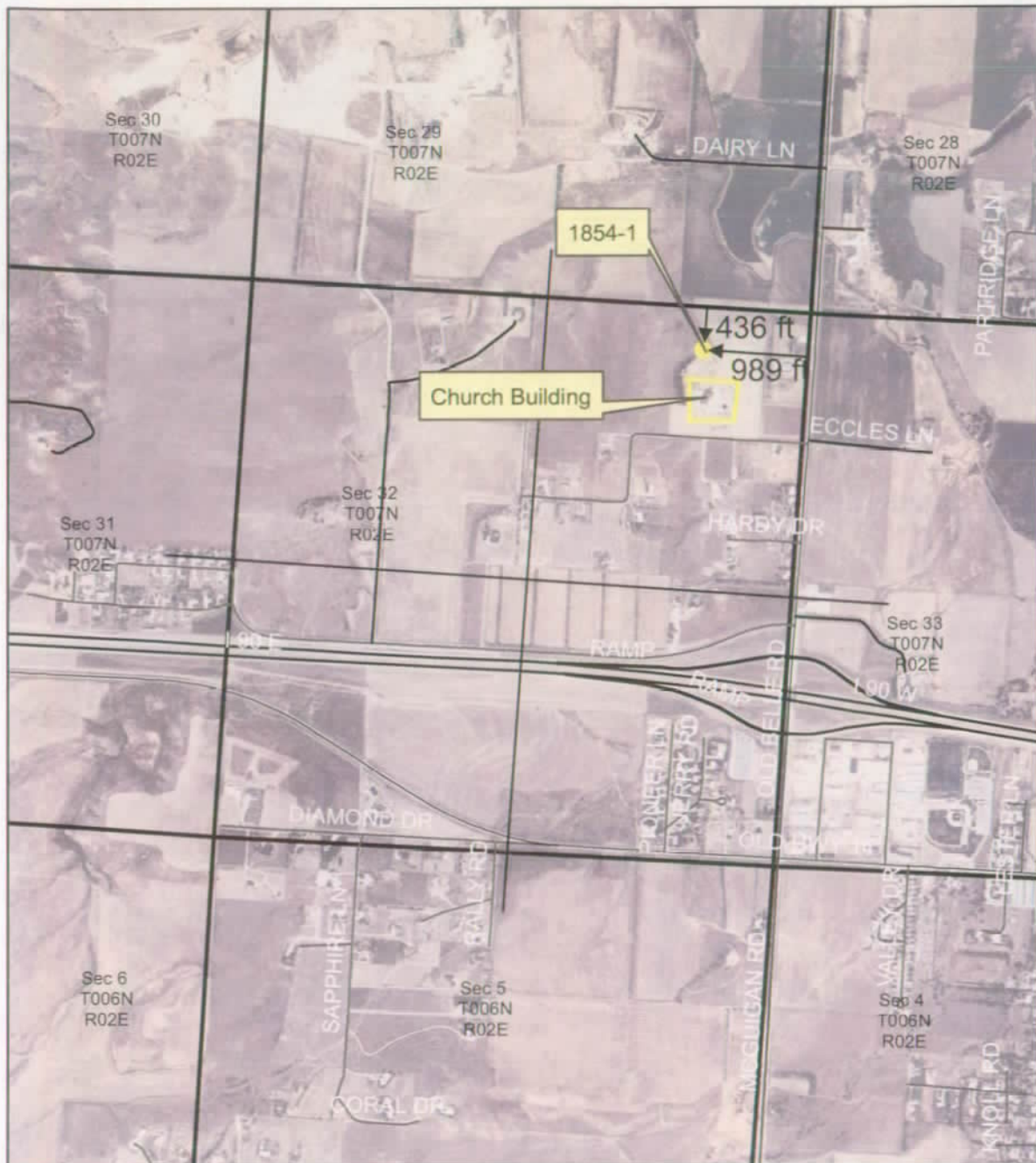


South Dakota

1854-1

Old Apostolic Church of Spearfish
PO Box 675
Spearfish, SD. 57783

South Dakota Department of
Environment and Natural Resources



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights
11 September 2007

1,000 0 1,000 2,000
Feet

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1854-1

(1) Old Apostolic Lutheran Church of Spearfish, PO Box 675, Spearfish SD 57783 made Application No. 1854-1, November 22, 2005 for a water permit to divert 0.17 cubic feet of water per second from ground water (one well – Madison Aquifer), Lawrence County, South Dakota for institutional purposes. Permit No. 1854-1, with a priority date of November 22, 2005 was approved January 9, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 9, 2011 and for the application to beneficial use of said water on or before January 9, 2015.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on April 11, 2006. The "*Notice*" stated the water use system was completed and water placed to beneficial use on April 8, 2006.

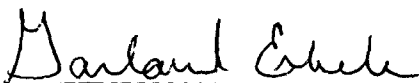
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.17 cubic feet of water per second for beneficial use. The location of the diversion point is 989 feet west and 436 feet south of the NE corner of Section 32, T7N, R2E (NE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Old Apostolic Lutheran Church of Spearfish, PO Box 675, Spearfish SD 57783 the holder and/or owner of Water Right No. 1854-1 is issued a license to appropriate water, the right to use 0.17 cubic feet of water per second from ground water (one well – Madison Aquifer), with a priority date of November 22, 2005 from the location specified in (2) of this license for institutional purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1854-1 and subject to the following qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1854-1 is issued for a 20-year term. Pursuant to SDCL 46-2A-21, the 20-year term may be deleted at any time during the 20-year period or following its expiration. If the 20-year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1885-1 may also be cancelled for non-construction, forfeiture, abandonment, or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1 and ARSD 74:02:01:37.
- 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.
- The well authorized by Permit No. 1854-1 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28 (***well log submitted by Taylor Drilling is on file***).

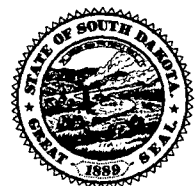


Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 19 2007

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

OCT 19 2007

1854-1

Pastor Ben Williamson
Old Apostolic Church of Spearfish
PO Box 675
Spearfish SD 57783

Dear Pastor Williamson:

Enclosed is Water License No. 1854-1. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field 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. 1854-1, 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