

Considered: _____

WATER PERMIT NO. 5483-3

Phone: 352-7339

Name of Applicant: Carpenter Cafe

Post Office Address: Box 34, Carpenter SD 57322

Amount of Water Claimed: 0.04 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial use County: Clark

About _____ miles city limits of Carpenter

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 12-7-90 Fee: \$50.00 Remarks _____

Corrected Application Received _____ 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: NW 1/4 SW 1/4 34-114-59

Land to be Irrigated: _____

	X	34			

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 72' REMARKS no well log for this well, but there are several in area with the same construction and about the same depth

Type of Map: Aerial & plat PREPARED BY: Delores Fischer, ASCS Reviewed and the Number

Assigned on 12-17-90 By Karen Schlaak

RF

No. <u>5483-3</u>	Hydrologic Unit <u>10160006</u>
Map No. _____	Basin <u>James River</u>
Newspaper <u>Clark County Courier, Box 189 (W)</u>	

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. _____

- Name of Applicant Carpenter Cafe Phone No. 352-7339
Post Office Address Box 34, Carpenter State SD Zip Code 57322
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s.) under 18 GPM 0.04 cfs
- Source of water supply well groundwater
- Location of point of diversion SW 1/4 of Section 34 in Richland
Township 114 N Range 59 W (Town plat lot #20
Block #4) (NW 1/4 SW 1/4) County Clark
- Counties where water will be used Clark
- Annual period during which water is to be used year round Jan 1 - Dec 31
- 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)

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 Clark ss

I, Roland Wicks 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

Roland Wicks

Subscribed and sworn to before me this 4 day of Dec 19 90

Harold E. Roach
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5483-3**

Date of first receipt of application December 7, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5483-3 to Carpenter Cafe, Box 34, Carpenter SD 57322 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. 5483-3 appropriates 0.04 cubic feet of water per second from one well (Altamont Aquifer) 72 feet deep located in the NW 1/4 SW 1/4 Section 34, T114N, R59W.
2. The water appropriated shall be used for the purpose of supplying water for the cafe and may not exceed the amount of water needed for beneficial use for commercial use.
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. 5483-3 is May 22, 1991.
5. The date from which applicant may claim right is December 7, 1990.
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 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: _____

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

JUL 23 1991

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8 3/4 Depth 72 ft.
- b) Casing Type PVC Diameter 5 Thickness .0265
- c) Screen Type PVC slotted Diameter 5 Thickness .0265
- d) Gravel Pack Thickness 1 1/2" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 52'
- f) Depth to Water (ground surface to water level) 45 ft. m. flow
- g) Distance to nearest existing domestic well:
- On applicants property _____ 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 _____

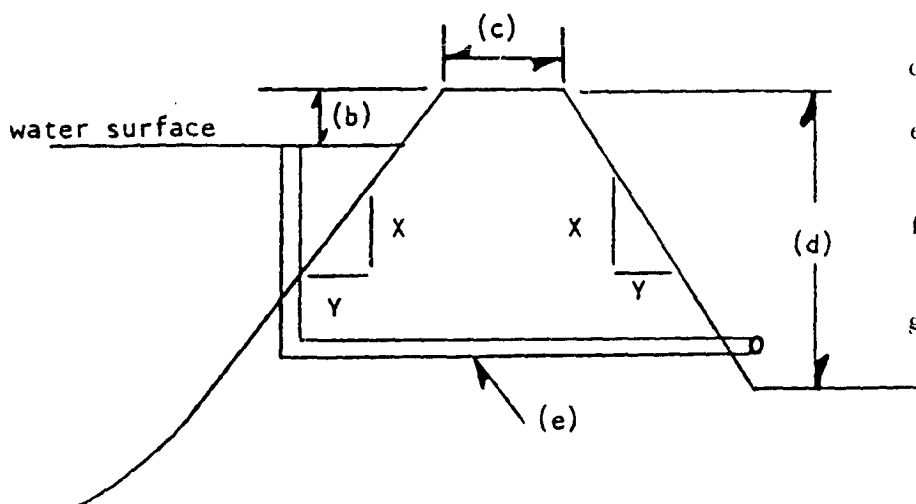
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Roland Wicks
Signature of Applicant

NOT TO SCALE

DEC 1990
DIVISION OF
WATER RIGHTS
SIOUX FALLS, SD
1121314151617181920

114-59

79.2

T-2465

45.3

6.5

48.4

379-224R

Carpenter

ASCS
Delores A. Fischer
County to Decatur
Director
12/3/90

38.0

55.6

T-2455

65.1

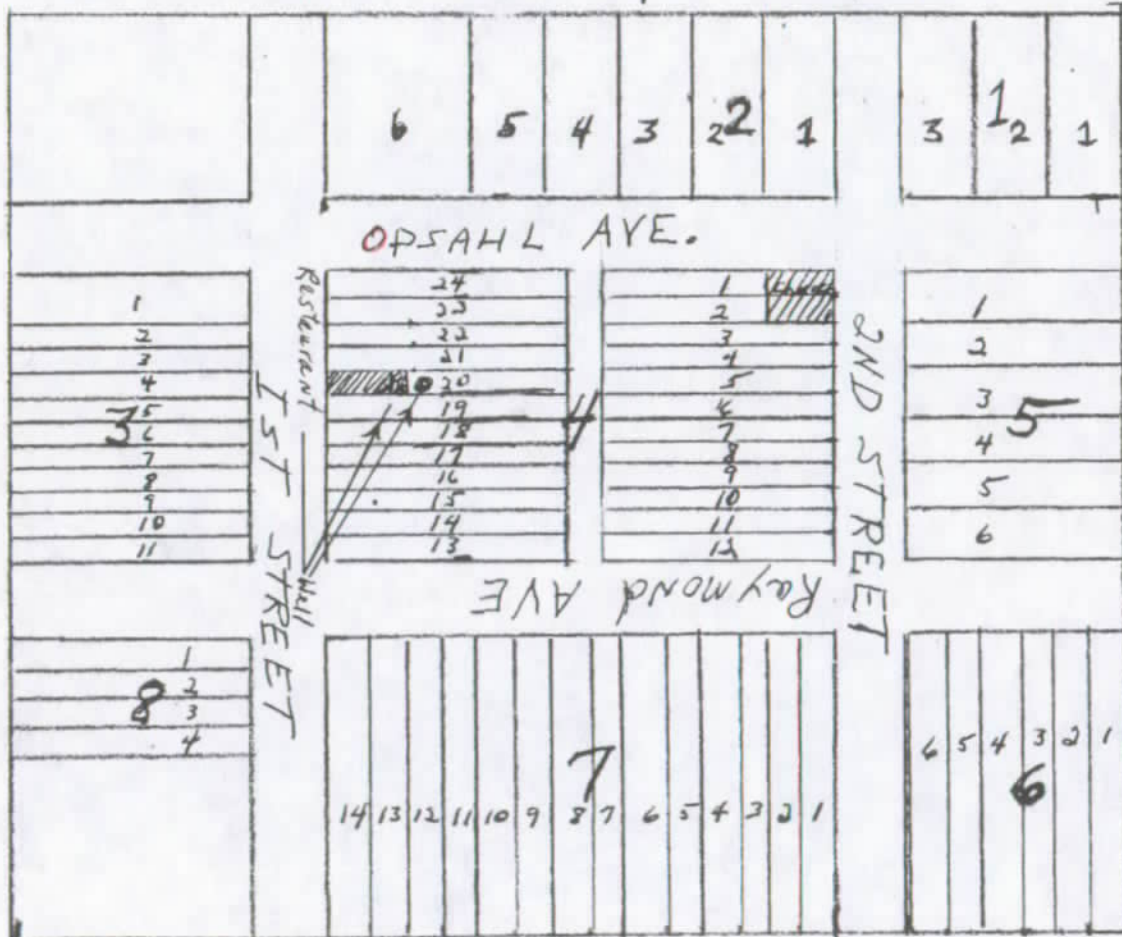
D-3

114-59



Carpenter town Plat

Richland Township Clark Co.



MAN DRILLING — DRILLERS LOG

JOB NAME <i>Goldie Wicks</i>		LOCATION <i>Carpenter</i>	DATE <i>6-23-80</i>	RIG NO. <i>2</i>	FOREMAN <i>Long</i>
--	--	-------------------------------------	-------------------------------	----------------------------	-------------------------------

JI No.	DEPTH	TIME	REMARKS
1	20	3:54	0-14 yellow clay, 14-20 blue clay
2	40		14 20-35 blue clay 35-40 streaked
3	60		40-50 streaked
4	72	5:00	60-72 sand
5			
6	72		72-80 shale
7			
8			
9			T.P. 72 Feet
10			Pumps 100 G.P.M.
11			Flows 45 G.P.M. on top
12			20' 5" slotted
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			Send to water rights
23			% Norma Job
24			
25			
26			
27			
28			
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37			
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40			



REMARKS:

78

Driller: Pullman Drilling 440
Driller's or Firm's Name License NO.
Wolsey S.O.
Address
Bruce Engel 6-24-80
Signed By Date

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412440

Pierre, December 10, 1990

RECEIVED OF Carpenter Cafe, Box 101, Carpenter SD 57322-0101

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

Fee for Application for Permit No. <u>5483-3</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 Hotch /ma
Chief Engineer

REPORT ON APPLICATION NO. 5483-3
for the Carpenter Cafe
January 16, 1991

This application proposes to appropriate 0.04 cfs from one well approximately 72 feet deep located in the NW 1/4 SW 1/4 of section 34, T114N R59W in Clark County. The water is to be used for commercial purposes by the cafe.

AQUIFER - ALTAMONT (A)

The Altamont aquifer is a buried outwash (sand and gravel) under artesian conditions at this site. The Altamont underlies 537,200 acres and contains an estimated 3.3 million acre feet of recoverable water in storage (Hedges, 1982). The well data submitted with the application indicates aquifer from 52 feet to 72 feet below land surface and that the well will flow 45 gpm. This information compares favorably with well log data in the immediate area (Well Files, 1991).

The Division of Water Rights does monitor observation wells completed into the Altamont aquifer in this area. The closest observation well is CK-76N which is located about 3 miles north of Carpenter. Water level records for this well do fluctuate in response to pumping by irrigation wells located further to the north. Also the water levels do indicate that recharge does occur and the aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other permits/rights in this area. There are domestic wells in the area which obtain water from the Altamont aquifer. Interference is not expected to be a problem. The diversion rate is relatively small and will not adversely effect water availability from the aquifer. This is a flowing well and some of the domestic wells in the area also flow. Because the pressure is only a few pounds, a slight change in water levels may cause a well to cease flowing. This well is constructed to allow the placement of a pump into the aquifer.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is under artesian conditions and does flow at the land surface. The well must be controlled and limited to the amount of water needed in order to prevent waste.
3. Interference is not expected to be a problem. Slight fluctuations in water levels can be expected which will affect

the flow rate from this well; however, the well is constructed so that a pump can be installed.

4. This is an existing well and has been in use.


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 DWR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Clark County Observation Well Files, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

Well Files, 1991, Clark County Domestic Well Files, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

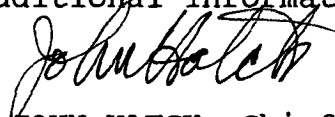
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5483-3, Carpenter Cafe

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. 5483-3, Carpenter Cafe, Box 34, Carpenter, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5483-3 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 report on application for additional information.



JOHN HATCH, Chief Engineer
January 31, 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

Roland Wicks
Carpenter Cafe
Box 34
Carpenter, SD 57322

Dear Mr. Wicks:

Water Permit Application No.5483-3 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 Clark County Courier printed at Clark, 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

Clark County Courier
Box 189
Clark, SD 57225

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5483-3 to be published twice. Please publish the first notice on March 27, 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 Carpenter Cafe, Box 34, Carpenter, SD 57322.

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 27, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5483-3 to Appropriate Water

Notice is given that Carpenter Cafe, Box 34, Carpenter SD 57322 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second from one well (Altamont Aquifer) 72 feet deep located in the NW 1/4 SW 1/4 Section 34, T114N, R59W. The water is to be used for commercial purposes by the cafe.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5483-3 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. 5483-3 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.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 16, 1991

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

Roland Wicks
Carpenter Cafe
Box 34
Carpenter SD 57322

Dear Mr. Wicks:

I am writing to advise you that the legal notice of hearing on your water permit application published in the Clark County Courier was not properly published for two successive weeks. State statute (46-2A-4) requires notice of the application and recommendation be published at least once a week for two successive weeks in one official newspaper in each county where the water will be diverted or project works will be located. Because the application was published only once, it can not be considered by the Water Management Board at the May 1, 1991 meeting.

As a result of the error, the legal notice will need to be readvertised for the May 22, 1991 Water Management Board meeting. The readvertisement is needed to ensure that the Water Permit is free from legal problems due to inaccurate and incomplete public notice.

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

April 16, 1991

Clark County Courier
Box 189
Clark, SD 57225

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5483-3 to be published twice. Please publish the first notice on April 25, 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 Carpenter Cafe, Box 34, Carpenter, SD 57322.

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 April 24, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5483-3 to Appropriate Water

Notice is given that Carpenter Cafe, Box 34, Carpenter SD 57322 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second from one well (Altamont Aquifer) 72 feet deep located in the NW 1/4 SW 1/4 Section 34, T114N, R59W. The water is to be used for commercial purposes by the cafe.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5483-3 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 May 13, 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. 5483-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for May 22, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the May 22, 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 22, 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 May 13, 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.



**Notice of Filing
on Application No. 5483-3 to
Appropriate Water**

Notice is given that Carpenter Cafe, Box 34, Carpenter, SD 57322 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second from one well (Altamont Aquifer) 72 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T114N, R59W. The water is to be used for commercial purposes by the cafe.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5483-3 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 May 13, 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. 5483-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 22, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is contested, the May 22, 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 22, 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 May 13, 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. Decision 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. 4-24-21

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,

SS.

County of Clark

Bert Moritz

David Moritz of said county being first duly sworn, on oath says that he is the publisher of the CLARK COUNTY COURIER, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein 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

Notice of Hearing
No. 5483-3

a printed copy of which, taken from the paper in which 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 for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

April 24, 1991

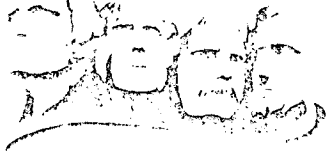
May 1, 1991

that the full amount of the fees for the publication of the annexed notice is \$49.30

Bert Moritz
Subscribed and sworn to before me this 21 day of May 1991
Darla Howardson

Notary Public
Clark County, South Dakota.
My Commission expires 4-5-99

South Dakota



GREAT FACES. GREAT PLACES.

JUL 23 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Roland Wicks
Carpenter Cafe
Box 34
Carpenter, SD 57322

Dear Mr. Wicks:

Enclosed is Water Permit No. 5483-3 authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

Permit No. 5483-3
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 Carpenter Cafe of Box 34, Carpenter, SD 57322 holder of Permit No. 5483-3, bearing the priority of December 7, 1990 authorizing the diversion of 0.04 cu. ft. per second of the waters of groundwater for commercial purposes, in Clark County.

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

A. Works used to divert the water:

Uses a 1/2 hp Sears motor Model No. C48J2EC11 with a submersible pump (info NA) capable of 7 gpm

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

30 feet of 8 inch black 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 100' east and 430' south of the west quarter corner in Section 34-T114N-R59W. The works are capable of diverting and conveying to the place of use 0.016 cu. ft. per second of water which is to be used for commercial. 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 0.016 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are:

Date: 7/20/1992



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

REPORT ON INSPECTION OF PERMIT NO. 5483-3

DATE: 7-20-1992

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: NW 1/4 SW 1/4 Section 34-T114N-R59W

WELL INFORMATION:

1) Well Drilling Firm: Pullman Well Drilling

2) No. of Wells 1

3) Depth(s) 80 feet

4) Well log is available Y

5) Comment:

Casing:

1) Diameter 5 inches

2) Length 72 feet

3) Type PVC

Screen:

1) Type PVC slotted

2) Length 20 feet

3) Static water level feet

Pump:

1) Make Submersible

2) Model unknown

3) Size

4) Capacity 7 GPM

Motor:

1) Make Sears

2) Model No. C48J2EC11

3) Horsepower rating 1/2hp

DISTRIBUTION LINES OR CANALS:

1) Type Black PVC

2) Size 8 inches

3) Length 30 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

114-59

79.2 T-2465

45.3

6.5

48.4

379-224R

Carpenter

38.0

55.6

T-2455

65.1

map prepared by
Norma C. Job
Natural Resources Eng
Division of Water Rights
10/19/92

D-3

114-59

5483-3

STATE OF SOUTH DAKOTA

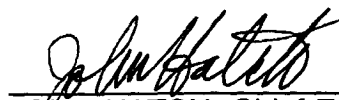
WATER LICENSE NO. 5483-3

(1) Carpenter Cafe, of Box 34, Carpenter, SD 57322 made Application No. 5483-3, December 7, 1990 for a water permit to appropriate 0.04 cubic feet of water per second from groundwater (one well), Clark County, South Dakota for commercial purposes. Permit No. 5483-3, with a priority date of December 7, 1990 was approved May 22, 1991 and issued to the applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.016 cubic feet of water per second for beneficial use. The location of the diversion point is 100 feet east and 430 feet south of the west quarter corner of Section 34, T114N, R59W (NW 1/4 SW 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 Carpenter Cafe of Box 34, Carpenter, SD 57322 the holder(s) and/or owner(s) of Water Permit No. 5483-3 is issued a license to appropriate water, the right to use 0.016 cubic feet of water per second from groundwater (one well) with a priority date of December 7, 1990 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5483-3 and subject to South Dakota State Law.



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

MAR 12 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1992

5483-3

Roland Wicks
Carpenter Cafe
Box 34
Carpenter, SD 57322

Dear Mr. Wicks:

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. 5483-3, 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

413548

Division of Water Rights

South Dakota Department of Environment and Natural Resources

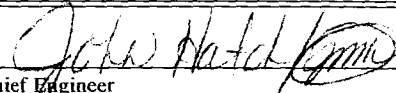
Pierre, _____ December 17 _____, 19 92

RECEIVED OF Valerie Madsen, CarpenterCafe, PO Box 141, Carpenter, SD 57322-0141

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>5483-3</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 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

5483-3

Roland Wicks
Carpenter Cafe
Box 34
Carpenter, SD 57322

Dear Mr. Wicks:

Enclosed is Water License No. 5483-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413548 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. 5483-3, 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