

Considered: _____

WATER PERMIT NO. 2151-2

Phone: 745-3135

Name of Applicant: City of Hot Springs

Post Office Address: City Hall, Hot Springs SD 57747

Amount of Water Claimed: 0.01 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: Geothermal heat County: Fall River

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received: 12-3-90 Fee: \$50 Remarks Geothermal

heat for the Chamber of Commerce Building

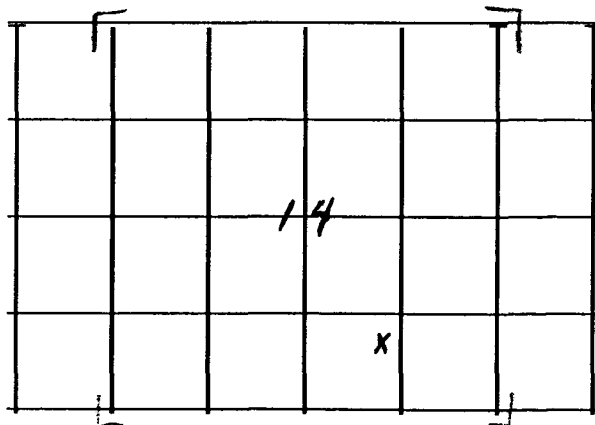
Corrected Application Received 12-13-90 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: $\frac{E}{S} 1/4$ $\frac{E}{S} 1/4$ Sec 14-T7S-R5E

Land to be Irrigated: _____



Well Log: Driller: Raby Drilling Licensed YES X NO _____

Depth of Well: 80' REMARKS _____

Type of Map: plat PREPARED BY: John P Scheltens Reviewed and the Number

Assigned on 12-18-90 By Karen Schlaak

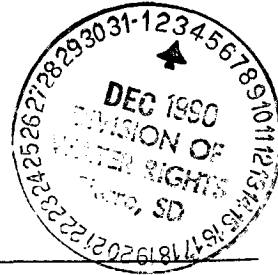
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 2151-2 Hydrologic Unit 10120109
 Map No. _____ Basin Upper Cheyenne
 Newspaper Hot Springs Star, Box 1000, (Tues)

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☒ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant City of Hot Springs Phone No. 745-3135Post Office Address City Hall, Hot Springs, State South Dakota
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 0.01 cfs (5 gal./min.)3. Source of water supply well groundwater4. Location of point of diversion Hot Springs Chamber of Commer Building, 630 N. River
Street within the City of Hot Springs, Sulfur Springs Addition to the City of Hot
Springs, South Dakota. (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Sec 14-T7S-R5E County Fall River5. Counties where water will be used Fall River6. Annual period during which water is to be used Jan. 1 through Dec. 31

7. Give a brief description of proposed 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)

Water is for use in a geothermal heat pump for the Chamber of Commerce Building.
 The system requires 5 gpm for operation. The well is 80 feet deep, with a 6" PVC casing.

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

STATE OF SOUTH DAKOTA)
 County of Fall River)^{ss}

I, John P. Scheltens, City Engineer for the City of Hot Springs 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.

Signed John P. ScheltensSubscribed and sworn to before me this 16th day of November, 1990

Bruce J. Kindred
 Notary Public

My commission expires: 12-27-92

SULPHUR SPRINGS ADDITION -TO- HOT SPRINGS FALL RIVER CO. S.D.

Scale 200' = 1"

Appl. No 2151-2

5



CITY OF HOT SPRINGS:
Well Location - Chamber of
Commerce Bldg.

Sulfur Springs Addition to the
City of Hot Springs.
965' North, 80' West of the
Section Corner 14,13,23,25,
Township 7 South
Range 5 East
Black Hills Meridian
Fall River County, South Dakota
John P. Scheltehs, City Engineer

presents that The Dakota Hot Springs Co. a corporation of
the State of South Dakota duly incorporated under and by virtue
of the laws of the State of South Dakota.

SULPHUR SPRINGS ADDITION TO HOT SPRINGS, FALL RIVER COUNTY, S.D. IS LOCATED



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" 6" Depth 0-40' 40-80'
- b) Casing Type PVC Diameter 8" Thickness Sch 200
6" Sch 160
- c) Screen Type PVC Diameter 4 1/2" Thickness sch 160
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 18 feet
- f) Depth to Water (ground surface to water level) 18 feet
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile On property owned by others 3/4 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____

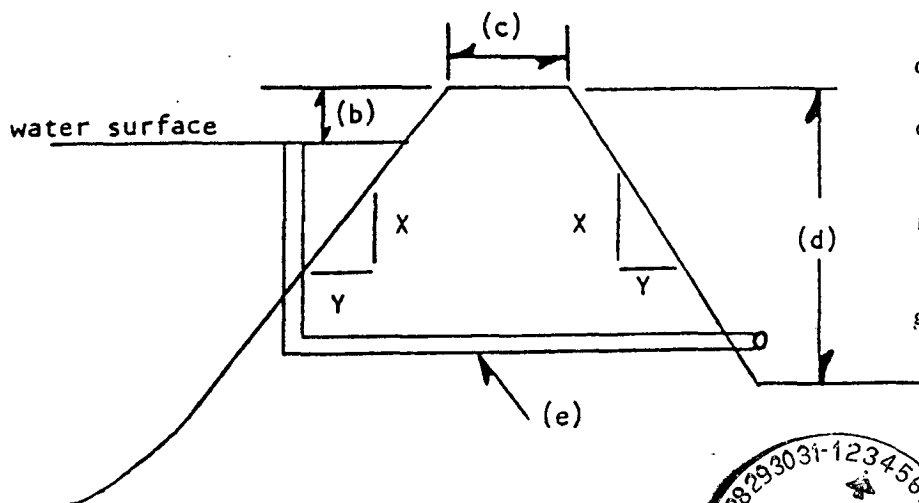
d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

g) X & Y Slope
Upstream _____

Downstream _____



Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

Signature of Applicant _____



**SOUTH DAKOTA
WATER PERMIT No. 2151-2**

Date of first receipt of application December 3, 1990.

Date of return to applicant for corrections, amendments or changes
December 11, 1990.

Date of receipt of corrected application December 13, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2151-2 to the City of Hot Springs, City Hall, Hot Springs SD 57747 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. 2151-2 appropriates 0.01 cubic feet of water per second from one well (Fall River Alluvium) 80 feet deep located in the SE 1/4 SE 1/4 Section 14-T7S-R5E.
2. The water appropriated shall be used for the purpose of supplying water to heat Chamber of Commerce Building and may not exceed the amount of water needed for beneficial use for geothermal heating purposes.
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. 2151-2 is May 1, 1991.
5. The date from which applicant may claim right is December 3, 1990.
6. One-fifth of the construction is to be completed on or before November 1, 1993.
7. All construction is to be completed on or before May 1, 1996.
8. Water is to be put to beneficial use on or before May 1, 2000.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 18 1991
(date)



Department of Water & Natural Resources

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

October 18, 1990

HOT SPRINGS CITY OF
CHERYL GUNWALL
HOT SPRINGS SD 57747

Dear MS. GUNWALL:

A well drillers report filed with this office by RABY DRILLING indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information and to inform you of the responsibilities you have incurred. Specifically:

1. According to South Dakota Water Rights Law (SDCL 46-1-15, 46-5-9, 46-5-10), it is necessary to obtain a water permit to appropriate waters of this state. An exception to this requirement is for water used for domestic purposes. Domestic water uses that do not require a permit are listed under item 5 on the enclosed summary. Those activities that require permits are listed under item 7.
2. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
3. If the old well is not to be abandoned, or will be used, the well must be sealed or capped at the surface pursuant to SDCL 46-6-27.

Based upon the information we have, you may need a water permit. Since we have no record of a water permit for this well, I am enclosing application forms and an instruction sheet for preparing a water permit application.

Please complete the application and submit it with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501" by 11/19/90.

The Centennial Environmental Protection Act (House Bill 1291) as passed by the 1989 Legislature included Section 46 (SDCL 34A-3A-18) which states:

"Following completion of any new well for domestic use, a water quality sample shall be collected and submitted to the department of health laboratory or another laboratory approved by the department. If the well flows or if the well driller installs the pump, the well driller shall collect and submit the water quality sample. If the pump is not installed by the well driller, the owner shall collect and submit the water sample. The completed analysis shall be submitted to the department by the well driller or owner within thirty days after the submittal of well completion report which is filed with the department pursuant to 46-6-11. At a minimum, the water sample shall be analyzed for nitrate, coliform bacteria, sodium, conductivity and sulfate. Other contaminants may be analyzed for at the option of the well owner or driller. The owner or well driller shall pay for the cost of all analyses."

If you have questions or need assistance contact Regan Fanning, Natural Resources Analyst (605-773-3352).

Very truly yours,

Ron Duvall
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

cc: well driller

enclosure

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 11, 1990

City of Hot Springs
John P Scheltens, City Engineer
City Hall
Hot Springs SD 57747

Dear Mr. Scheltens:

In regard to your water permit application for geothermal heat use received on December 3, 1990, it will be necessary for you to submit a map. The map must show the location of the diversion point in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.

Upon receipt of a signed map, further processing of the application will proceed.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

Conversation or File Documentation

NAME OF PERSON OR FILE: Hot Springs (John Schelten)

ADDRESS: _____ COUNTY _____

DATE: 12/28/90 TELEPHONE 745-3135

RE: _____

COMMENTS:

The water from this geothermal well is disposed of
down the sanitary sewer.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric S. Lundberg

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412441

Pierre, NovemberDecember 4, 19 90

RECEIVED OF City of Hot Springs, City Hall, Hot Springs, SD 57747

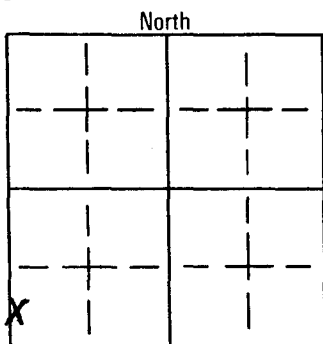
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>91541</u> to Appropriate Water, to construct works and to put water to beneficial use <u>CU</u>	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after for period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Glatch (mra)
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SW 1/4 Sec 13 Twp 75 Rg 5ECounty FALL RIVER

Please mark well location with an "X"

10 FT NORTH of CHAMBER COMMERCE BUILDING.

Well Completion Date JAN 4, 1990

PROPOSED USE:

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

Method of Drilling:

ROTARY AIR

CASING DATA:

☒ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SCH 200</u> LB/FT	<u>6</u> IN	<u>0</u> FT	<u>40</u> FT	<u>8"</u> IN
<u>SCH 160</u> LB/FT	<u>4 1/2</u> IN	<u>40</u> FT	<u>80</u> FT	<u>6"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 40 FEETWhat is grouting material? TYPE II CEMENTIf cement, number of sacks? 24Describe grouting procedure PRESSURE GROUTEDWhat was grout weight? 94# 7 GAL LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 1/2 IN Length 40 FEETMaterial PVCSlot Size .064 Set From 40 Feet To 80 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? NEOPRENEDescribe packer(s) and location? PACKER BETWEEN SCREEN SECTIONS AT 60 FTWas well disinfected upon completion? ☐ YES ☒ NOExplain WELL NOT FOR DRINKING WATERBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name CITY OF HOT SPRINGSAddress HOT SPRINGS S.D. 57747

Well Log:

Depth

Formation

From

To

FILL MATERIAL028GRAVEL2856SPEANFISH5680STATIC WATER LEVEL 18 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☒ Bailed☐ OtherDescribe: AIR BAILED FROMTD MEASURED18 GPM

Pumping Level Below Land Surface

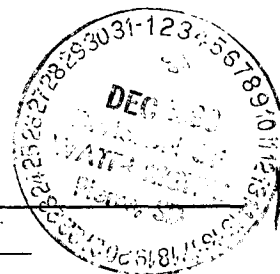
_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

WELL TO BE USED FOR
WATER TO AIR HEAT
EXCHANGE UNIT IN
CHAMBER BUILDING

This well was drilled under license # 415

And this report is true and accurate.

Drilling firm BABY DRILLING

Signature of License Representative:

Quinn J. Baby

Signature of Well Owner:

Richard Agre Bldg Insp.Date 1-5-90

REPORT ON APPLICATION NO. 2151-2
FOR THE CITY OF HOT SPRINGS
December 27, 1990

Application No. 2151-2 proposes to appropriate 0.01 cfs from one well approximately 80 feet deep located in the SE 1/4 SE 1/4 of section 14, T7S R5E in Fall River County. The water will be used for geothermal purposes to heat the Chamber of Commerce Building.

AQUIFER - ALLUVIUM (FALL RIVER) (~~QAL~~) ALQ

The alluvium consists of sands and gravels associated with the Fall River. According to the test well log submitted with the application the alluvium is about 56 feet thick and is underlain by the Spearfish Formation. The static water level is reported to be 18 feet below the land surface. The alluvium is hydraulically connected to the Fall River and possibly to the Spearfish Formation. The Spearfish is usually not considered an aquifer but in some areas water can be produced from fractures or solution openings created when water dissolves the gypsum contained within the formation. The source of water for this application is the alluvium even though the test well indicates the well was drilled 14 feet into the Spearfish Formation.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

There are no other water permits/rights in the immediate area which obtain water from the alluvium. Because this application is for only 5 gpm the effects of this withdrawal will not be noticeable. Interference is not expected to be a problem and the aquifer is under water table conditions.

CONCLUSIONS

1. Water is available from the alluvium.
2. The aquifer is under water table conditions and the requested pumping rate is small. Interference will not be a problem.
3. This is a completed well and was tested at a rate of 18 gpm. The well was completed in accordance with SD Well Construction Standards.
4. The well will not be used for drinking water. The only use of water will be for geothermal purposes. The applicant indicated the water will be disposed through the Hot Springs sanitary sewer.


James A Goodman
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2151-2, City of Hot Springs

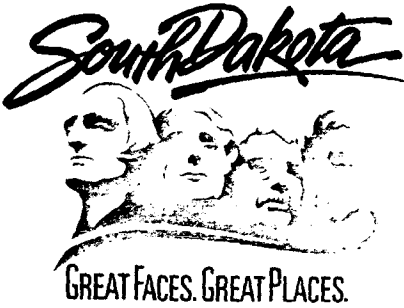
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2151-2, City of Hot Springs, City Hall, Hot Springs, SD.

The Chief Engineer is recommending APPROVAL of Application No. 2151-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", written in dark ink.

JOHN HATCH, Chief Engineer
January 7, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 19, 1991

John P. Scheltens, City Engineer
City of Hot Springs
City Hall
Hot Springs, SD 57747

Dear Mr. Scheltens:

Water Permit Application No.2151-2 for geothermal heating use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hot Springs Star printed at Hot Springs, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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.



March 19, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

Hot Springs Star
Box 1000
Hot Springs, SD 57747

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2151-2 to be published twice. Please publish the first notice on March 26, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is City of Hot Springs, City Hall, Hot Springs SD 57747.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 26, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2151-2 to Appropriate Water

Notice is given that the City of Hot Springs, City Hall, Hot Springs SD 57747 has filed an application for a water permit to appropriate 0.01 cubic feet of water per second from one well (Fall River Alluvium) 80 feet deep located in the SE 1/4 SE 1/4 Section 14-T7S-R5E. The water will be used for geothermal heating of the Chamber of Commerce building.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2151-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 April 22, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 2151-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Fall River) ss.

I, Christopher N. Spencer

certify that the attached printed Notice 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:

March 26, 1991

April 2, 1991

Christopher N. Spencer
 (Signature)

Publisher
 (Title)

April 2, 1991
 (Date Signed)

Cost of Printing: \$43.51



66

**NOTICE OF HEARING on Application
No. 2151-2 to Appropriate Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2151-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 April 22, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 2151-2 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

March 26, April 2

South Dakota

GREAT FACES. GREAT PLACES.

SEP 18 1991

John P. Scheltens, City Engineer
City of Hot Springs
City Hall
Hot Springs, SD 57747

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

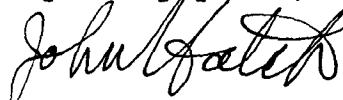
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Dear Mr. Scheltens:

Enclosed is Water Permit No. 2151-2 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



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

enclosures

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.

Fall River

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 6 Oct 91TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: City of Hot Springs 303 W. River St. Hot Springs
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2151-2.

Water Permit No. 2151-2 states that the diversion system is to be constructed by May 1, 1996, and that the water it put to beneficial use by May 1, 1996.

The diversion system was completed on Nov. 1, 1990.
Applying the water to beneficial use was completed on Nov. 1, 1990.

You may schedule an inspection so that the Water License may be issued.

John F. Schell
signature City Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 8, 1993

2151-2

Cheryl Gunwall, Finance Officer
City of Hot Springs
303 North River
Hot Springs, SD 57747-1698

Dear Ms. Gunwall:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2151-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

413841

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 27, 19 93

RECEIVED OF City of Hot Springs, Hot Springs, SD 57747

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>2151-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By 
Chief Engineer

Permit No. 2151-2

Water District: Upper Cheyenne

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system constructed by City of Hot Springs of City Hall, Hot Springs, SD 57747 holder of Permit No. 2151-2, bearing the priority of December 3, 1990 authorizing the diversion of 0.01 cu.ft. per second the waters of groundwater for heating purposes, in Fall River County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A submersible pump, 10 gallons per minute capacity.

A submersible motor, 1/3 horse power.

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

10 feet of 1-1/4 inch PVC pipe.

C. Works used to apply water to beneficial use:

Water is used for heating the Chamber of Commerce Building.

The system is in the following conditions: Good The point of diversion is located: Approximately 963 feet north, 75 feet west from the Southeast corner of Section 14, T7S-R5E (SE1/4 SE1/4)

The works are capable of diverting and conveying to the place of use 0.022 cu.ft. per second of groundwater which is used for heating purposes.

The license should be issued for 0.01 cfs. Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are: None

Date: 6/16/92

M. Rassool Ahadi

M. RASSOOL AHADI

Natural Resources Engineer III

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 2151-2

DATE 6/16/92

DIVERSION POINT LEGAL LOCATION: SE1/4 SE1/4 Section 14, T7S-R5E

WELL INFORMATION: Well Drilling Firm Raby Drilling

- a) Pump 1) make Flenton Walling No. of Wells 1 Depth(s) 80 feet
 2) model 3BA6 c) Casing: 1) diameter 4 inches
 3) size inches 2) length 40 feet
 *** 4) capacity 10 GPM 3) type PVC
 5) turbine pump - No. of stages d) Screen: 1) type PVC
 6) operating pressure PSI 2) length 40 feet
- b) Motor: 1) make Flenton Walling e) Static Water Level 18 feet
 2) model No.
 3) horsepower rating 1/3 HP

*** Since the heat exchanger has a capacity of 5 GPM, the pump is valved down to 5 gallons minute.

DISTRIBUTION LINES OR CANALS:

- a) type Polyvinyl Chloride b) size 1-1/4 inches c) length 10 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
b) Special qualifications to permit being abided by Y (Y/N)
c) All structures, wells and lands on map Y (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by t end of construction period NA (Y/N)

File No. 2151-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: City of Hot Springs

ADDRESS: Hot Springs COUNTY: Fall River

DATE: 7/7/93 TELEPHONE: 745-3135

RE: Pumping Capacity

COMMENTS: Today, I contacted John Sheltens, with the City of Hot Springs. The pump capacity for the WP No. 2151-2 exceeds the diversion rate. Mr. Sheltens stated that the heat exchanger has a capacity of 5 gallons per minute, and that is why the pump has been valved down. He said if they run more than 5 gpm thru the system it will back up. I said I will mention that on the inspection report.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2151-2

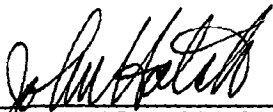
(1) The City of Hot Springs, of 303 N River, Hot Springs, SD 57747 made Application No. 2151-2, December 3, 1990 for a water permit to appropriate 0.01 cubic feet of water per second from groundwater (one well), Fall River County, South Dakota for geothermal heating purposes. Permit No. 2151-2, with a priority date of December 3, 1990 was approved May 1, 1991 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 1, 1996 and for the application to beneficial use of said water on or before May 1, 2000.

The City submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on October 9, 1991. The "Notice" indicated the diversion system was completed and water placed to beneficial use on November 1, 1990.

(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 0.01 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 963 feet north and 75 feet west of the SE corner of Section 14, T7S, R5E (SE¼SE¼).

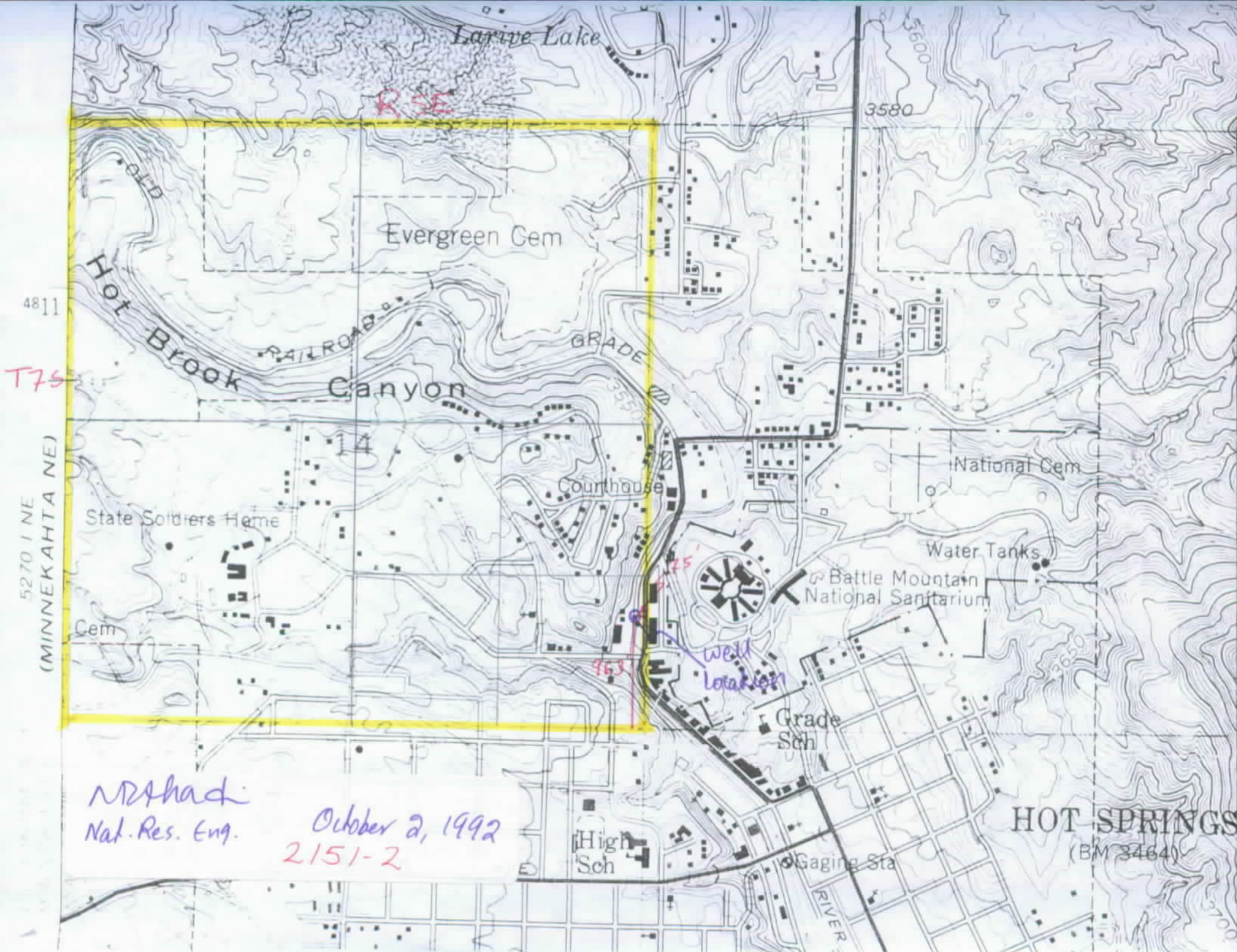
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for heating of the Chamber of Commerce Building.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Hot Springs of 303 N River, Hot Springs, SD 57747 the holders and/or owners of Water Permit No. 2151-2 is issued a license to appropriate water, the right to use 0.01 cubic feet of water per second from groundwater (one well) with a priority date of December 3, 1990 from the location specified in (2) of this license. The water is used for the purpose of geothermal heating. This license is subject to any limitations or qualifications listed in Water Permit No. 2151-2 and subject to South Dakota State Law.



SEP 20 1993

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



Larive Lake

R SE

3580

Evergreen Cem

4811

T75

5270 I NE
(MINNEKAHTA NE)

Hot Brook Canyon

CANYON

GRADE

COURTHOUSE

State Soldiers Home

National Cem

Water Tanks

Battle Mountain
National Sanitarium

Grade
Sch

High
Sch

Gaging Sta

HOT SPRINGS

(BM 3464)

NDShad
Nat. Res. Eng.

October 2, 1992
2151-2

well
location

963

25

14



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

2151-2

Cheryl Gunwall, Finance Officer
City of Hot Springs
303 North River
Hot Springs, SD 57747

Dear Ms. Gunwall:

Enclosed is Water License No. 2151-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413841 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. 2151-2, 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 Division
(605) 773-3352

gm
enclosures