

WATER PERMIT NO. 5111A-3

Phone: 853-3071

Name of Applicant: Sunshine Bible Academy

Post Office Address: HCR 5, Box 29, Miller SD 57362

Amount of Water Claimed: no additional Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: institutional County: Hand

About 13 miles South of Miller

PRIORITY Date Received: 12-7-92 Fee: \$50 Remarks: Additional

diversion point - see Permit No. 5111-3

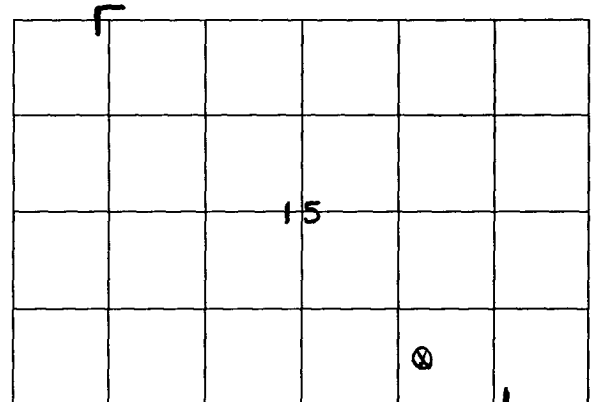
Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: ND APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 SE 1/4 Sec 15-T110N-R68W

Land to be Irrigated: _____

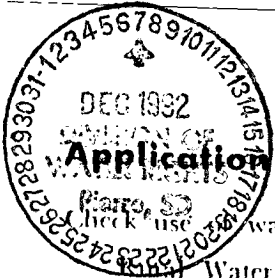


Well Log: Driller: Pullman Well Drilling Licensed YES x NO _____

Depth of Well: 245' REMARKS: Replacement well for Well #1-Well #1 is now maintained as a standby well

Type of Map: aerial PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on: 12-7-92 By: Karen Schlaak

No. 5111-3 Hydrologic Unit 12160009
Map No. _____ Basin James River
Newspaper The Miller Press, Box 196, Miller**Application For Permit To Appropriate Water Within The State Of South Dakota**

water: Industrial ☒ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 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. 5111-3☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Sunshine Bible Academy Phone No. (605)853-3071Post Office Address HCR 5, Box 29 Miller State SD 57362
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) ~~0.013 cfs (6 gpm)~~ no add'l3. Source of water supply 245' deep well (well #4)4. Location of point of diversion SE1/4 SE1/4 Section 15, T110N, R68W.County Hand5. Counties where water will be used Hand6. Annual period during which water is to be used January 1 - December 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)

Permit no. 5111-3 authorizes construction of 3 wells. This application is for one additional well (well #4) with a diversion rate of 6 gpm. Well #1 covered by Permit no. 5111-3 is maintained as a standby.

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 Hand)⁵⁵

1. Brian Balster, Promotion Coordinator of Sunshine Bible Academy the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Brian BalsterSubscribed and sworn to before me this 3rd day of December 1992

Darlene Droz
Darlene Droz, Notary Public
My commission expires: 1/2/95.

PULLMAN DRILLING — DRILLERS LOG

Sunshine Bible Assembly JOB NAME	Miller LOCATION	6-23-82 DATE	7 RIG NO.	Bruce Engel FOREMAN
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Jt No.	DEPTH	TIME	REMARKS
1	20		0-2 top soil 2-20 yellow
2	40		20-40 yellow
3	60		40-55 yellow 55-60 blue clay
4	80		60-80 blue clay 6" streak gravel at 68
5	100		80-100 blue clay
No 2 6	120		100-120 blue clay
7	140		120-122 blue clay 122-128 SAND 128-140 blue
8	160		140-160 blue clay
9	180		160-175 blue 175-180 shale
10	200		180-190 shale 190-200 shale
11	220		200-225 shale 215-220 chalk 20 GPM loss
12	240		220-240 chalk 20 GPM loss
13	260	TD	240-265 chalk 20 GPM loss 255-260 shale
14			
15			
16			Water Head 130 Feet
17			
18			60 Feet 5" slotted
19			Total Depth 260 Feet
20			
21			3000 LBS. Delmont Sand
22			
23			Pumped 10 GPM. sub
24			
25			
26			
27			
28			
29			
30			
31			\$ 1.690
32			
33			650 P. Hl
34			
35			
36			1/2
37			
38			
39			
40			

REMARKS:

60
head 130

PULLMAN DRILLING — DRILLERS LOG

well 9 1

JOB NAME		LOCATION	DATE	RIG NO.	FOREMAN
Machine Bible			6-28-82	7	Bruce C. [unclear]
o.	DEPTH	TIME	REMARKS		
1	20		0-3 top Soil 3-20 yellow clay		
2	40	2:30	20-40 yellow clay		
3	60		40-54 yellow clay 54-60 Blue		
4	80	2:38	60-80 Blue clay		
5	100		80-100 Blue Clay		
6	120	2:48	100-120 Blue clay		
7			122-127 5' streaked 127-140 Blue clay		
8			A		
9					
0					
1	20		0-3 top Soil 3-20 yellow clay		
2	40	4:36	20-40 yellow clay		
3	60	4:40	40-55 yellow 55-60 Blue clay		
4	80	4:45	60-80 Blue clay		
5	100	4:50	80-100 Blue clay 26" gravel streaks		
6	120	5:19	100-125 Blue clay 125-129 1/2 gravel		
7	140	5:30	129-140 Blue clay		
8					
9			131 Feet Deep		
0					
1			Water Head 92 Feet		
2			20 Feet 5" 5/16" S/10" Sides		
3					
4			Pumps 12 G.P.M. Air		
5			Buchshot Packed		
6					
7			Pumps 20 G.P.M. Submersibles		
8					
9			Drewed Down to 110' after		
0			4 hrs. Pumping		
1			2:30 to 8:30 Pumped 95' to 110'		
2					
3					
4					
5					
6					
7					
8					
9					
0					
1			4:30 109 Feet		
2			6:00 110 Feet		
3			8:00 110 Feet		

REMARKS:

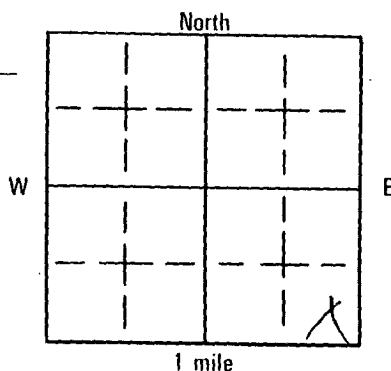
Replacement well for #1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 SE 1/4 Sec 15 Twp 110 Rg 68County Hand

Please mark well location with an "X"



Well Completion Date _____

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>5</u>	FT <u>0</u>	FT <u>295</u>	IN <u>8 7/8</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 200 FEETWhat is grouting material? Cement & GroutIf cement, number of sacks? 20

Describe grouting procedure _____

line to 200 ft.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 40 FEETMaterial PVCSlot Size 6/16 Set From 205 Feet To 245 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Gravel packedWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Sunshine BibleAddress RR Miller, SD 57362

Well Log: _____ Depth _____

Formation	From	To
Yellow Clay	0	35
Blue Clay	35	170
Shale	170	200
Black Chalk	200	220
White Chalk	220	250
Shale	250	260

TD 245'

STATIC WATER LEVEL 168 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 13 HR m.☐ Bailed Describe: no☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative: _____

R. S. Kuehl

Signature of Well Owner: _____

Date 12-30-91

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

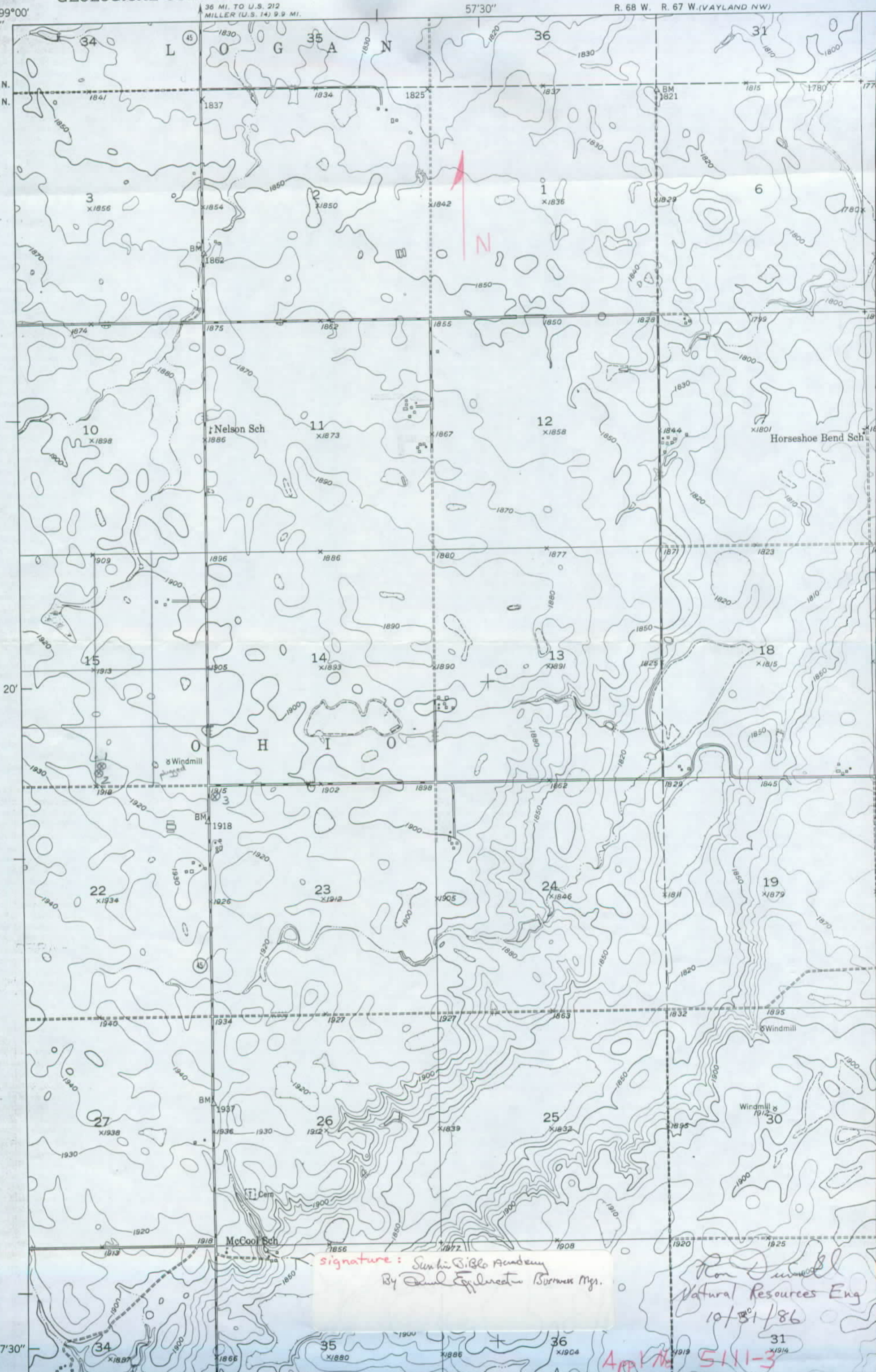
99°00'
44°22'30"

36 MI. TO U.S. 212
MILLER (U.S. 14) 9.9 MI.

57°30"

R. 68 W. R. 67 W. (VAYLAND NW)

T. 111 N.
T. 110 N.



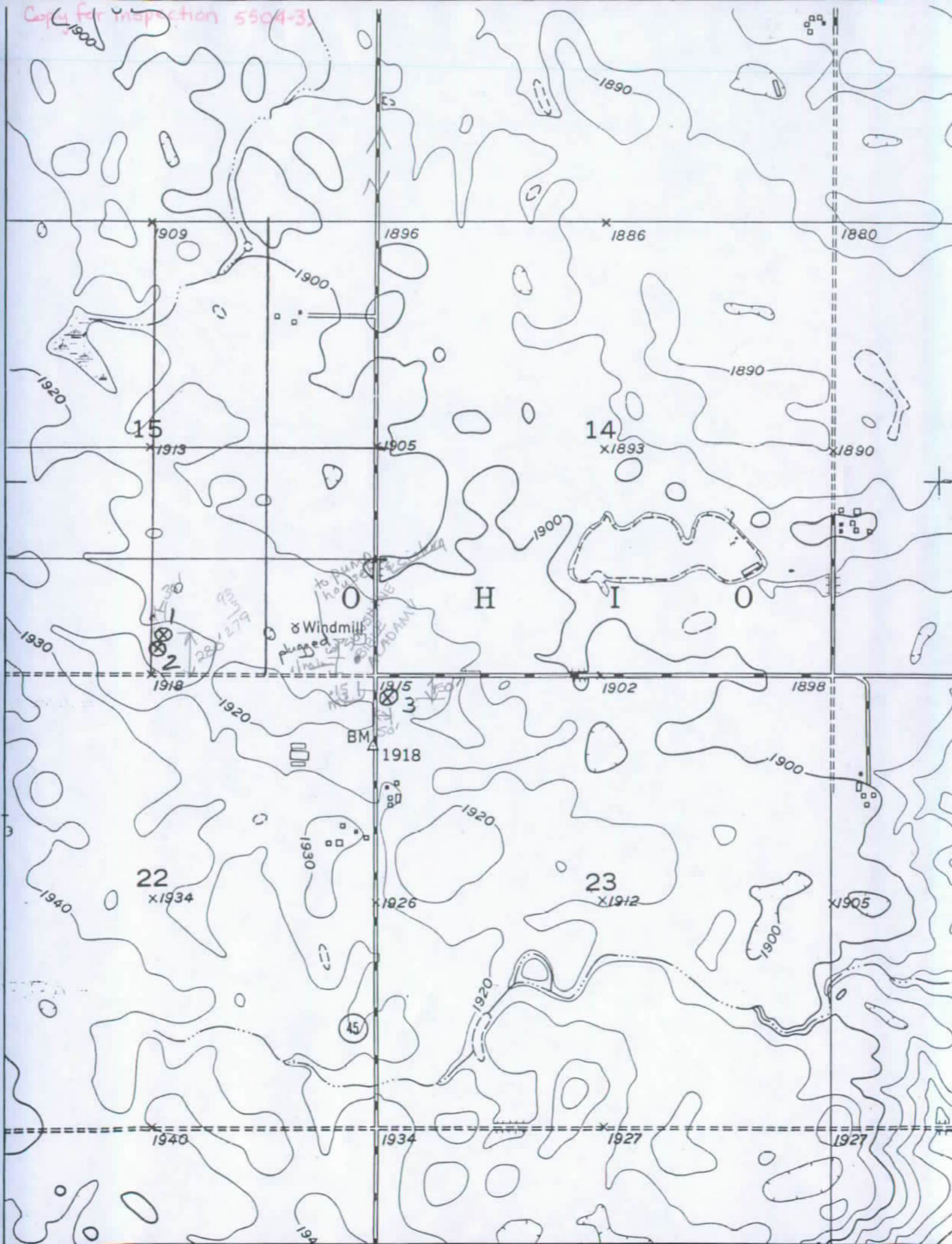
signature: Sun in Bible Academy
By Paul Eglerstein Business Mgr.

Don Daniel
Natural Resources Eng
10/31/86

17°30"

44°22'30" 5111-3

Copy for inspection 3504-3.
1900



RECEIPT

413527

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, December 8, 1992

RECEIVED OF Sunshine Bible Academy, HC 63 Box 29, Miller, SD 57362-9712

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

Fee for Application for Permit No. <u>5111A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John W. Hotal
Chief Engineer

Permit No. 5111-3 & 5111A-3

James River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Sunshine Bible Academy of HCR 5, Box 29, Miller SD 57362 holder of Permit No. 5111-3, bearing the priority of October 31, 1986 authorizing the diversion of 0.051 cu. ft. per second of the waters of Pleistocene: Unknown and Niobrara Formation for domestic - institutional purposes, in Hand County.

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

A. Works used to divert the water:

Well #1: 140' deep with 120' of 5" pvc casing and 20' of pvc screen; Monitor pump, model no. 6PS675103, capacity reduced to 6 gpm, Franklin Electric Submersible motor, model no. 2801074910, 3/4 hp.

Well #2: 260' deep with 200' 5" steel casing and 60' of 5" pvc screen; Merrill pump, model no. PC-5 PAI, capacity reduced to 6 gpm; Franklin Electric submersible motor, model no. 2801074910, 3/4 hp.

Well #3: 260' deep with 4" galvanized steel casing and screen, lengths unknown; Monitor pump, model no. P511072, sucker pump capacity less than 2 gpm; Dayton Electric motor, model no. 6K719L, 3/4 hp.

Well #4: 245' deep with 205' of 5" pvc casing and 40' of 5" pvc screen; Midwest-Dicken pump, model no. WTCC-5, capacity reduced to 6 gpm; US Electric motor, model no. 1026, 7.5 hp.

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

Approximately 2050' of schedule 40 pvc and a 30,000 gallon cistern.

C. Works used to apply water to beneficial use:

Domestic - institutional use.

The system is in the following condition good. The point of diversion is located well #1 is 280' N and 30' W of S 1/4 corner; well #2 is 250' N and 15' E of S 1/4 corner; well #4 is 560' N and 890' W of SE corner, all in Section 15, T110N, R68W. Well #3 is 150' S and 50' E of NW corner Section 23, T110N, R68W. . The works are capable of diverting and conveying to the place of use 0.044 cu. ft. per second of water which is to be used for domestic-institutional purposes. Water has been put to beneficial use to the maximum extent as follows:

domestic-institutional use at Sunshine Bible Academy

The license should be issued for 0.044 cfs.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 4-29-92

Comments: Well #4 is a new well to replace well #1. The new well is more than 660' from well #1, also the pump and motor remain in well #1 as an emergency backup well. There are 4 wells associated with this permit, with a combined capacity of 20 gpm.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5111-3

DATE 4-29-92

Other permit(s) associated with the project none

DIVERSION POINT LEGAL LOCATION: Well #1 and #2: SW1/4 SE1/4 Section 15, well #3: NW1/4 NW1/4 Section 23, well #4: SE1/4 SE1/4 Section 15 all in T110N, R68W.

WELL INFORMATION: Well Drilling Firm Pullman Well Drilling

No. of Wells 4 Depth(s) 140, 260, 260, 245

- #1 a) Casing: 1) diameter 5 inches b) Screen: 1) type 5" pvc
2) length 120 feet 2) length 20 feet
3) type pvc c) Pump 1) make Monitor
d) Static Water Level 92 feet 2) model 6PS675103
e) Motor: 3) size inches
1) make Franklin Electric Subm. 4) capacity 6 GPM
2) model No. 2801074910 5) turbine pump - No. of stages
3) horsepower rating 3/4 hp 6) operating pressure PSI
- #2 a) Casing: 1) diameter 5 inches b) Screen: 1) type 5"pvc
2) length 200 feet 2) length 60 feet
3) type steel c) Pump 1) make Merrill
d) Static Water Level 130 feet 2) model PC-5 PAI
e) Motor: 3) size inches
1) make Franklin Electric Subm. 4) capacity 6 GPM
2) model No. 2801074910 5) turbine pump - No. of stages
3) horsepower rating 3/4 hp 6) operating pressure PSI
- #3 a) Casing: 1) diameter 4 inches b) Screen: 1) type 4" galvanizes steel
2) length feet 2) length feet
3) type galvanized steel c) Pump 1) make Monitor
d) Static Water Level feet 2) model P511072
e) Motor: 3) size inches
1) make Dayton Electric 4) capacity >2 GPM
2) model No. 6K719L 5) turbine pump - No. of stages
3) horsepower rating 3/4 hp 6) operating pressure PSI
- #4 a) Casing: 1) diameter 5 inches b) Screen: 1) type 5"pvc
2) length 205 feet 2) length 40 feet
3) type pvc c) Pump 1) make Midwest-Dicken
d) Static Water Level 168 feet 2) model WICC-5

e) Motor:

1) make US Electric

2) model No. 1026

3) horsepower rating 7.5 hp

3) size inches

4) capacity 6 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

a) type sched. 40 pvc

b) size 2 inches c) length apprx. 2050 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (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 the end of construction period N/A (Y/N)

Comments: Wells 1, 2, and 4 pump into a 30,000 gallon cistern, located approximately 50' from well #4. Well #4 was dug as a replacement well for well #~~2~~¹, well #~~1~~¹ will be used as an emergency backup well.

NOT TO SCALE

T1659

Prepared by:

Lynn Beck

Lynn Beck

Natural Resource Engineer

DENR, Division of Water Rights

6-22-92

54.3

① (137.4)

15 83.1

T1655

NA
83

T1665

① (630)

445

(7.6)

①

154.5

-3.3

151.2

Well #1

30'

E-9

110-68

Well #2

2" PVC

Well #4

890'

Pump House

560'

T1651
1 of 2

W. Right 5111A-3

NOT TO SCALE

110-68

⑤

59.2

T1656

46.3

①

T1657

1.8

NA

①

65.1

-1.8

63.3

8.9

②

47.7

23

②

11.7

③

22.5

110-68

8.9

2 of 2

5/11A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 1992

Dan Eggebraaten
Sunshine Bible Academy
HCR 5, Box 29
Miller, SD 57362

Dear Mr. Eggebraaten:

Please find enclosed an instruction sheet and partially completed application form 2. Permit No. 5111-3 authorizes construction of 3 wells. This application is for one additional well with a diversion rate of 6 gpm.

The new well (well #4) is located more than 660' from well #1 (emergency well) and is located on land not covered in the advertisement for Permit No. 5111-3. If a replacement well is within 660' of the well it is to replace, a new application is not required. Well #1 covered under Permit No. 5111-3 is maintained as a standby; therefore, well #4 is an additional well.

A fee of \$50.00 is required to apply for the additional well and diversion. The application will require advertisement as per no. 5 on the instruction sheet.

After the above items have been taken care of and approved, the permit will be licensed as per no. 6 on the instruction sheet.

Thank you for your time and effort in this matter, and if you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resource Engineer
Water Rights Division
(605) 773-3352

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 1992

Dan Eggebraaten
Sunshine Bible Academy
HCR 5, Box 29
Miller SD 57362

Dear Mr. Eggebraaten:

On June 23, 1992, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit No. 5111-3 by Lynn Beck, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another partially completed application form. Please review the application and have it signed and notarized. Return the application with any additional information requested in the first letter to you.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 5111-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosures

Report on Application No. 5111A-3
Sunshine Bible Academy
December 30, 1992

This application is to specify the correct number of wells authorized by Permit No. 5111-3. Water Permit No. 5111-3 appropriates 0.051 cubic feet of water per second (cfs) from three wells located in the SW 1/4 SE 1/4 Section 15 and the NW 1/4 NW 1/4 Section 23; all in T110N-R68W. An inspection of this permit found four wells capable of diverting 0.044 cfs. One well is maintained as a standby water source. The additional well, 245 feet deep, is located in the SE 1/4 SE 1/4 Section 15-T110N-R68W and is capable of diverting 6 gallons per minute (gpm). This application does not authorize any increase in the diversion rate.

Aquifer - Pleistocene: Niobrara Formation

The Niobrara Formation is composed of calcareous shale, limestone and thin beds of bentonite. The Niobrara Formation underlies approximately 1426 acres of Hand County (Hedges, 1982). The porosity values, specific yields and the recoverable water in storage have not been identified and the recharge to the aquifer has not been quantified. The Niobrara is under artesian conditions with a static water level at 168 feet, reported on the well log for the new well.

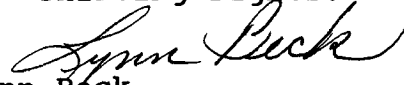
The new well is 245 feet deep and is completed into the Niobrara Formation. The well produces 6 gpm.

Review of Existing Water Rights

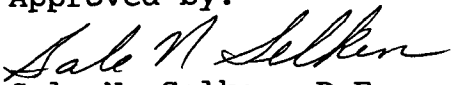
The Water Rights Division does not monitor any observation wells in the Niobrara Aquifer in this area. There is no historical data (water levels) for the Niobrara in this area. The Water Rights Division has no record of any other water rights in this area that use the Niobrara Formation as a water source.

Conclusions

1. This application is for no additional water. The water has already been appropriated under Permit No. 5111-3.
2. The additional well has been completed and is in use. This application is a direct result of an inspection of Permit No. 5111-3. It was found that an additional well exists.
3. Due to the distance from other water rights, there is a reasonable probability that this application will not adversely affect existing rights.


Lynn Beck
Natural Resource Engineer III

Approved by:


Gale N. Selken, P.E.
Natural Resource Engineer IV

Bibliography

Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, R.A. Schoon, 1982, Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, DWNr, Division of Geological Survey, Huron, SD.

Water Rights Division, 1992, "Observation Well Files" and "Domestic Well Log Files", DENR, Water Rights Division, Joe Foss Bldg., Pierre, SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5111A-3, Sunshine Bible Academy

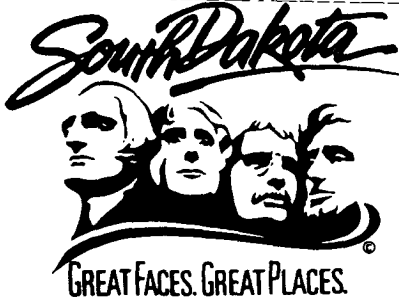
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5111A-3, Sunshine Bible Academy, c/o Brian Balster, HCR 5 Box 29, Miller, SD 57362.

The Chief Engineer is recommending APPROVAL of Application No. 5111A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use, and 3) it is in the public interest with the following qualification:

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

See report on application for additional information.


for JOHN HATCH, Chief Engineer
January 12, 1993



**DEPARTMENT of ENVIRONMENT
and 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.

January 15, 1993

Brian Balster
Sunshine Bible Academy
HCR 5 Box 29
Miller, SD 57362

Dear Mr. Balster:

Water Permit Application No. 5111A-3 for institutional 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 Miller Press printed at Miller, SD (Ph # 853-3575). 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.

Instruction to Newspaper - Publish first Notice on January 25, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5111A-3 to Appropriate Water
and to Amend Water Permit No. 5111-3

Notice is given that Sunshine Bible Academy, HCR 5 Box 29, Miller, SD 57362 has filed an application for a water permit to specify the correct number of wells authorized by Water Permit No. 5111-3. Water Permit No. 5111-3 appropriates 0.051 cubic feet of water per second (cfs) from three wells located in the SW 1/4 SE 1/4 Section 15 and the NW 1/4 NW 1/4 Section 23; all in T110N-R68W. An inspection of this permit found four wells capable of diverting 0.044 cfs. One well is maintained as a standby water source. The additional well, 245 feet deep (Pleistocene: Niobrara Formation) is located in the SE 1/4 SE 1/4 Section 15-T110N-R68W and is capable of diverting 6 gallons per minute. This application does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5111A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 February 19, 1993. 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 a.m., March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The March 3, 1993, 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 February 19, 1993.

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 Eric Gronlund by February 19, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

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Size of type 8 pt
Number of lines 115
Line rate 285817



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)SS

County of Hand

)

Gary L. McFarlane of said county being first duly sworn, on oath says that he is the publisher of The Miller Press, a weekly newspaper printed and published in Miller, said County of Hand and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Applicator to correct
water permit

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week Two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

<u>Jan 25</u>	19 <u>93</u>	;	19	<u>3287</u>
<u>Feb 1</u>	19 <u>93</u>	;	19	<u>2630</u>
	19	;	19	
	19	;	19	
	19	;	19	

that the full amount of the fees for the publication of the annexed notice is \$ 594.17

Gary L. McFarlane

Subscribed and sworn to before me this 1

day of February, 19 93

Carol Wargness

Notary Public

County of Hand, South Dakota

Commission Expires July 9, 1993

SBA files application to correct water permit

NOTICE OF HEARING On Application No. 5111A-3 to Appropriate Water and to Amend Water Permit No. 5111-3

Notice is given that Sunshine Bible Academy, HCR 5 Box 29, Miller, SD 57362 has filed an application for a water permit to specify the correct number of wells authorized by Water Permit No. 5111-3. Water Permit No. 5111-3 appropriates 0.051 cubic feet of water per second (cfs) from three wells located in the SW 1/4 SE 1/4 Section 15 and the NW 1/4 NW 1/4 Section 23; all in T110N-R68W. An inspection of this permit found four wells capable of diverting 0.044 cfs. One well is maintained as a standby water source. The additional well, 245 feet deep (Pleistocene: Nollbrara Formation) is located in the SE 1/4 SE 1/4 Section 15-T110N-R68W and is capable of diverting six gallons per minute. This application does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5111A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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.

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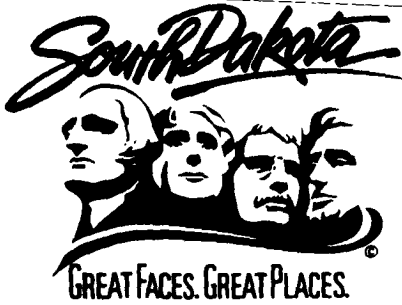
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This application is made pursuant to SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-16; 46-2-3:1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 through 46-5-11, 46-5-13 through 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 through 74:02:01:15.

Robert E. Roberts,
Secretary,
Department of Environment
and Natural Resources

FPNO 22

LPNO 2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

Brian Balster
Sunshine Bible Academy
HCR 5 Box 29
Miller, SD 57362

Dear Mr. Balster:

Enclosed is Water Permit No. 5111A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

SOUTH DAKOTA
WATER PERMIT NO. 5111A-3

Date of first receipt of application December 7, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5111A-3 to Sunshine Bible Academy, HCR 5, Box 29, Miller SD 57362 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. 5111A-3 specifies the correct number of wells authorized by Water Permit No. 5111-3. Water Permit No. 5111-3 appropriates 0.051 cubic feet of water per second (cfs) from three wells located in the SW 1/4 SE 1/4 Section 15 and the NW 1/4 NW 1/4 Section 23; all in T110N-R68W. An inspection of the permit found four wells capable of diverting 0.044 cfs. One well is maintained as a standby water source. The additional well, 245 feet deep (Niobrara Formation) is located in the SE 1/4 SE 1/4 Section 15-T110N-R68W and is capable of diverting 6 gallons per minute. This permit does not authorize any increase in the diversion rate.
2. The water appropriated shall be used for the purpose of supplying water to the school and may not exceed the amount of water needed for beneficial use for institutional 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. 5111A-3 is March 3, 1993.
5. The date from which applicant may claim right is October 31, 1986.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

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

MAY 19 1993
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1993

SECOND NOTICE

Permit No: 5111A-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Brian Balster
Sunshine Bible Academy
HCR 5, Box 29
Miller, SD 57362

Dear Mr. Balster:

On May 19, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 5111A-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John A. Hatch
FIR JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

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 will show to whom the article was delivered and the date delivered.

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:

5111A-3

4a. Article Number

P 318 052 542

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

8-2-93

5. Signature (Addressee)

P. Jones

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

6. Signature (Agent)

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

5111A-3

Brian Balster
Sunshine Bible Academy
HCR 5, Box 29
Miller, SD 57362

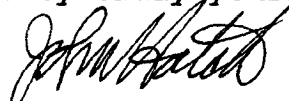
Dear Mr. Balster:

Enclosed is Water License No. 5111A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413889 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. 5111A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,


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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 5111-3 are incorporated into this Water License No. 5111A-3.

By John H. Hatcher
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5111A-3

(1) Sunshine Bible Academy, of HCR 5 Box 29, Miller, SD 57362 made Application No. 5111A-3, December 7, 1992 for a water permit to appropriate no additional cubic feet of water per second from groundwater, Hand County, South Dakota for institutional purposes. Permit No. 5111A-3, with a priority date of October 31, 1986 (established under Water Permit No. 5111-3) was approved March 3, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

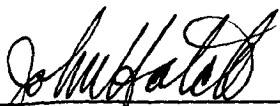
Water Permit No. 5111A-3 specified the correct number of wells authorized by Water Permit No. 5111-3. No. 5111-3 authorized construction of three wells. An inspection of the water use system found four wells had been constructed. Well #4 replaced Well #1 and Well #1 was now being maintained as a standby well. Water Permit No. 5111A-3 did not allow for an increase in the developed diversion rate.

The applicable portions of Water Permit No. 5111-3 are incorporated into this Water License No. 5111A-3.

(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 0.044 cubic feet of water per second for beneficial use. The location of the diversion points are Well #1 - 280'N and 30'W of the S $\frac{1}{4}$ corner (SW $\frac{1}{4}$ SE $\frac{1}{4}$); Well #2 - 250'N and 15'E of the S $\frac{1}{4}$ corner (SW $\frac{1}{4}$ SE $\frac{1}{4}$); Well #4 - 560'N and 890'W of the SE corner (SE $\frac{1}{4}$ SE $\frac{1}{4}$), all in Section 15, T110N, R68W; Well #3 - is 150'S and 50'E of the NW corner of Section 23, T110N, R68W (NW $\frac{1}{4}$ NW $\frac{1}{4}$).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Sunshine Bible Academy of HCR 5 Box 29, Miller, SD 57362 the holder and/or owner of Incorporated Water Permit No. 5111A-3 is issued a license to appropriate water, the right to use 0.044 cubic feet of water per second from groundwater (four wells) with a priority date of October 31, 1986 from the location specified in (2) of this license. The water is to be used for institutional purposes. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5111A-3 and subject to South Dakota State Law.



SEP 20 1993

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