

Considered: _____

WATER PERMIT NO. 5322-3

HAP No. same 329-2418

Name of Applicant City of Frederick

Post Office Address P.O. Box 546 Frederick, SD 57441

Amount of Water Claimed 0.03 cfs (~13 gpm) Total Acres NA

Source of Water Supply groundwater - 1 well

Water to be used for geothermal/municipal County Brown
City of Frederick

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received March 23, 1989 Fee \$50.00 Remarks Water to
be discharged to Maple River

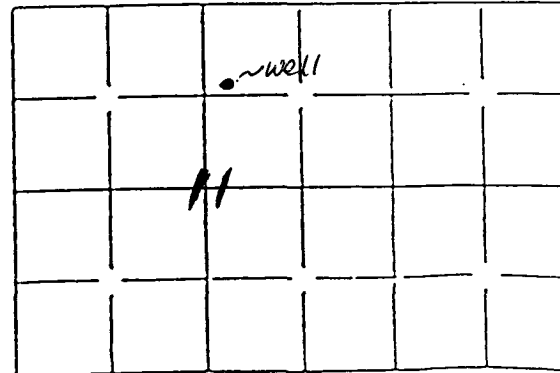
Corrected Application Received May 3, 1989 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point Sect 11 - T127N-R64W

Land to be Irrigated NA



Well Log: Driller _____ Licensed YES _____ NO _____

Depth ^{to water} of Well ~1200' REMARKS Well constructed around 1900

no information available

Type of Map City Map PREPARED BY Lonnie Anderson Reviewed and the Number

assigned on May 11, 1989 By Susan Brown

No. 5322-3 Hydrologic Unit 10160004
Map No. same Basin James R.
Newspaper Brown Co. News Box 557 Frederick
57441 (Tues)

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

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

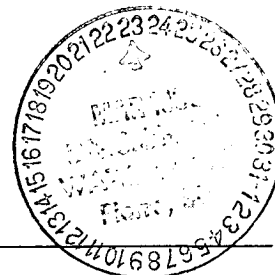
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change 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 Frederick Phone No. 329-2418

Post Office Address P.O. Box 546 Frederick State SD 57441
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 11-13 gal/min (0.03 cfs)

3. Source of water supply artesian well

4. Location of point of diversion see attached map NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11-T127N-R64W

County Brown

5. Counties where water will be used Brown

6. 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)

to pipe a wet heat pump to an existing artesian well, with the discharge to be piped into the Maple River (See attached plan of wet heat pump)



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 Brown)^{ss}

I, Robert Smith, Board Chairman - City of Frederick 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 Robert Smith

Subscribed and sworn to before me this 15th day of March 19 89

Robert W. Campbell

ROBERT W. CAMPBELL, Notary Public
My Commission Expires April 14, 1995

SOUTH DAKOTA
WATER PERMIT No. 5322-3

Date of first receipt of application March 23, 1989.

Date returned to applicant for corrections, amendments or changes April 21, 1989.

Date of receipt of corrected application May 3, 1989.

The Water Management Board approved Water Permit Application No. 5322-3 on July 26, 1989 for the City of Frederick, P.O. Box 546, Frederick, South Dakota 57441 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. 5322-3 appropriates 0.03 cubic feet of water per second from one existing well, (Dakota Formation) approximately 1200 feet deep, located in the NW1/4 NE1/4 Section 11-T127N-R64W.
2. The water appropriated shall be used for the purpose of providing geothermal heating for the City of Frederick and may not exceed the amount of water needed for beneficial use for geothermal and municipal purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is March 23, 1989.
5. One-fifth of the construction is to be completed on or before January 26, 1992.
6. All construction is to be completed on or before July 26, 1994.
7. Water is to be put to beneficial use on or before July 26, 1998.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.

WATER MANAGEMENT BOARD

By: _____

John H. Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

No information is known about this existing artesian well, dug approximately 1900.

- a) Well Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 1100-1200 feet (?)
- g) Distance to nearest existing domestic well:
On applicants property 650' On property owned by others ✓

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 _____

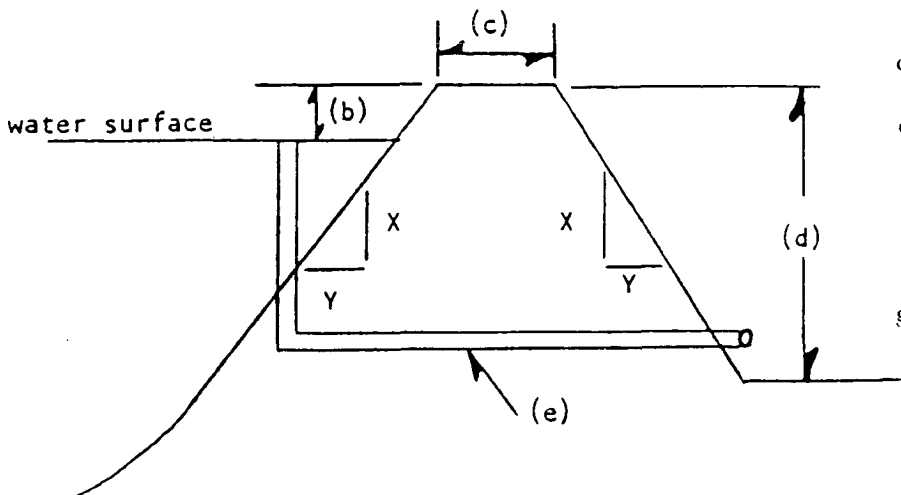
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Janet Maurer, I.O.
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 3, 19 89

RECEIVED OF Town of Frederick, Frederick, South Dakota, 57441

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

Fee for Application for Permit No. <u>5322-3</u> to Appropriate Water, to construct works 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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

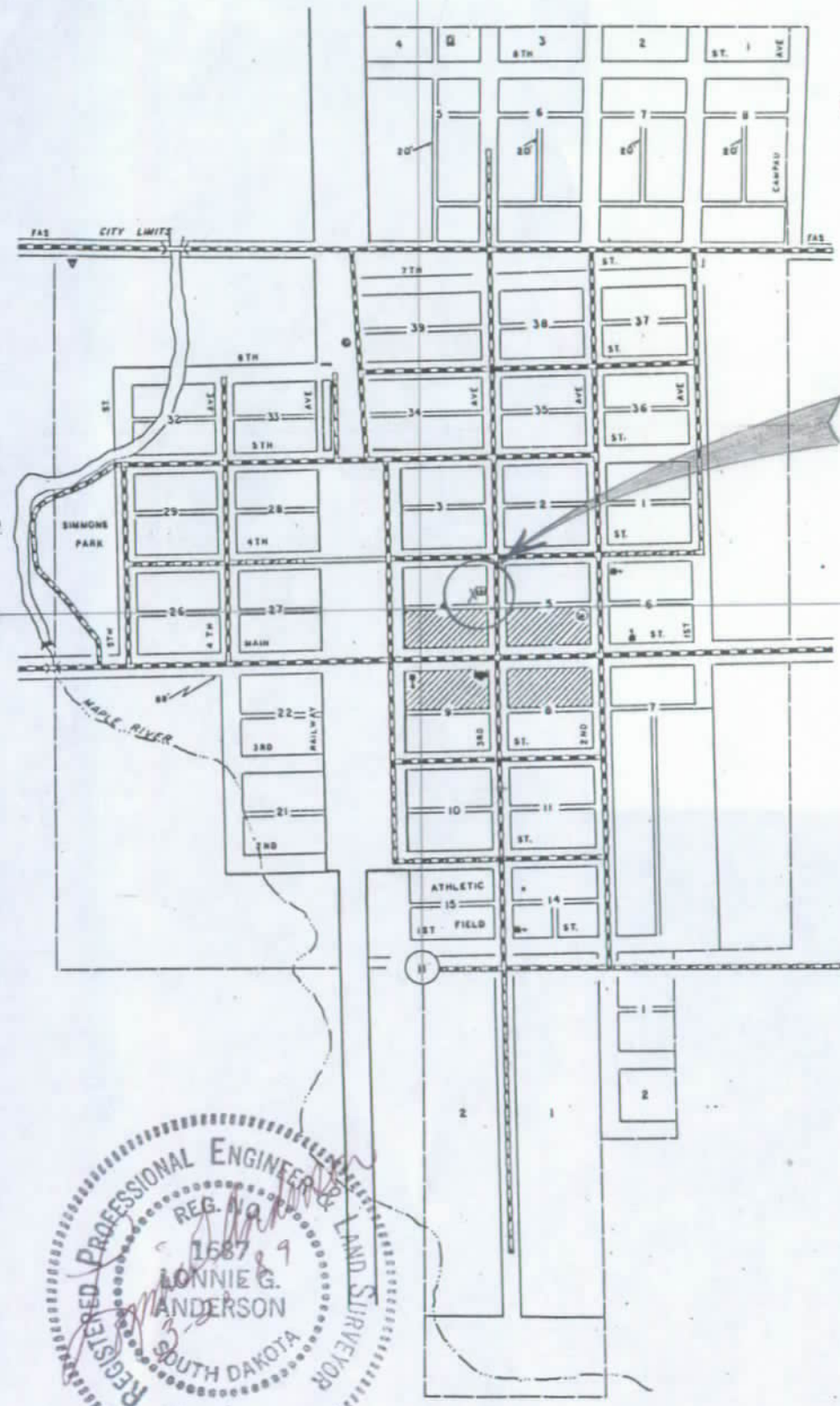
By John Hatch
Chief Engineer John Hatch/gra



CITY MAP
FREDRICK
BROWN COUNTY · SOUTH DAKOTA
T 127N - R 64 W
SCALE 3000 ft.
POP 307 (1980)
1982
DRAWN BY
DEPARTMENT OF TRANSPORTATION

ALL STREET RIGHT OF WAY 66 FT.
ALLEYS 16 FT.
(UNLESS OTHERWISE INDICATED)
UNOFFICIAL EDITION

LOCATION OF WELL AND
POINT OF DIVERSION.
DISCHARGE TO BE ROUTED
WEST TO MAPLE RIVER.



LEGEND	
U.S. NUMBERED HIGHWAY	18
STATE NUMBERED HIGHWAY	45
FEDERAL AID HIGHWAY SYSTEM	FA
FEDERAL AID SECONDARY HIGHWAY SYSTEM	FAS
END OF FEDERAL AID DESIGNATED ROUTE	FAS
PRIMITIVE ROAD	-----
UNIMPROVED ROAD	-----
GRADED AND DRAINED ROAD	=====
GRAVEL ROAD	-----
BITUMINOUS SURFACED ROAD	=====
CONCRETE ROAD	=====
CENTRAL BUSINESS DISTRICT	-----
TOWN CENTER	-----
RAILROAD	-----
POST OFFICE	-----
SCHOOLHOUSE	-----
CHURCH OR OTHER RELIGIOUS INSTITUTION	-----
FIRE ENGINE HOUSE AND CITY HALL	-----
PUBLIC LIBRARY	-----
BALL FIELD	-----
GARBAGE OR RUBBISH DUMP	-----
WATER SUPPLY STAND PIPE OR TANK	-----
RESERVOIR, WITH DAM	-----
BULK PLANT	-----
CITY LIMITS	1982



Appl. No. 5322-3

RECEIVED MAR 17 1989

This map needs a signature of a registered engineer. Would you please sign and forward onto the Water Rights Div. in Pierre.

Thank you.

Janet

P.S. Please forward all the enclosed to Water Rights Div.

Thanks

MS

Proposal

Page No. 1 of 1 Pages



WOLFF PLUMBING & HEATING, INC.

Box 603
FREDERICK, SOUTH DAKOTA 57441
(605) 329-2570

PROPOSAL SUBMITTED TO <u>City of Frederick</u>		PHONE	DATE <u>2-11-89</u>
STREET		JOB NAME <u>Community Center- Heating and Cooling</u>	
CITY, STATE AND ZIP CODE <u>Frederick, S.D. 57441</u>		JOB LOCATION <u>Community Center</u>	
ARCHITECT <u>Dallas Wolff</u>	DATE OF PLANS <u>2-11-89</u>	JOB <u>For Community Center</u>	

We hereby submit specifications and estimates for:

Wet Heat Pump;

1. 3 ton Friedrich or Carrier, upflow, wet heat pump.
 - A. To be set up in the firehall, piped to the artesian well, with the discharge to be run into a pipe, to be supplied by the City.
 - B. The heating and cooling to be ducted to the present heat distribution system with insulated 8x20 rectangular duct, with a swinging damper in each unit.

- * Note: Water hookup, there will be a 3 valve by pass, to allow service.
- * Note: 45 Amp electrical circuit included
- * Note: Discharge pipe to be supplied by the city by another contract.

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Thirty nine hundred ninety one and 50/100 dollars (\$ 3,991.50).

Payment to be made as follows:

on completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Dallas Wolff

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

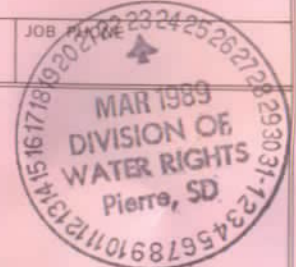
Date of Acceptance: 2-13-89

Signature

Robert Smith

Signature

John M. Smith





CLARK ENGINEERING COMPANY

1011 FIRST AVE. S.E. ■ P.O. BOX 20
ABERDEEN, SD 57402-0020

(605) 225-3494

March 21, 1989

Mr. Gale Selken
S.D. Dept. of Water & Natural Resources
Office of Water Rights
Joe Foss Building
Pierre, SD 57501

RE: Application For Use of Artesian Well
Frederick, South Dakota

Dear Mr. Selken:

The enclosed application forms were prepared by Janet Maunu, Finance Officer for the Town of Frederick. She asked that I forward them to your office.

If any additional information is required, you can contact Janet at 329-2250 or myself at 225-3494.

Sincerely,

Don Weigel
CLARK ENGINEERING CO.

DJW/lk
Enc.
cc: Janet Maunu



ABERDEEN, SD OFFICE:

LONNIE G. ANDERSON, Principal

MINNEAPOLIS, MN. OFFICE:

CHARLES E. HANSEN, President

LARRY G. McMURTRY, Executive
Vice President

HADI SAJADI, Secretary/Treasurer

LESLIE G. RENSCHLER, Principal

DANIEL L. JOHNSON, Associate

RAPID CITY, SD OFFICE:

KENROY K. JANZEN, Vice President

**Department of
Water & Natural Resources**

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

April 21, 1989

Janet Maunu, Finance Officer
City of Frederick
PO Box 546
Frederick SD 57441

Dear Ms. Maunu:

This letter is in response to the water permit application received from the City of Frederick on March 23, 1989. The following information is needed to complete the water permit application:

- 1) The amount of water claimed needs to be specified (question No. 2) on the enclosed applications. The proposed pumping rate or flow rate from the well in gallons per minute or cubic feet of water per second is the amount of water that needs to be claimed.
- 2) The application fee is based on the amount of water claimed. The enclosed instruction sheet outlines the fee structure.
- 3) Item No. 1(g) on the enclosed Form 2A should be completed even though information on the well construction is not available.

Processing of the water permit application will begin upon receipt of the completed application and the application fee. Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Water Rights Division - DWNR
Conversation or File Documentation

File No. 5322-3

NAME OF PERSON OR FILE: City of Frederick

ADDRESS: _____ COUNTY Brown

DATE: May 11, 1989 TELEPHONE _____

RE: _____

COMMENTS:

A copy of this permit application has been forwarded to the Division of Land & Water Quality for their determination on whether or not an NPDES permit is required for discharge to the maple River.

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: Susan Bowan

Report on Application No. 5322-3
The City of Frederick
June 21, 1989

This application proposes to appropriate 0.03 cfs from an existing well approximately 1200 feet deep located in the NW1/4 NE1/4 of Section 11, T127N-R64W in Brown County. The water is to be used by the City of Frederick for geothermal heating.

Aquifer - Dakota (DKDT)

The Dakota Formation consists of as much as 330 feet of fine to very fine-grained sandstone and shale (Koch, 1976). The Dakota Formation underlies 1750 square miles and contains an estimated 25.2 million acre-feet of recoverable water (Hedges, 1982). The aquifer is under artesian conditions and wells will flow at the land surface in this area.

The Division of Water Rights monitors one Dakota Formation well (ED-85A) which is over 25 miles southwest of Frederick. Water levels in this well basically do not change much, (Water Rights, 1989), however, Koch reports large declines in artesian pressure from the Dakota Formation in Brown County.

Review of Existing Water Permits

There are no other water permits from the Dakota Formation in this area. This is an existing well which was dug about 1900. No record of the well is available but the well is mentioned (Koch, 1986) in a summary of wells for Brown County. Although this well reportedly did not flow others in this area from the Dakota Formation do flow.

Conclusions

1. Water is available from the Dakota Formation.
2. The well has been used for many years. It may be a flowing well. If flowing, the well must be valved and controlled when not in use.
3. Geothermal use is a beneficial use.
4. Interference is unlikely. The pumping rate is not significant and any drawdowns caused by this withdrawal would not be significant.
5. The City of Frederick may need to obtain an NPDES Permit for the well water which will be discharged into the Maple River.


JAMES A. GOODMAN
Hydrologist

Bibliography

Hedges, L.S., 1982, Evaluation of Groundwater Resources Eastern South Dakota and Upper Big Sioux River SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD 57069

Koch, N.C., 1976, Geology and Water Resources of Brown County, South Dakota, Bulletin 25, SD DWR, SDGS, Vermillion, SD 57069

Koch, N.C., 1986, Records of Wells and Chemical Analyses of Ground Water in Brown County, South Dakota, USGS Open File Report 86-147, USGS, Huron, SD 57350

Water Rights, 1989 Observation Well Records for ED-85A, SD DWR, Division of Water Rights, Joe Foss Bldg, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5322-3, City of Frederick

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. 5322-3, City of Frederick, PO Box 546, Frederick SD.

The Chief Engineer is recommending APPROVAL of Application No. 5322-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
June 21, 1989



Department of Water & Natural Resources

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

June 23, 1989

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

Robert Smith
City of Frederick
Box 546
Frederick, SD 57441

Dear Mr. Smith:

Water Permit Application No. 5322-3 for geothermal/municipal 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 Brown Co. News printed at Frederick SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. 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 Intent to Appropriate Water 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. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

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

June 23, 1989

Brown Co. News
Box 557
Frederick, SD 57441

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5322-3 to be published twice. Please publish the first notice on or before June 28, 1989 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 the City of Frederick, Box 546, Frederick, SD 57441.

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. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
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 or before June 28, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5322-3 to Appropriate Water

Notice is given that the City of Frederick, PO Box 546, Frederick, SD 57441 has filed an application for a water permit to appropriate 0.03 cubic feet of water per second from one existing well (Dakota Formation) approximately 1200 feet deep located in the NW1/4 NE1/4 Section 11-T127N-R64W. Water is to be used by the City of Frederick for geothermal heating.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5322-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, July 26, 1989 at 10:00 am. 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 interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Dale Group

certify that the attached printed Notice was taken
from the Brown County News

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

town of Frederick

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

June 28, 1989

July 5, 1989

Dale Group
(Signature)

Publisher
(Title)

July 5, 1989
(Date Signed)

WEDNESDAY, June 28, 1989

Hearing on water rights for Frederick

NOTICE OF HEARING on
Application No. 5322-3 to Appropriate
Water.

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Pursuant to SDCL, 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5322-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired. 3(it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deefield Room, 445 Mt. Rushmore Road, Rapid City, SD. July 26, 1989 at 10:00AM. 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

Cost of Printing: \$35.79

the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL, 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 23 E Capitol, Pierre SD 57501 (605-773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15, 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-14, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13, thru 46-5-15, 46-5-21, 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, and Board Rules A 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-45, 1-46, 1-47, 1-48, 1-49, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-58, 1-59, 1-60, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-69, 1-70, 1-71, 1-72, 1-73, 1-74, 1-75, 1-76, 1-77, 1-78, 1-79, 1-80, 1-81, 1-82, 1-83, 1-84, 1-85, 1-86, 1-87, 1-88, 1-89, 1-90, 1-91, 1-92, 1-93, 1-94, 1-95, 1-96, 1-97, 1-98, 1-99, 1-100, 1-101, 1-102, 1-103, 1-104, 1-105, 1-106, 1-107, 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1-1595, 1-1596, 1-1597, 1-159



Department of Water & Natural Resources

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

July 12, 1989

Robert Smith
City of Frederick
Box 546
Frederick SD 57441

Dear Mr. Smith:

Enclosed is the Report and Recommendations of the Chief Engineer
for Water Permit Application No. 5322-3.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures



SOUTH Dakota Department of
Water & Natural Resources

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

SEP 12 1989

Robert Smith, Board Chairman
City of Frederick
P.O. Box 546
Frederick, SD 57441

Dear Mr. Smith:

Enclosed is Water Permit No. 5322-3 as approved by the Water Management Board authorizing you to construct 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.



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

Date September 21, 1989

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Town of Frederick P.O. Box 546 Frederick, SD 57441
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. 5322-3.

Water Permit No. 5322-3 states that the diversion system is to be constructed by July 26, 1994, and that the water it put to beneficial use by July 26, 1998.

The diversion system was completed on July 14, 1989.
Applying the water to beneficial use was completed on July 14, 1989.

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

Joel Maune, Jr.
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 1996

4307-3
5322-3

Scott Campbell, President
Town of Frederick
P.O. Box 546
Frederick, SD 57441-0546

Dear Mr. Campbell:

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 Nos. 4307-3 and 5322-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$100.00 total) for the inspection and issuance of the Water Licenses. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

c: Janet Mauna, Finance Officer, Town of Frederick

RECEIPT

414997

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 3, 19 96

RECEIVED OF Town of Frederick, P.O.Box 546, Frederick, SD 57441-0546

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>5322-3</u>		5000
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	5000

By John Hetch 
Chief Engineer

Permit No. 5322-3
James River - Water District

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

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

I have this day, **November 7, 1995**, made a thorough examination of the water use system constructed by **City of Frederick of PO Box 546, Frederick SD 57441** holder of Permit No. **5322-3**, bearing the priority of **March 23, 1989** authorizing the diversion of **0.03** cu. ft. per second of the waters of **ground water** for **geothermal use** purposes, in **Brown** County.

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

- A. Works used to divert the water:
existing flowing well
- B. Works used to transport water to place of use:
- C. Works used to apply water to beneficial use:
Carrier Water Source Heat Pump

The system is in the following condition **Good**. The point of diversion is located **1150 feet south & 2475 feet west of the NE corner of Section 11-T127N-R64W (NW 1/4 NE 1/4)**. The works are capable of diverting and conveying to the place of use **0.03** cu. ft. per second of water which is to be used for **geothermal use**. Water has been put to beneficial use to the maximum extent as follows:

existing flowing well and Carrier Water Source Heat Pump to heat City building

and the license should be issued for **0.03** cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **April 1, 1996**



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5322-3

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 7, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Gary Schlosser

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: utility manager

NAME & ADDRESS OF PERMIT HOLDER: City of Frederick, PO Box 546, Frederick SD 57441

DIVERSION POINT LEGAL LOCATION: 1150 feet south & 2475 feet west of the NE corner of Section 11-T127N-R64W (NW 1/4 NE 1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: unknown (drilled around 1900)
- 2) No. of Wells 1
- 3) Depth(s) about 1200 feet
- 4) Well log is available no
- 5) Comment: XXXX

Casing:

- 1) Diameter unknown inches
- 2) Length 1200 feet
- 3) Type unknown

Screen:

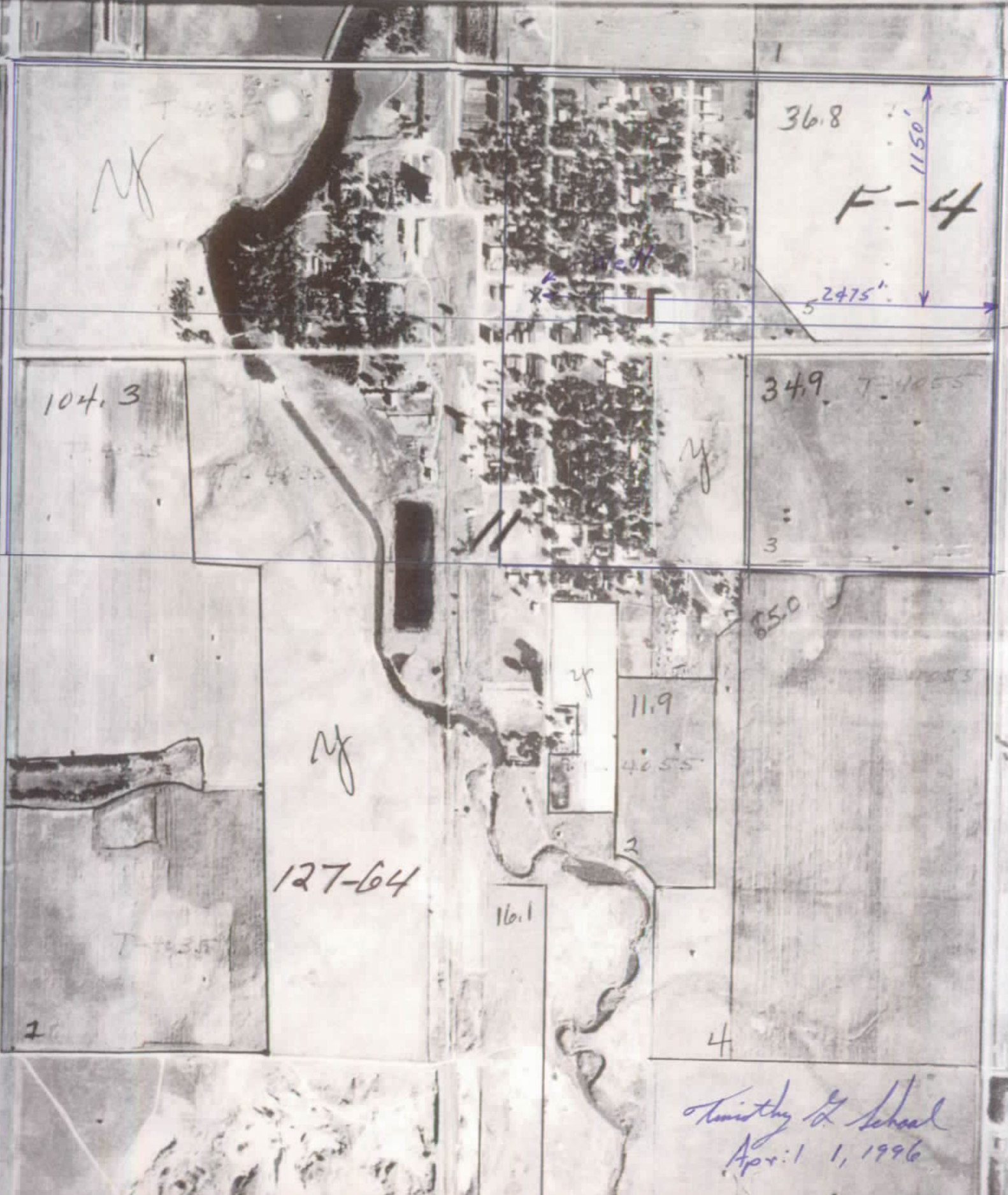
- 1) Type unknown
- 2) Length XXXX feet
- 3) Static water level (flowing) feet

Pump & Motor: flowing well

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

NOT TO SCALE



Timothy G. School
April 1, 1996

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5322-3

(1) The Town of Frederick , PO Box 546, Frederick, SD 57441-0546 made Application No. 5322-3, March 23, 1989 for a water permit to appropriate 0.03 cubic feet of water per second from ground water (one existing well), Brown County, South Dakota for geothermal and municipal purposes. Permit No. 5322-3, with a priority date of March 23, 1989 was approved July 26, 1989 and issued to the city for diversion of water with construction of the described water supply system to be completed on or before July 26, 1994 and for the application to beneficial use of said water on or before July 26, 1998.

(2) It is certified that the city 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 0.03 cubic feet of water per second for beneficial use. The location of the diversion point is 1,150' S and 2,475' W of the NE corner of Section 11, T127N, R64W (NW¼ NE¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The flowing well and carrier water source heat pump heats a city building.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Town of Frederick of PO Box 546, Frederick, SD 57441-0546 the holder and/or owner of Water Permit No. 5322-3 is issued a license to appropriate water, the right to use 0.03 cubic feet of water per second from ground water (one well) with a priority date of March 23, 1989 from the location specified in (2) of this license, for geothermal and municipal purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5322-3 and subject to South Dakota State Law.



John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 15 1996

date



January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

TOWN OF FREDERICK
PO BOX 546
FREDERICK SD 57441 0546

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 5322-3. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source: GROUNDWATER

County: BROWN

Aquifer: DAKOTA FORMATION

Pumping Pt. Legal: SEC 11-T127N-R64W

Management Unit: NOT APPLICABLE

Type of Water Use: MUNICIPAL

- 1) Please estimate your year 2000 water use from the above water source: - 0 - gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments: Frederick receives its water supply from WEB
Water. (Well is used only in emergency.)

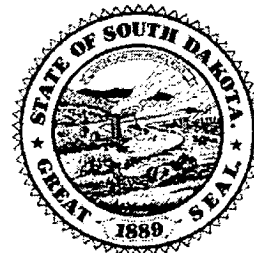
Contact Person: Janet Maune, Finance Officer

Telephone No: (605) 329-2418

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

Thank you for completing the 2000 water use questionnaire.

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1996

4307A-3
4307B-3
5322-3

Janet Mauna, Finance Officer
Town of Frederick
PO Box 546
Frederick, SD 57441-0546

Dear Ms. Mauna:

This letter is in regard to water rights held by the City of Frederick. Enclosed are the following validation and licenses for the town's water supply system:

- **Vested Water Right No. 4307-3**, as validated by the Water Management Board on March 4, 1992;
- **Vested Water Right License No. 4307A-3 and Water License No. 4307B-3**, Partial Vested Right No. 4307-3 was divided and reissued to separate the vested portion (pre - 1955) from the nonvested portion (after 1955) of the water right;
- **Water License No. 5322-3.**

As long as you use the water beneficially, as stated in the Water Licenses, South Dakota Water Laws provide that the town has a continuing right to the use of the water.

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

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures