

1. Considered: _____, 19____ Water Right No. 1835-2
2. Name of Applicant Hot Springs School Dist. 23-2
3. Post Office Address 1910 Jennings Ave. Hot Springs 57747
4. Amount of Water Claimed 0.14 maximum acre feet _____
5. Source of Water Supply 140 350 feet deep well Minnetusa formation
MINNEKANTA
6. Water to be used for IRR acres to be irrigated 10
7. County Fall River about _____ miles _____ of _____ city limits
8. PROOF OF PUBLICATION: Received 6/24/83 Not Received _____
APPLICATION: Approved 7-20-83 Subject to Well Interference, I.Q.
Not Approved _____ Action Deferred _____

PRIORITY
2/7/83

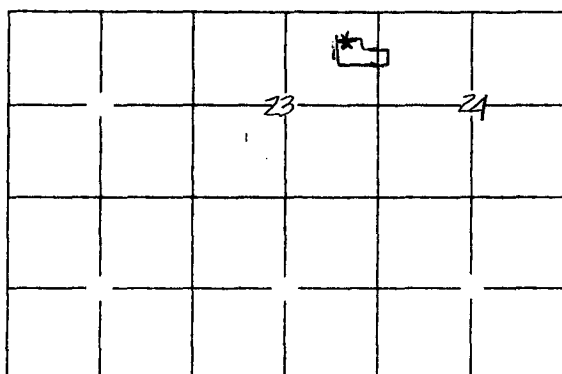
Dated Received 2/7/83 Application complete-yes x no _____ FEE 150.00
Remarks _____

Corrected Application received _____ Period of Annual Use 5/1 thru 10/31

WATER
QUALITY

Received 3/15/83 yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
W1-1 Description same as application-yes xx no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point
NE 1/4 NE 1/4 23-7S-5E

Land to be irrigated _____
NE 1/4 NE 1/4 Section 23 and NW 1/4 NW 1/4 Sec. 24,
both in T7S R5E

WELL LOG

Driller _____ Licensed - yes _____ no _____
Depth 140 350 foot well Well not drilled, sample taken from city well same
depth checked with SCG
Remarks MINNEKANTA, PROBABLY CONNECTED WITH FALL RIVER THROUGH
THE ALLUVIUM. Water sample collected from actual well.

MAP Map No. 1835-2 Map located in Water Right xx Map file _____
 Type of Map Aerial Prepared by ASCS

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned ~~and written up for advertisement before the Board on.~~

3/16/83

Betty Westlund
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 1835-2Map No. 1835-2 Water Division No. 2 UPPER CHEYENNE DistrictAbove for Office Use 10120109

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New X Vested Right _____ Future Use X _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Hot Springs School Dist. 23-2 Phone No. 745-4145Post Office Address 1910 Jennings Ave. Hot Springs State South Dakota 57747

(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation State of South Dakota Subdivision _____2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work well4. Amount of water claimed (cubic feet per second) 5.14 cfs MAX Allowable5. Source of water supply Minnelusa Formation Minnekahta6. Location of point of diversion 53 rds South and 36 rds West of the NE Corner Sec 23-T7S-R5ENE⁴NE⁴ 23-7S-5E AttachedCounty Fall River7. Annual period or periods during which water is to be used May through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) watering school grounds9. For irrigation use, Total number of acres to be irrigated 10.20 (20)

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>Attached</u>	<u>10</u>
<u>NE⁴NE⁴ Sec 23</u>	<u>7.4</u>
<u>NW⁴NW⁴ Sec 24</u>	<u>2.8</u>
<u>All in T7S-R5E</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 25 years. Additional time required to complete application of water to the proposed beneficial use 24 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Hot Springs Star

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well of approximately 350 ft. of 6" to 10" casing to provide sufficient water
140

B. Works proposed to transport water to place of use.

Well will be on site. Water to be pumped to surface

C. Works proposed to apply water to beneficial use.

A gun type irrigation system for the football field and joining grass areas of the school district.

Estimated Total Cost \$ 7,500

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Fall River) ss.I, Noreen Petty the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Noreen PettySubscribed and sworn to before me this 3rd day of Feb, 1983William J. Lynch

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1835-2
Hot Springs School Dist. 23-2 1910 Jennings Ave. Hot Springs
(Applicant) (Post Office Address)
South Dakota With the following qualifications.
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application February 7, 1983
Date of return to applicant for correction, amendments or changes required —, 19—
Date of receipt of corrected application —, 19—
Approved July 20, 1983, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 1835-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1835-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 7, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 20, 1986
3. The whole of said work is to be completed on or before July 20, 1988
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 20, 1992
5. The water appropriated shall be used for the purpose of irrigation

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 0.14 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before July 20, 1992; said water to be used during the following described annual period: May 1 thru October 31

Witness my hand this 2nd day of August, 1983

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

D Well Information

- (1) Drill Hole, Diameter 6" - 10", Depth 140
350 feet *see well driller report*
- (2) Casing, Type concrete-steel, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 150'

Depth to bottom of water bearing material 400' approx.

Depth to water (ground surface to water level) 150'

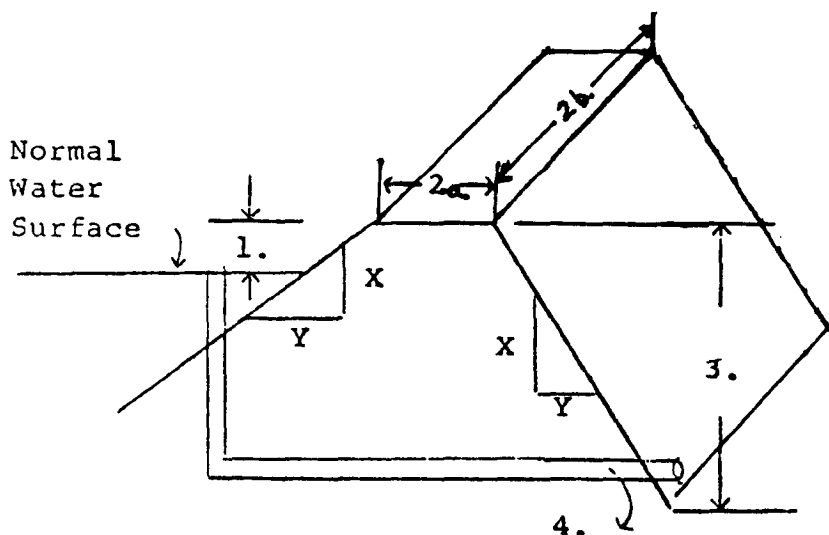
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others approx. 200 rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9151

PIERRE, February 7 ; 1983

RECEIVED OF Hot Springs School District 23-2, 1910 Jennings Ave., Hot Springs, SD 57747

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

Fee for Application for Permit to Appropriately Water No. 1835-2 (examination, processing, recording and filing) -----	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.-----		
Fee for inspecting Beneficial Use, and issuing Water License No.-----		
Fee for issuing Location Certificate-Dry Draw, No.-----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (ms)

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Hot Springs School Dist. 23-2 OWNERS ADDRESS: 1910 Jennings
Hot Springs, South Dakota 57747

COUNTY LAND LOCATED IN: Fall River PHONE: 745-4145

TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION Attached
Depth 350 ft.

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____
Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>NE¹NE⁴ sec 23-7-5</u>	<u>7.4</u>		
<u>NW¹NW⁴ 29-7-5</u>	<u>2.8</u>		
	<u>10.2</u>	<u>and</u>	

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: ☒ (Specify) _____

6. CROPS TO BE IRRIGATED: Grass around school buildings and football field

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: any water 10. ADJUSTED (SAR): (2) - 1.4

8. SALINITY (EC X 10⁶): 730 11. PERCENT SODIUM 25

9. SODIUM (SAR): 1.14

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature _____

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

____ DAY OF _____, 19____.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE _____

Director, Division of Conservation

Date _____

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



CONDITIONAL

84015

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Hot Springs School District

LEGAL DESCRIPTION: NE1 NE1 23-7-5

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT:

CONDITIONAL BASED ON SOILS



SIGNATURE

DATE

Division of Conservation

4015

WR#

4015

OWNERS NAME: Hot Springs School Dist. 23-2 OWNERS ADDRESS: 1910 Jennings
Hot Springs, South Dakota 57747
 COUNTY LAND LOCATED IN: Fall River PHONE: 745-4145
 TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION Attached See sample # 83-0107
 Depth 350 ft. NE⁴NE⁴ 23-7-5 = 10.2

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____
 Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>NE⁴NE⁴ sec 23-7-5</u>	<u>7.4</u>		
<u>NW⁴NW⁴ 24-7-5</u>	<u>2.8</u>		
	<u>10.2</u>	<u>acres</u>	

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____
 LEGAL DESCRIPTION: _____
 IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)
 OTHER: _____
 5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: ☒ (Specify) _____
 6. CROPS TO BE IRRIGATED: Grass around school buildings and football field

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: City Water 10. ADJUSTED (SAR): (.7) = .4
 8. SALINITY (EC X 10⁶): 730 11. PERCENT SODIUM: 25
 9. SODIUM (SAR): 1.14 also see sample # 83-0107

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19_____, at the following location: _____
 by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

3rd DAY OF Feb 19 83
William F. Dyer
 (NOTARY PUBLIC)

Noreen Petty
 APPLICANT'S SIGNATURE

Jack M. Fyler
 Director, Division of Conservation

Date 3-10-83 amended 5-5-83

APPROVED
 DISAPPROVED
☒ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Abstract of Title

To the following described Real Estate:

Beginning at the Northeast corner of the South Half of the Northeast Quarter of the Northeast Quarter of Section Twenty-three (23), Township Seven (7) South, Range Five (5) East of the Black Hills Meridian, thence north about one hundred (100) feet to intersect College Avenue, a street in Minnekahta Addition to the Town (now City) of Hot Springs; thence in a westerly direction along the south line of said College Avenue six hundred twenty (620) feet; thence south about one hundred (100) feet to the north line of the South Half of the Northeast Quarter of the Northeast Quarter of said Section Twenty-three (23); thence east six hundred twenty (620) feet along the north line of the South Half of the Northeast Quarter of the Northeast Quarter of said Section Twenty-three (23) to the place of beginning, being a tract of land one hundred (100) feet wide, more or less, and six hundred twenty (620) feet long, bounded on the north by the southerly line of College Avenue and on the south by the northerly line of the South Half of the Northeast Quarter of the Northeast Quarter of Section Twenty-three (23), Township Seven (7), Range Five (5), East, B.H.M.

Township _____ Range _____

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

COMPILED BY

FALL RIVER ABSTRACT COMPANY
HOT SPRINGS, SOUTH DAKOTA

OFFICE OF STATE ENGINEER
STATE OF SOUTH DAKOTA
DEAN W. LOUCKS, STATE ENGINEER
PIERRE

May 4, 1954

SW 14, T 75 R 5 E
Fall River Co
Hot Springs, S.D.

J. P. Gries, Prof.
Geological Engineering
School of Mines and Technology
Rapid City, South Dakota

Re: Hot Springs
State Soldiers Home
Wells

Dear Mr. Gries:

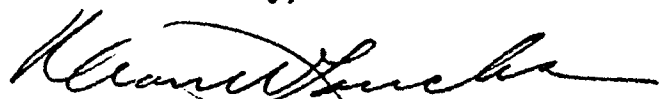
This is in reply to your letter of April 26 in which you request information relative to the wells drilled at the State Soldiers Home at Hot Springs in 1949 and 1950. You have the information given in my 1950-53 Report.

The new well was drilled to a depth of 255' and is cased with a 10 3/4" steel casing and the bottom of the strainer is set at 218.3'. The pump is as stated in the Report and the yield is 200 gal. per min. Tests were made to satisfy the specifications herewith attached.

The old well is slightly over 260' deep and is cased with a 6" steel casing. The static water level in this well is 165' and the draw-down is 30'. The bowl setting is 250' plus a 10' strainer. The pump is setting on a concrete base 2' above the floor level. The geology as taken from a record in an old file is as follows: 40' 8" of Minnehkata Lime and then 100' of Opechca and then 100' of Minnelusa.

We hope that this information may be helpful to you.

Sincerely,



DEAN W. LOUCKS
State Engineer

DWL:RW
Enc.

**SOUTH DAKOTA
SCHOOL OF MINES
AND TECHNOLOGY**



RAPID CITY, SOUTH DAKOTA 57701-3995

DEPARTMENT OF GEOLOGY
AND GEOLOGICAL ENGINEERING
PHONE (605) 394-2461

January 31, 1983

Mr. Bill Lynch
Hot Springs School system
1910 Jennings
Hot Springs, SD 57747

Dear Mr. Lynch:

You should be able to develop a very satisfactory well at the High School site at about 300 feet. You will encounter some gravel near the surface, then a thin section of Spearfish redbeds. Below that will be 35-40 feet of Minnekahta limestone, 110 feet of Opeche red shale, then the upper sandstone of the Minnelusa formation which is the aquifer.

Information on the well at the State Soldiers Home is attached. They are somewhat more than 100 feet higher than your location, but the rocks themselves dip to the east, so that your depth will be similar, or possibly 50 to 100 feet deeper.

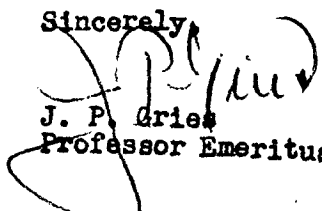
Because you are at a lower elevation, the water level should be closer to the surface, even assuming some drop in water table in the last 30 years.

There will be water in the upper minnelusa sand, but sometimes that sand is so loose that drillers have trouble controlling it. The State well used a screen. On some of the wells south of town, toward Cascade, the drillers have been prone to set casing through the soft upper sand, then complete the well in the more firmly cemented sands below without a screen. The drilling contractor should be allowed some flexibility in the matter of completion.

The sandstone aquifer at the top of the Minnelusa is roughly 200 feet thick, so you have some footage to play with if you do encounter loose sand at the top.

If I can be of further help, please let me know.

Sincerely,


J. P. Gries
Professor Emeritus

JPG/me



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/773-3258

February 15, 1983

Hot Springs School District 23-2
1910 Jennings
Hot Springs, SD 57747

Dear Sir:

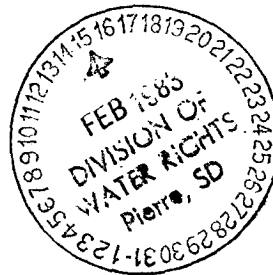
In reviewing your soil and water compatibility application for the NE $\frac{1}{4}$ NE $\frac{1}{4}$ 23-7-5, the Irrigation Staff is recommending a Conditional Approval of your application to the State Conservation Commission at their March 10, 1983 meeting.

The Conditional Recommendation is based on your soils. If you have any questions concerning your application please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

cf



April 23, 1983

Governor Jackson;

Am writing this letter concerning a water permit for Hot Springs School 23-2 with the permission of the board.

The Hot Springs School Board voted to drill a well to water the football field Feb. 14, 1983.

Well was drilled & came out much better than we could have hoped for, 100 gallons per minute with a pumping depth of 80 or 90 feet.

This we had completed by March 14, 1983.

We have been informed that a decision on permits cannot be made before sometime in July. By the time we dig ditches & install electricity it would be sometime in August.

With people seeking work here we set with a job we cannot complete!!

Hoping we can proceed soon;

Sincerely Yours
Howard J. Cape Jr.

Rt. 1 Box 106

Hot Springs S.D. 57747

H⁴

HOT SPRINGS PUBLIC SCHOOLS

Superintendent
745-4145

Business Manager
745-4145

Special Education Director
745-3147

Transportation Supervisor
745-4145

HOT SPRINGS, SOUTH DAKOTA 57747



High School Principal
745-4147

Middle School Principal
745-4146

Elementary School Principal
745-4149

Activities Director
745-4234

Better Schools Build Better Communities — Better Communities Build Better Schools

April 25, 1983

53462

The Honorable Governor William Janklow
State Capitol
Pierre, South Dakota 57501

Dear Sir:

The Hot Springs School District 23-2 submitted an application to the Department of Water & Natural Resources for an irrigation well. The purpose of the well is to water the football field which was necessitated by the City of Hot Springs increase in water rates.

The district applied for a water rights permit February 3, 1983. Since then, we have received a water analysis from South Dakota State University which states "this water analysis would indicate the water from the well to be an excellent source of irrigation water if it is to be used mainly for turf".

The district has also received a conditional recommendation from the Department of Agriculture based on the normal soil of the area and not the turf.

The last time I discussed the permit with the Department of Water and Natural Resources I was informed that the laws relating to the water rights permit were changed by the legislation with an emergency clause; therefore, they say they cannot give us our permit until mid July. If we have to wait until mid July before we can proceed with setting a pump and distribution lines, the watering season will be half over. Our only alternative then will be the city water system and the additional cost.

I believe the application was submitted before the change in the legislation; therefore, we respectfully request your review of our situation and help in acquiring our permit as soon as possible. Your time and effort will be greatly appreciated by the Hot Springs, School District 23-2, taxpayers, students and Board of Education.

Sincerely,

The Hot Springs School Board

Naren Petty, president
Howard Cape
Robert Jackson

John W. Stath
William M. Stayer
Chas. R. Mc...
James Morrison



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

May 9, 1983

William F Lynch
Business Manager
Hot Springs Public Schools
Hot Springs, SD 57747

Dear Mr. Lynch:

As per your request, April 29, 1983 the Conservation Commission has amended your Soil and Water Compatibility Permit #4037 to include your new well, Sample #83-0107. Please see attached permit.

If you have any questions concerning your permit please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

cf

cc: Division of Water Rights



REPORT ON
HOT SPRINGS SCHOOL DISTRICT 23-2 Application 1835-2

May 24, 1983

The application proposes to divert 0.14 cfs from one 140' deep Minnekahta Formation Well to irrigate approximately 10 acres including a football field and adjoining grass areas. Originally, the application requested a 350' Minnelusa Well but the drilling of the well occurred after the application was filed and apparently the well driller and the school district are satisfied with a 140' Minnekahta Well. The Water Rights Staff changed the application to reflect the as constructed project.

AQUIFER

Minnekahta Limestone.

GEOLOGY AND AQUIFER CHARACTERISTICS

The driller's log (see application) indicated the well is completed into broken (fractured and cavernous) limestone. Apparently, the water is actually coming from the overlying sands and gravels (alluvium) and the fractured limestone provides an excellent conduit for water into the well. Generally, in the Black Hills area wells are not finished into the Minnekahta because the formation has a low porosity (5%) and permeability (Rahn, 1979). However, as in this case, there are examples in the Black Hills where wells have been finished into the Minnekahta with excellent results. The static water level of 66 feet as reported on the driller's log compares favorably to the water level of the Fall River and no doubt this well would be in direct communication with the alluvium and the Fall River. Water Rights does not have any observation wells in this area. For more geologic and hydrologic information see the list of bibliographies accompanying this report.

REVIEW OF EXISTING WATER PERMITS AND WATER RIGHTS

There are numerous surface water permits and rights established on the Fall River, Hot Brook and other springs in this area. Surface rights were not considered in this review as this is a ground water application. However, there is a good possibility ground water diversions such as this could affect nearby springs. This application requests ground water from the Minnekahta which is probably hydraulically connected to the Fall River through the Alluvium. Also because of the major geologic structures (Wolcott, 1967) which undoubtedly controls the movement of ground water there is potential for interconnection with the Minnelusa through fractures. For this reason the following list includes water permits from the Minnelusa and the Alluvium. There are no existing water permits from the Minnekahta limestone.

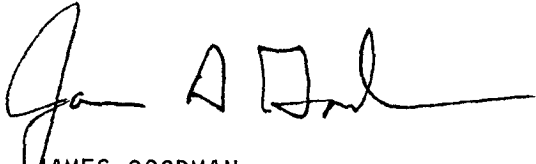
498-2	State Soldier's Home	2 wells (255') Minnelusa	1.10 cfs
511-2	Hot Springs	3 wells (20' gallery type) Alluvium	3.77 cfs
512-2	Hot Springs	future use	15.11 cfs
1704-2	Buckingham Wood Products	1 well (501') Minnelusa	0.30 cfs
1721-2	Kenyon A Hartigan	1 well (220') Minnelusa	0.02 cfs

CONCLUSIONS

1. Water is available for appropriation. The well log and demonstrated yield of the well support this.

2. Intere^{FER}nce should not be a problem. Existing water permits are either from the Minnelusa or from the Alluvium along Fall River. Although all these formations are potentially interconnected the relatively low diversion rate (0.14 cfs), the distance from springs and the Fall River and the seasonal use of this Permit would preclude any interference.

3. To my knowledge, there have never been any complaints concerning the existing ground water permits in relation to springs or flow of the Fall River.



JAMES GOODMAN
Hydrologist

BIBLIOGRAPHY

Rahn, P., and J. Gries. 1973. Large Springs in the Black Hills, South Dakota and Wyoming. Report of Investigations 107. Vermillion: SDGS

Rahn, P. 1979. Ground Water Resources of Western South Dakota. For U.S. Army Corps of Engineers

Rahn, P. 1980. Aquifer Evaluation Elements of the Western Dakotas Region of South Dakota. Draft Final Report for U.S. Army Corps

Walott, D.E. 1967. Geology of the Hot Springs Quadrangle Fall River and Custer Counties, South Dakota. U.S.G.S. Bulletin 1063-K p 427-442.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION No. 1835-2, Hot Springs School District 23-2

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1835-2, Hot Springs School District 23-3, 1910 Jennings Ave, Hot Springs SD.

The Chief Engineer is recommending APPROVAL of Application No. 1835-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

The attached report is a part of this recommendation.



JOHN HATCH, Chief Engineer
May 25, 1983

Instructions to Newspaper - Publish first publication of following Notice on or before
May 31, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 1835-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~
Hot Springs

Notice is hereby given that School District 23-2 whose mailing address is 1910 Jennings Ave, Hot Springs, South Dakota has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40, Section 71 of HB 1001; (transfer lands) 46-5-55 thru 46-5-59; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:26; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05;~~ (several of the preceeding SDCL Sections are amended by HB 1001 & 1002 of 1983 Legislature) for a permit to appropriate 0.14 cubic feet per second from groundwater, one well 140 feet deep (Minnekahta Formation) the point of diversion to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T7S, R5E, The said water to be used for the purpose of providing irrigation on 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24 both in T7S, R5E.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 1835-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Community Room, Basement, Day Co. Courthouse, 710 W 1, Webster SD upon the 19th day of July, 1983 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with the Chief Engineer and the Applicant by July 8, 1983. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by July 8, 1983.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Right Division, DWNr, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Charles Najacht hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Hot Springs Star

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of Hot Springs

County of Fall River and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 31, 1983

June 7, 1983

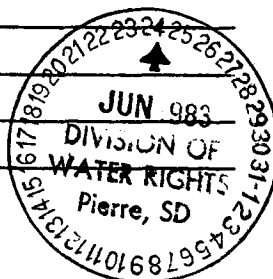
Charles Najacht
(Signature)

Publisher

(Title)

June 7, 1983
(Date Signed)

ng: \$36.00



dition. The time of the hearing
will be automatically extended for
at least twenty days upon written
request of the applicant or any
person who has filed a petition to
oppose or support the applica-
tion. The request for extension
must be filed with the Chief
Engineer by July 8, 1983.

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

Any person wishing a copy of
the Chief Engineer's recommen-
dation, further informatiion on this
application or to assure access to
the hearing by the handicapped
can contact the Water Right
Division, DWRN, Joe Foss Bldg.,
Pierre, SD (605) 773-3352) for
assistance prior to the hearing
date. May 31, June 7

cation

180
NOTICE OF HEARING
ON APPLICATION NO. 1835-2 TO
APPROPRIATE WATER

Notice is hereby given that Hot
Springs School District 23-2
whose mailing address is 1910
Jennings Ave., Hot Springs,
South Dakota has made an
application pursuant to the pro-
visions of SDCL 46-1-1 thru
46-1-9, 46-1-12 thru 46-1-14, Sec-
tion 13 of HB 1001 enacted by
1983 Legislature; 46-2-3.1,
46-2-9, 46-2-11, 46-2-13, Section
32 of HB 1001; 46-5-1 thru 46-5-8,
46-5-10, thru 46-5-16, 46-5-24,
46-5-25, 46-5-31, Sections 38, 47,
59 & 67 of HB 1001, Sections 1, 4,
5, 6, 11, 12, 13, 16, 18, 19 & 21 of
HB 1002; 46-6-3, 46-6-3.1,
46-6-6.1, 46-6-10, 46-6-13,
46-6-14; and Board Rules
ARSD 74:02:01:01 thru
74:02:01:15; (several of the pre-
ceding SDCL Sections are
amended by HB 1001 & 1002 of
1983 Legislature) for a permit to
appropriate 0.14 cubic feet per
second from groundwater one
well 140 feet deep (Minnehaha
Formation) the point of diversion
to be located in the NE 1/4 NE 1/4 of
Section 23, T7S, R5E, the said
water to be used for the purpose
of providing irrigation on 10 acres
in the NE 1/4 NE 1/4 Section 23, and
NW 1/4 NW 1/4 Section 24 both in
T7S, R5E.

Pursuant to Section 4 of HB
1002 the Chief Engineer of the
Water Rights Division recom-
mends Approval of Application
No. 1835-2 because 1) unappropri-
ated water is available, 2) will
be no unlawful impairment of
existing rights, 3) is beneficial
use of water and 4) is in the
public interest.

This application will be con-
sidered by the Water Manage-
ment Board at Community Room,
Basement, Day Co. Courthouse,
710 W 1, Webster, SD upon the
19th day of July, 1983 at 10:00
a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to make a
determination on this application
after it reaches a conclusion
based upon facts presented at
the public hearing. Any inter-
ested person who may be af-
fected by a Board decision and
who intends to participate in the
hearing before the Board and
present evidence or cross-exam-
ine witnesses according to SDCL
1-26, must file a written petition
with the Chief Engineer and the
Applicant by July 8, 1983.

The petition may be informal,
but it must include a statement
describing the petitioners inter-
est in the application, the reason
for the petitioner's opposition to
or support of the application, and
the signature and mailing ad-
dress of the petitioner or his legal
counsel if legal counsel is ob-
tained.

The applicant need not file a

John D. ...
Signed 6-3-83
by Governor

June 6, 1983

Noreen Petty, President
Hot Springs School Board
Hot Springs Public Schools
Hot Springs, South Dakota 57747

Dear Mrs. Petty:

This will acknowledge the letter from you and other members of the Hot Springs School Board concerning your water permit application to irrigate the School football field. An incomplete application was received by the Water Rights Division on February 7, 1983. One of the requirements of a water permit application for irrigation is approval by the State Conservation Commission of the actual water supply for use on the specific land to be irrigated.

Approval by the Conservation Commission of the original water analysis submitted by your School District was received by the Water Rights Division on March 15, 1983. Unfortunately, this approval was for water from the City of Hot Springs which is supplied by shallow collection galleries. This is not the source you plan to use. It was then necessary for your School District to submit a chemical analysis of the water from the proper source, a new 140 foot well, to the Conservation Commission for approval.

The application, therefore, was not complete and ready for advertisement for public hearing by the Water Management Board until May 9, 1983, when approval by the Conservation Commission for the actual water supply to be used was received by the Water Rights Division. Although I realize that city water may continue to be used for irrigation of your football field this summer, there is no choice but to follow the new law which became effective prior to the completion of your application. Your application will be advertised for public hearing before the Water Management Board on July 19, 1983.

Sincerely yours,

Sketch

Signed 6-3-83

June 6, 1983

Howard J. Cape, Vice President
Hot Springs School Board
Rt. 1, Box 106
Hot Springs, South Dakota 57747

Dear Mr. Cape:

This will acknowledge your letter concerning the Hot Springs School Board water permit application. I have already responded to a letter from the School Board which you also signed as a Board member. I believe my response to the Board explains the reasons for delay on this matter.

Sincerely yours,

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

4-1580
Fall River

Name: Hot Springs School Dist
Address: 1910 Jennings
Hot Springs, SD 57747
Date Rec'd: MAR 31, 1983
Sample No.: 83-0107
Source: WELL- 140.00ft.
Legal ID:

WATER ANALYSIS

Calcium (Ca)	134	ppm*	6.69	me/l**
Magnesium (Mg)	40	ppm	3.29	me/l
Sodium (Na)	91	ppm	3.96	me/l
Potassium (K)	17	ppm	0.43	me/l
Sulfate (SO4)	312	ppm	6.50	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	130	ppm	3.67	me/l
Bicarbonate (HCO3)	239	ppm	3.92	me/l
Carbonate (CO3)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Flouride (F)		ppm		me/l
Manganese (Mn)		ppm		me/l
Boron (B)	0.35	ppm		
Hardness (EDTA asCaCO3)		ppm		
Total solids	912	ppm		g.p.g.***
Total Cations			14.37	me/l
Total Anions			14.08	me/l
Alkalinity (Methyl Orange)	196	ppm(as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO3)		
Electrical Conductivity	1300	micromhos per cm at 25 C		
Sodium Adsorption Ratio	1.77	Adjusted SAR	4.21	
Sodium	27.54	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	7.18			

Others:
*ppm=parts per million
**me/l=millequivalents per liter
***g.p.g.=grains per gallon

COMMENTS

Calcium as hardness = 335 ppm
By: Shirley Mittan

Service Performed:

Irrigation & heat pump

Total Cost: \$ 32.00

Amount Received: 0.00

Balance Due: 32.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab No. 83-0107



1835-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

August 2, 1983

Hot Springs School District 23-2
1910 Jennings Avenue
Hot Springs, South Dakota 57747

Dear Sir:

Enclosed herewith is your Water Permit No. 1835-2 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1835-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 9, 1990

HOT SPRINGS SCHOOL DISTRICT
1609 UNIVERSITY
HOT SPRINGS, SD 57747

NOTICE

RE: Violation of Water Permit No(s). 1835-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1835-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1835-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

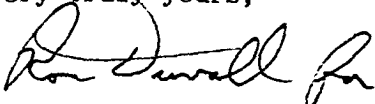
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1835-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 16, 1990

1835-2

Hot Springs School District
1609 University Avenue
Hot Springs SD 57747

Dear Sir:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1835-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall /ks

RON DUVALL
Natural Resources Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

HOT SPRINGS SCHOOL DISTRICT
1609 UNIVERSITY
HOT SPRINGS SD 57747

NOTICE

RE: Violation of Water Permit No(s) 1835-2

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1835-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1835-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1835-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HOT SPRINGS SCHOOL DISTRICT
1609 UNIVERSITY
HOT SPRINGS, SD 57747

4a. Article Number

P906 557 769

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

JAN 29 1992

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Roland Korman



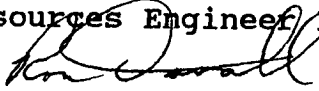
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 9, 1992

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: HOT SPRINGS SCHOOL DISTRICT
1609 UNIVERSITY
HOT SPRINGS, SD 57747

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 

SUBJECT: One Year Suspension of Water Permit No(s).
1835-2

Pursuant to the provisions of the notice dated January 27, 1992, and following the hearing of March 4, 1992, the Water Management Board has ordered:

That Water Permit No(s). 1835-2 be SUSPENDED until December 31, 1992. Suspension of the permit(s) does not excuse the permit owner from the requirement to submit the 1991 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1992 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 1992 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire(s) prior to the March Board meeting.

HOT SPRINGS PUBLIC SCHOOLS

1609 University Avenue
HOT SPRINGS, SOUTH DAKOTA 57747-2126



High School Principal
745-4147
Middle School Principal
745-4146
Elementary School Principal
745-4149
Activities Director
745-4147

Superintendent
745-4145
Business Manager
745-4145
Special Education Director
745-4149
Transportation Supervisor
745-4145

Better Schools Build Better Communities — Better Communities Build Better Schools

March 19, 1992



Ron Duvall, Natural Resources Engineer
Water Rights Division
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre SD 57501

Dear Mr. Duvall:

I submit this letter as a petition to the Water Management Board asking that they rescind their suspension of Hot Springs School District Water Permit.

I submit the following regarding the 1991 Irrigation Questionnaire:

When we received the notice that we had not filed our 1991 Questionnaire no one in our office could remember receiving the questionnaire. I then called your office to explain the situation and requested another questionnaire.

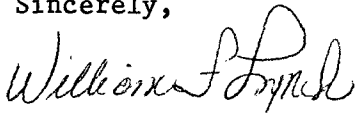
Shortly thereafter I received the second questionnaire. I asked the person in charge of our grounds to provide the information necessary for the report. Here is also where I made a mistake. For some reason I asked the information be supplied to me by March 4, the day of the hearing.

I received the information on March 4 and immediately sent the questionnaire to your office. I also called your office to notify you that the information was on its way to make the meeting that I had marked on my calendar as the next day. This was when I found out about my error in timing.

I respectfully ask the board to recind their suspension of the Hot Springs School District's water permit. We have always filed the reports timely in the past and had the same intent in this case. The questionnaire was filed late only due to my error. This permit is beneficial to the Hot Springs School and the City of Hot Springs. The school waters their grounds without taxing the city water system and its more economical for the district to operate the well system than purchase water from the city.

I also apologize to the board for my error and the extra work and inconvenience it caused you and your staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "William F. Lynch".

William F. Lynch
Business Manager
Hot Springs School District



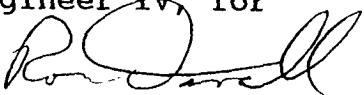
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 31, 1992

NOTICE

TO: William F Lynch, Business Manager, Hot Springs School District, 1609 University Ave, Hot Springs, SD 57747

FROM: Ron Duvall, Natural Resources Engineer IV, for John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352 

SUBJECT: Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit No. 1835-2

The hearing on your March 19, 1992 request to the Water Management Board to reconsider suspension of Water Permit No. 1835-2 has been scheduled for 9:15 am, May 6, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permit, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 31, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated March 31, 1992, regarding Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit No. 3791-3, 1835-2, 4717-3 and 4717A-3 addressed to:

3791-3 Paul Bremmon, Box 63, Britton, SD 57430

1835-2 William F Lynch, Business Manager, Hot Springs School District, 1609 University Ave, Hot Springs, SD 57747

4717-3 Ben J Wipf, Rockport Colony, RR 2 Box 26, Alexandria, SD
4717A-3 57311

A copy of the Notices were sent through inter-office mail to:

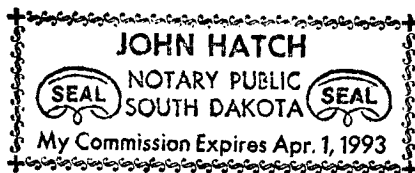
Diane Best, Assistant Attorney General

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of April, 1992.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 12, 1992

NOTICE

TO: Bill Lynch, Business Manager, Hot Springs School Dist.,
1609 University Avenue, Hot Springs, SD 57747

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Reinstatement of Water Permit No. 1835-2

Pursuant to your letter of March 19, 1992 and following a hearing by the Water Management Board May 6, 1992, the Board passed the following motion:

Water Permit No. 1835-2 is reinstated effective immediately.

The Water Management Board took into consideration that the irrigation questionnaire was now on file in the Division office and that this was the first violation for the Hot Springs School District. Your attendance at the hearing to explain the circumstances involving the delay in returning the questionnaire was favorable.

You should be aware, however, that future questionnaire violations could result in suspension or possible cancellation of the permit with no opportunity for reinstatement.

Violations of any qualifications on irrigation permits and subsequent Board action become part of the permanent record. This notice will be placed in Water Permit No. 1835-2 and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 12, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 12, 1992, regarding Reinstatement of Water Permit No. 1835-2 addressed as stated below:

Bill Lynch, Business Manager, Hot Springs School Dist., 1609 University Avenue, Hot Springs, SD 57747.

Copy Sent Inter-office To:

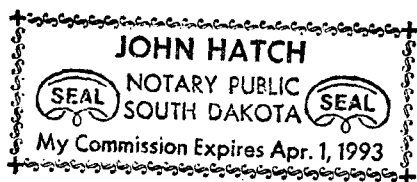
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 13th day of May, 1992.



John Hatch
Notary Public

Hot Springs School District
Water Permit No. 1835-2

GENERAL

Application submitted by: Hot Springs School Dist. #23-2
1609 University Avenue
Hot Springs, SD 57747

County: Fall River

Permit Approved: July 20, 1983*

Purpose: Diversion of 0.14 cfs from one well to irrigate
10.2 acres (football field and adjoining grass
areas around school)

* Water Permit No. 1835-2 was approved with the irrigation
questionnaire qualification.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of any Board Action</u>
1987	October, 1987	October 16, 1987	none
1988	October, 1988	November 28, 1988	none
1989	October, 1989	February 15, 1990	none
1990	October, 1990	November 15, 1990	none
1991	October, 1991	March 5, 1992	March 4, 1992

PAST VIOLATIONS:

1. 1991 Irrigation Questionnaire Violation

January 27, 1992, School District was given notice of permit violation for nonreturn of the 1991 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 4, 1992.

March 4, 1992, The Water Management Board SUSPENDED Water Permit No. 1835-2 until December 31, 1992.

March 5, 1992, the 1991 irrigation questionnaire was received from the school district.

March 20, 1992, letter was received from Bill Lynch, Hot Springs School District, requesting time on the Board agenda for reconsideration of suspended Water Permit No. 1835-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

APR 4 1996

2281-2

Bill Lynch, Groundskeeper
Hot Springs School District 23-2
1609 University
Hot Springs, SD 57747

Dear Mr. Lynch:

Enclosed is Water License No. 2281-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414718 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 2281-2, 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.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 1835-2 have been incorporated into this Water License No. 2281-2.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2281-2

(1) Hot Springs School District 23-2, 1609 University, Hot Springs SD 57747 made Application No. 2281-2, April 6, 1993 for a water permit to divert no additional water from groundwater (one well), Fall River County, South Dakota for irrigation purposes. Permit No. 2281-2, with a priority date of April 6, 1993 was approved June 28, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 28, 1998 and for the application to beneficial use of said water on or before June 28, 2002.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on September 28, 1993. The "*Notice*" stated the diversion system was completed on August 15, 1993 and the water placed to beneficial use August 15, 1993.

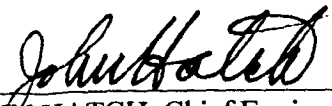
Water Permit No. 2281-2 authorized irrigation of an additional 1.5 acres from the well authorized by Water Permit No. 1835-2. A priority date of February 7, 1983 (established by Water Right No. 1835-2) is retained since the number of acres irrigated is less than the number of acres authorized by Water Right No. 1835-2. The applicable portions of Water Permit No. 1835-2 have been incorporated into this Water License No. 2281-2.

(2) It is certified that the applicant 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 0.075 cubic feet of water per second for beneficial use. The location of the diversion point is 700 feet west and 900 feet south from the northeast corner of Section 23-T7S-R5E (NE 1/4 NE 1/4).

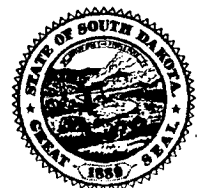
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **All in T7S-R5E**

Section 23	NE 1/4 NE 1/4	4.3 acres
Section 24	NW 1/4 NW 1/4	<u>1.0 acres</u>
Total		5.3 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hot Springs School District 23-2, 1609 University, Hot Springs SD 57747 the holder and/or owner of Incorporated Water Permit No. 2281-2 is issued a license to appropriate water, the right to use 0.075 cubic feet of water per second from groundwater (one well) with a priority date of February 7, 1983 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2281-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 4 1996
date



NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24

2.8 acres - Sec 24 - 7-5
7.4 acres - Sec 23 - 7-5
10.2 Total

23 Township 7 Range 5

Map prepared
by
Richard L. Miller
C.E.D.
Fall River, MA
2/15/83

Township 7
Range 5

2.8 MAP # 1835-2 179-R