

Considered: _____

WATER PERMIT NO. 5480-3

Phone: 605 527-2217

Name of Applicant: LIVESTOCK STATE BANK

Post Office Address: PO Box 188, Artesian SD 57314

Amount of Water Claimed: 0.04⁵ cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use County: Sanborn

About _____ miles _____ of in city limits of Artesian

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 11-26-90 Fee: \$50.00 Remarks _____

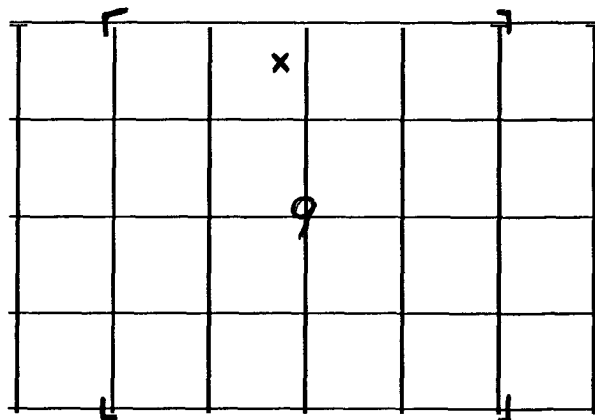
Corrected Application Received 12-3-90 Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: NE 1/4 ^W 1/4 9-106-59

Land to be Irrigated: NA



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

Depth of Well: 260' REMARKS _____

Type of Map: plat PREPARED BY: Donald L. Thilgold Reviewed and the Number

Assigned on 12-10-90 By Karen Schlaak

No. 5480-3 Hydrologic Unit James River
Map No. _____ Basin 10160011
Newspaper Artesian Commonwealth
Box 218, Woonsocket (Thurs)

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. 99101121314

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant Live Stock State Bank Phone No. 605-527-2217

Post Office Address Po Box 188 Arteson State SD 57314
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 20 gpm 0.05 cfs

3. Source of water supply Well groundwater

4. Location of point of diversion Sec 9-106-59 (NE $\frac{1}{4}$ of NW $\frac{1}{4}$)

County Sagadahoc

5. Counties where water will be used Sanborn

6. Annual period during which water is to be used The year Around Jan 1 - 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)

Well was drilled for Bonham Bank property - Bar + Lake are connected to same Well.

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 Seneca)^{SS}

STATE OF Seaboard) ss
County of Seaboard)
I, Raymond E. Mather, Assistant Cashier here State Street Bank, Astoria, OR 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 Raymond E. Mathias

Subscribed and sworn to before me this 23rd day of November 1990

Elizabeth Hoffman
Notary Public
Comm. expires 10-24-93

**SOUTH DAKOTA
WATER PERMIT No. 5480-3**

Date of first receipt of application November 26, 1990.

Date of return to applicant for corrections, amendments or changes
November 28, 1990.

Date of receipt of corrected application December 3, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5480-3 to Livestock State Bank, PO Box 188, Artesian SD 57314 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. 5480-3 appropriates 0.05 cubic feet of water per second from one existing well (Codell Sandstone) located in the NE 1/4 NW 1/4 Section 9-T106N-R59W.
2. The water appropriated shall be used for the purpose of supplying water to the bank and may not exceed the amount of water needed for beneficial use for commercial 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. 5480-3 is May 1, 1991.
5. The date from which applicant may claim right is November 26, 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.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

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

SEP 4 1991
(date)

NOV 1990
DIVISION OF
WATER RIGHTS
Pierre, SD

34.60
Donald H. Hill
T. PAUL. R. R.

Section 12500

R. R.

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RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412438

Pierre, December 4, 19 90

RECEIVED OF Livestock State Bank Box 188, Artesian SD 57314

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

Fee for Application for Permit No. <u>5470-3</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 D. Bateh (ma)
Chief Engineer

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

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

November 17, 1986

Livestock State Bank 527-2217
Artesian, SD 57314
P.O. Box 188

replied
The bank called.
send the bank
appl. forms

Dear Sir:

A well drillers report filed with this office by Hinker Drilling indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter is to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. 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.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

General Information. The following is being provided to all new well owners for information purposes and may not apply to you.

1. If a well will be allowed to flow or will be pumped more than 18 gallons per minute (gpm) or if a person intends to use more than 18 gpm or more than 26,000 gallons per day (average of 18 gpm) for domestic use, a water permit is required pursuant to SDCL 46-1-6(4) and (6), 46-1-15, 46-5-8 and Water Management Board Rules 74:02:01:01(1) and 74:02:01:03. A pump larger than 18 gpm may be used as long as the total daily domestic use does not exceed 26,000 gallons per day (gpd). Water for geothermal heating and/or cooling for a home is domestic use, and may be used without a water permit, if the use is no more than 18 gpm.
2. State laws require all flowing wells to be controlled to prevent waste. No matter what the flow of the well, the well must be controlled to produce only the amount of water needed. This is a continuing responsibility of the well owner pursuant to SDCL 46-6-10, 46-6-14 and 46-6-21.

3. Any common distribution system such as a city, town, subdivision or rural water system that pumps or diverts more than 18 gpm is required by SDCL 46-5-8.2 to have a water permit.
4. A water permit is required pursuant to SDCL 46-1-15 to use water for commercial business operation, industrial purposes, mining or irrigation of more than 1/2 acre.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

cc: Well Driller

S514.wr

 **Department of
Water & Natural Resources**

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

November 25, 1986

Livestock State Bank
PO Box 188
Artesian SD 57314

Dear Sir:

This letter is in response to a request from the bank on November 18, 1986 to receive water permit application forms. The request came pursuant to construction of a well in August, 1986 and a letter from the Water Rights Division dated November 17, 1986.

Enclosed are the following application forms:

1. Two Form 2's, Application for Permit to Appropriate Water.
2. Two Form 2A's, Supplemental Information.
3. Instruction Sheet.

A map also needs to be submitted with the permit application. The enclosed map covers the area of the well location according to the well log description. Mark the location of the well with an "X" on the map and have the map signed according to the enclosed instructions.

Please contact us if you have any questions about completed the application.

Sincerely,



RON DUVAL
Natural Resources Engineer

RD:ks

enclosures



Department of Water & Natural Resources

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

November 16, 1990

Livestock State Bank
PO Box 188
Artesian SD 57314

Dear Sir:

On November 25, 1986, we notified you that a permit to appropriate water is needed for commercial use of water from a private water supply. The forms needed to apply for a water permit were enclosed with your notification. To date, we have not received a response from you.

Obtaining a water permit ultimately benefits you by protecting your right to use water. 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. Currently, a water permit for the Livestock State Bank has not been found on file with the Division of Water Rights. If you believe you already have the required water permit or if you no longer use water from a private water supply, please inform us.

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 to use water for commercial purposes from a private water supply. Enclosed is another set of application forms with an instruction sheet. Please follow the instruction sheet carefully and contact me if you need assistance.

Please respond by filing an application form or contacting me by January 16, 1991.

Sincerely,

A handwritten signature in cursive script, reading "Eric Gronlund". The signature is written in dark ink and is positioned above the printed name and title.

Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosure



Department of Water & Natural Resources

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



November 28, 1990

Livestock State Bank
Raymond E. Mathis
PO Box 188
Artesian SD 57314

Dear Mr. Mathis:

In regard to your water permit application received on November 26, 1990, the following information needs to be submitted and/or clarified in order to process your application.

- 1) On Item No. 2. of the application please include the maximum diversion rate in gallons per minute from the well at any one time.
- 2) The correct application fee for the amount of water claimed, if the maximum diversion is less than 45 gallons per minute is \$50.00. Your check for \$150.00 is enclosed. Please remit the correct amount.
- 3) The well completion report submitted by the driller indicates the well location to be in Section 9, T106N, R59W. On Item No. 4 of the application please indicate which quarter-quarter (40 acre parcel) of Section 9 the well is located.
- 4) On the map show the location of the diversion point (place where the well is located) 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 (i.e. local SCS or ASCS office).

You will notice on the copy of your Application for Permit, several additions have been made. Please review these additions, and contact us if you are not in agreement with them.

The water permit application can not be considered until the application is complete. Upon receipt of the proper fee, map and the copy of the application with the additional information, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

REPORT ON APPLICATION NO. 5480-3
FOR LIVESTOCK STATE BANK
December 24, 1990

This application proposes to appropriate 0.05 cfs from one existing well approximately 285 feet deep located in the NE 1/4 NW 1/4 of section 9, T106N R59W in Sanborn County. The water is being used for commercial purposes by the bank.

AQUIFER - CODELL SANDSTONE (CDLL)

The Codell Sandstone (CDLL) is a light gray, moderately hard, medium sandstone member of the Carlile shale ranging in thickness from 0 to 120 feet in Sanborn County (Steece, 1965). The Codell lies stratigraphically just below the Niobrara chalk which is also considered an aquifer in this area. The Codell underlies 560 square miles and contains an estimated 716,800 acre feet of recoverable in Sanborn County (Hedges, 1982). The aquifer is under artesian conditions and the well log submitted with the application indicates the well is completed into 45 feet of Codell with a static water level of 30 feet below land surface.

The Division of Water Rights does not monitor any observation wells completed into the Codell Sandstone in this area. The nearest Codell observation well is approximately 17 miles southwest of this area. Water levels for the Codell do not fluctuate significantly (Water Rights, 1990). There are other observation wells in the area completed into the Floyd East James aquifer (a shallower glacial outwash) which does not appear to be obviously hydrologically connected to the Codell.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing permit application in this immediate area. Application No. 5477-3 for the Artesian School District authorizes 0.05 cfs from a Codell well located about 1000 feet southwest of this proposed diversion. Interference is not expected to be a problem because of the relatively small diversion rates and the distance between applications. The School District does have priority over this application. The Codell is widely used as a source of domestic water in this area.

CONCLUSIONS

1. Water is available from the Codell Sandstone.
2. The Codell aquifer is under artesian conditions and fluctuations due to pumping can be expected; however, because of the small diversion rates and the distance between wells these fluctuations will not adversely affect water availability from the aquifer.
3. The well log submitted by the applicant (Hinker Drilling) indicates the well was grouted with neat cement, but not enough

cement was used to completely grout the well from the top of the aquifer to the land surface. Since the water is to be used as a public water supply the well should have been grouted from the top of the Codell (240 feet) to the land surface. It is doubtful that this well could be made to comply with existing well construction standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWNR, SDGS, Vermillion, SD, 57069.

Steece, F.V., 1965, Geology and Ground Water Supplies in Sanborn County, SD, SD DWNR, SDGS, Vermillion, SD, 57069.

Water Rights, 1990, Observation Well Records for Sanborn County, SD, SD DWNR, Div. of Water Rights, Pierre, SD, 57501.

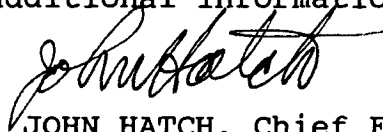
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5480-3, Livestock State Bank

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. 5480-3, Livestock State Bank, PO Box 188, Artesian, SD.

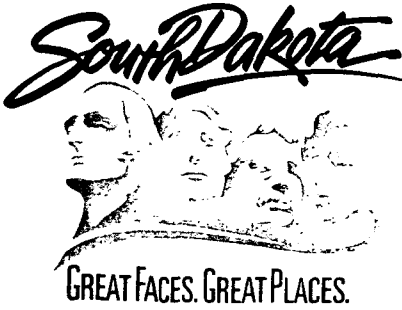
The Chief Engineer is recommending APPROVAL of Application No. 5480-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The well approved under this Permit 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.



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

Raymond E Mathis
Livestock State Bank
PO Box 188
Artesian, SD 57314

Dear Mr. Mathis:

Water Permit Application No.5480-3 for commercial 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 Artesian Commonwealth printed at Woonsocket, 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.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 19, 1991

Artesian Commonwealth
Box 218
Woonsocket, SD 57385

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5480-3 to be published twice. Please publish the first notice on March 28, 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 Livestock State Bank, PO Box 188, Artesian SD 57314.

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 28, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5480-3 to Appropriate Water

Notice is given that the Livestock State Bank, PO Box 188, Artesian SD 57314 has filed an application for a water permit to appropriate 0.05 cubic feet of water per second from one existing well (Codell Sandstone) located in the NE 1/4 NW 1/4 Section 9-T106N-R59W. The water is to be used for commercial purposes by the bank.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5480-3 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. 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.

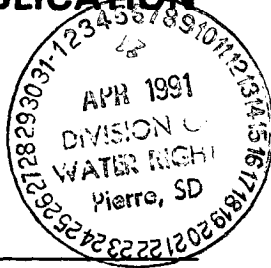
For purposes of publishing 1) the notice of hearing on Application No. 5480-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is 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 Sankborn) ss.



I, Gerald W. Klaw

certify that the attached printed Notice was taken
 from the Artisan Commonwealth

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 Sioux Falls

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

March 28, 1991

April 11, 1991

Gerald W. Klaw
 (Signature)

Printer
 (Title)

April 4, 1991
 (Date Signed)

Cost of Printing: \$ 60.62

NOTICE OF HEARING ON
 APPLICATION NO. 5480-3
 TO APPROPRIATE WATER

Notice is given that the Livestock State Bank, PO Box 188, Artesian SD 57314 has filed an application for a water permit to appropriate 0.05 cubic feet of water per second from one existing well (Codell Sandstone) located in the NE 1/4 NW 1/4, Section 9-T106N-R59W. The water is to be used for commercial purposes by the bank.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5480-3 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. 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. 5480-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. 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

A27-2t



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 4 1991

Raymond Mathis
Livestock State Bank
PO Box 188
Artesian, SD 57314

Dear Mr. Mathis:

Enclosed is Water Permit No. 5480-3 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.



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

Date 9.5.91

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

FROM: Live Stock State Bank PO Box 188 Artesian SD 57314
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. 5480-3.

Water Permit No. 5480-3 states that the diversion system is to be constructed by 5-1-96, and that the water it put to beneficial use by 5-1-2000.

The diversion system was completed on 86
Applying the water to beneficial use was completed on 86.

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

Live Stock State Bank Artesian
By Raymond Mathis
signature

Permit No. 5480-3
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 Livestock State Bank of PO Box 188, Artesian, SD 57314 holder of Permit No. 5480-3, bearing the priority of November 26, 1990 authorizing the diversion of 0.05 cu. ft. per second of the waters of groundwater for commercial purposes, in Sanborn County.

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

- A. Works used to divert the water:
1.5 hp submersible pump and motor capable of 20 gpm
- B. Works used to transport water to place of use:
700 feet of 2 inch PVC piping
- C. Works used to apply water to beneficial use:
NA

The system is in the following condition good. The point of diversion is located 400' south and 130' west of the N 1/4 corner of Section 9-T106N-R59W. The works are capable of diverting and conveying to the place of use .044 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

NA
comprising a total of NA acres of land and the license should be issued for .044 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are:

Date: 6/9/1992



Norma C. Job
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5480-3

DATE: 6/9/1992

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: NE 1/4 NW 1/4 Section 9-T106N-R59W

WELL INFORMATION:

- 1) Well Drilling Firm: Hinker Drilling
- 2) No. of Wells 1
- 3) Depth(s) 285 feet
- 4) Well log is available Y
- 5) Comment: The bank and 2 other businesses use this well

Casing:

- 1) Diameter 5 inches
- 2) Length 285 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 20 feet
- 3) Static water level 30 feet

Pump:

- 1) Make Monitor submersible
- 2) Model
- 3) Size
- 4) Capacity 20 GPM

Motor:

- 1) Make
- 2) Model No.
- 3) Horsepower rating 1.5 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 2 inches
- 3) Length 700 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

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

NOT TO SCALE

106-57

ARTESIAN

400'
100'

99-R
F11

72.8 T4586

65.8
CER

1990-1999

70

2

✓

50

T259

4.9

T276

CLP
12.0
1990-1999

100

T271

2

24
school
prop

132

T274

46.9

T281

194

120

76.3

T4637

40.3

4

3

2

55

5

106-59

map prepared by
Norma C. Job
Natural Resources Eng.
Division of Water Rights
10/22/1992

1.

1

2

5480-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5480-3

(1) Livestock State Bank, of PO Box 188, Artesian, SD 57314 made Application No. 5480-3, November 26, 1990 for a water permit to appropriate 0.05 cubic feet of water per second from groundwater (one existing well), Sanborn County, South Dakota for commercial purposes. Permit No. 5480-3, with a priority date of November 26, 1990 was approved May 1, 1991 and issued to the applicant(s) 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 permit holder submitted a **Notice of Completion of Works and Application of Water to Beneficial Use** on September 9, 1991. The "Notice" stated the diversion system and the application of water to beneficial use had been completed in 1986.

(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 point is 400 feet south and 130 feet west of the N 1/4 corner of Section 9, T106N, R59W (NE 1/4 NW 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 Livestock State Bank of PO Box 188, Artesian, SD 57314-0188 the holder(s) and/or owner(s) of Water Permit No. 5480-3 is issued a license to appropriate water, the right to use 0.044 cubic feet of water per second from groundwater (one well) with a priority date of November 26, 1990 from the location specified in (2) of this license. The water used for the purpose of commercial use for the bank and two other businesses. This license is subject to any limitations or qualifications listed in Water Permit No. 5480-3 and subject to South Dakota State Law.

 MAR 12 1993

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 1992

5480-3

Raymond E. Mathis
Livestock State Bank
P.O. Box 188
Artesian, SD 57314

Dear Mr. Mathis:

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. 5480-3, 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

413564

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 28, 19 92

RECEIVED OF Live Stock State Bank, PO Box 183, Artesian, SD 57314

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>5430-3</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 *John Hatch*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

5480-3

Raymond E. Mathis
Livestock State Bank
P.O. Box 188
Artesian, SD 57314

Dear Mr. Mathis:

Enclosed is Water License No. 5480-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413564 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. 5480-3, 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

enclosures

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

LIVESTOCK STATE BANK
PO BOX 188
ARTESIAN SD 57314 0188

Address correction requested:

Cor Trust Bank
P.O. Box 188
Artesian, SD 57314

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 5480-3. 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

Aquifer: CODELL SANDSTONE

Management Unit: NOT APPLICABLE

County: SANBORN

Pumping Pt. Legal: SEC 09-T106N-R59W

Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: 24,000 gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

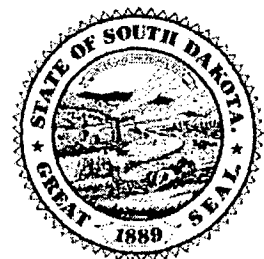
Contact Person:

Liz Hoffman

Telephone No:

605 527-2217

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 57501-3182
www.state.sd.us/denr

January 29, 2001

No. 5480-3

CorTrust Bank
Liz Hoffman
PO Box 188
Artesian SD 57314

Dear Ms. Hoffman:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 5480-3. The water right is currently listed in the name of Livestock State Bank.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 5480-3

Date: 2-2-01

I/We request that Water Right No. 5480-3

formerly owned by: Livestock State Bank

be transferred to: (name & address) Cor Trust Bank, N.A.

PO Box 188 Artesian, SD 57314

Telephone No. 605-527-2217

Title to the following described land(s)/property has been transferred as described above:

one well located in the NE 1/4 NW 1/4 Section 9-T106N-R59W

I/We understand that the validity of Water Right No. 5480-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Sanborn)

I, Donald L. Thurgold, Sr. V.P. of Cor Trust Bank, N.A. being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Donald L. Thurgold
(Signed)

Subscribed and sworn to before me this 2nd day of February, 2001.

Elizabeth A. Hoffman
(Notary Public)
Comm expires 10-29-2001

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416748

Pierre, February 5, 2001

RECEIVED OF Cor Trust Bank NA, PO Box 188, Artesion SD 57314

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

(Livestock State Bank)

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. _____

Fee for Filing Transfer Form _____ 5480--3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

Darland Erbe

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2001

5480-3

Donald L Threadgold, Sr VP
CorTrust Bank, NA
PO Box 188
Artesian, SD 57314-0188

Dear Mr. Threadgold:

Thank you for following up on the transfer of ownership for Water Right No. 5480-3. The transfer has been completed and the water right formerly held by Livestock State Bank is now listed in the name of CorTrust Bank, NA.

Enclosed is your Receipt No. 416748 in the amount of \$2.50. You may keep this for your records.

If you have any questions concerning the water right, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure