

Considered: _____

WATER PERMIT NO. 5598-3

Phone: 248-2244

Name of Applicant: Storla Sunset Home

Post Office Address: RR 1, Box 46, Letcher SD 57359-9618

Amount of Water Claimed: 0.08 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: institutional County: Aurora

About _____ miles _____ of at Storla

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 12-2-91 Fee: \$50 Remarks _____

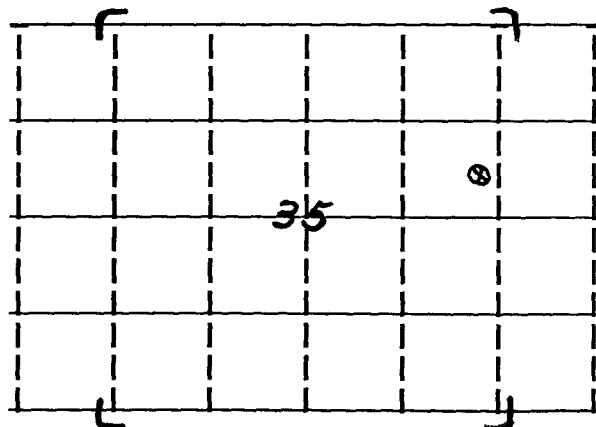
Corrected Application Received 12-9-91 Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: SE 1/4 NE 1/4 Sec 35-T105N-R63W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 220' REMARKS no well log available

Type of Map: aerial PREPARED BY: Tom Clemens, SCS Reviewed and the Number

Assigned on 12-9-91 By Karen Schlaak

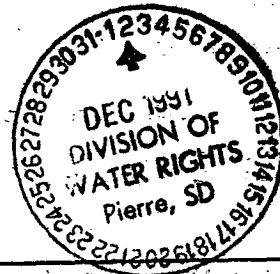
No. 5598-3 Hydrologic Unit 10160011
 Map No. _____ Basin James River
 Newspaper South Dakota Mail, Box 367

Plankinton 57368 (Thurs)

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

- Name of Applicant STORA SUNSET HOME Phone No. 248-2244
 Post Office Address RR 1 Box 46 Letcher State SD Zip Code 57359-9618
(Street, RR or Box) (City) (State)
- Amount of water claimed (c.f.s.) 40 gallon per minute (0.08 cfs)
- Source of water supply private well
- Location of point of diversion NE 1/4 35-105-63 as per
accompanying photomap (SE 1/4 NE 1/4)
 _____ County Aurora
- Counties where water will be used Aurora
- Annual period during which water is to be used year around 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 Aurora)^{ss}

I, Stora Sunset Home Inc. - Virginia Starr, Adm. 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 Virginia StarrSubscribed and sworn to before me this 27th day of November 19 91Orla C. Thompson

Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5598-3**

Date of first receipt of application December 2, 1991.
Date of return to applicant for corrections, amendments or changes
December 3, 1991.
Date of receipt of corrected application December 9, 1991.

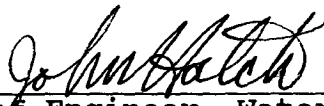
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5598-3 to Storla Sunset Home, RR 1, Box 46, Letcher SD 57359-9618 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5598-3 appropriates 0.08 cubic feet of water per second from one well (Codell Aquifer) 220 feet deep located in the SE 1/4 NE 1/4 Section 35-T105N-R63W.
2. The water appropriated shall be used for the purpose of supplying water to the Storla Sunset Home and may not exceed the amount of water needed for beneficial use for institutional purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5598-3 is March 11, 1992.
5. The date from which applicant may claim right is December 2, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

WATER MANAGEMENT BOARD

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

AUG 7 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" Depth 220'
- b) Casing Type Steel Diameter 8" 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) _____
- g) Distance to nearest existing domestic well:
 On applicants property 50' On property owned by others 1200'

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 _____

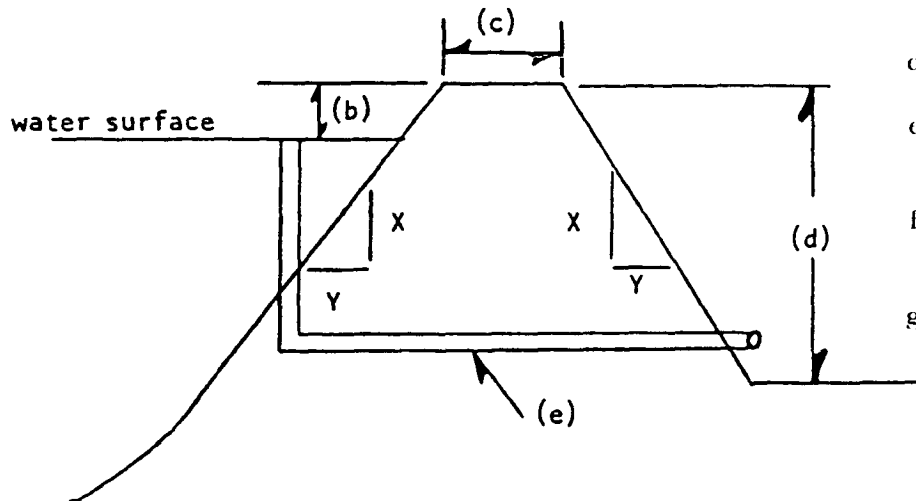
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

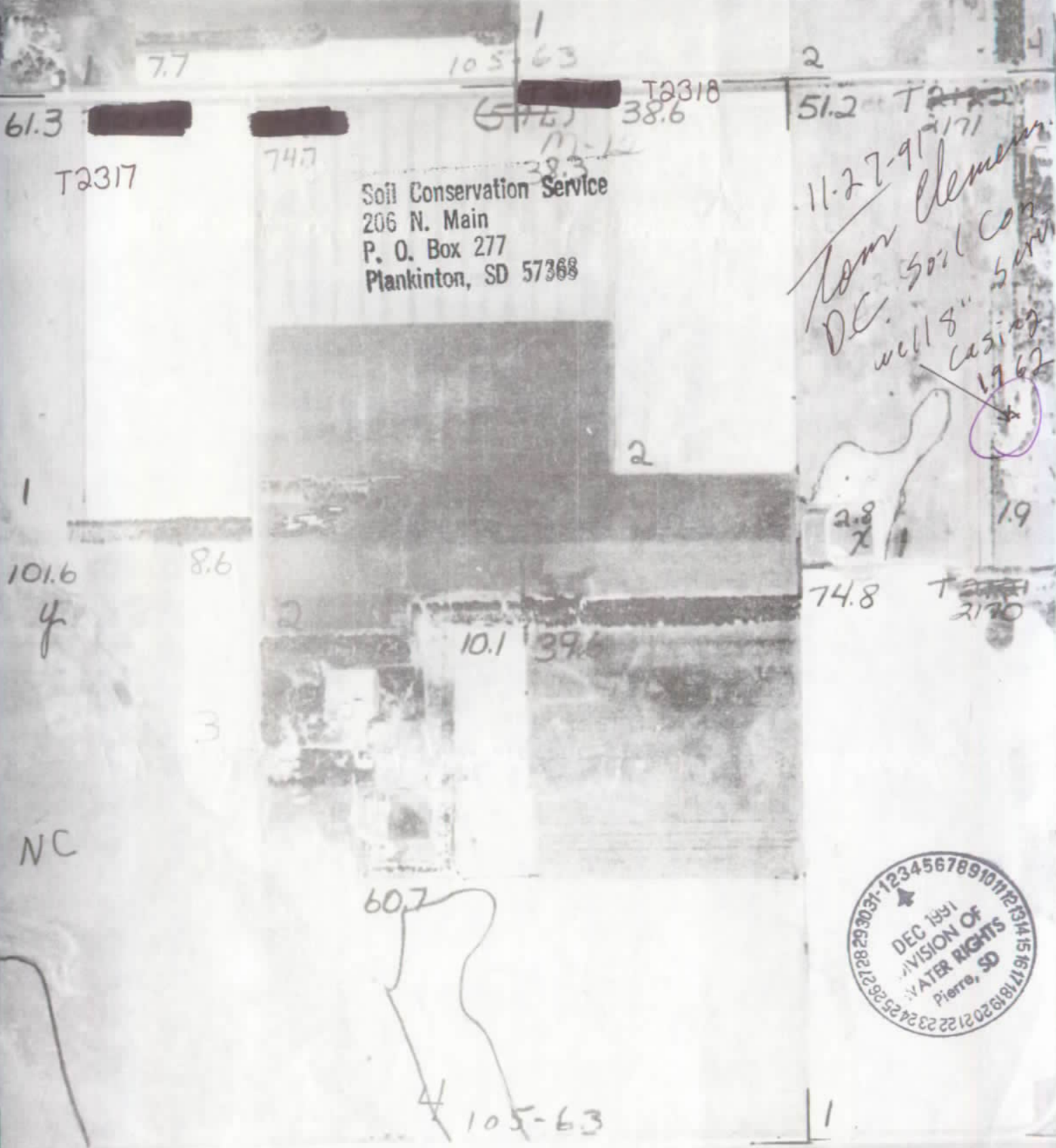
Drainage area above dam _____



Virginia Staw, Adm.
 Signature of Applicant

61w = 1364 to 1365'

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412954

Pierre, December 9, 19 91

RECEIVED OF Storia Sunset Home, Rt 1, Box 46, Letcher, SD 57359-9618

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

Fee for Application for Permit No. <u>5598-3</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



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 1991

STORLA SUNSET HOME
OSCAR THOMPSON
RT 1 BOX 46
LETCHER SD 57359

Dear MR. THOMPSON:

I am contacting you regarding the possibility that you may need a permit to appropriate water for use in your facility. We have reviewed our records after receiving information from the Office of Drinking Water and can not locate a water permit for your facility.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, a water permit is required to use water from any water source, except for private domestic use. Examples of commercial use that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building. A vested water right can be claimed for water uses beginning on or prior to February 28, 1955, for ground water or March 2, 1955, for surface water.

An existing business without a water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

Enclosed are water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by November 29, 1991. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 3, 1991

Storla Sunset Home
Virginia Starr
RR 1, Box 46
Letcher SD 57359-9618

Dear Ms. Starr:

In regard to the water permit application received on December 2, 1991, the following information needs to be submitted and clarified in order to process the application for the Storla Sunset Home.

A well log signed by a South Dakota licensed well driller must accompany the application.

On the application, it was indicated that this was a vested right application. In order to qualify for a vested right, SDCL 46-1-9 states that the water must have been applied to beneficial use prior to March 2, 1955. If this is the case, then the enclosed Affidavit of Water Use form must be completed, signed, notarized and returned to this office. The filing fee for a vested right application would be \$15.00. Please let us know if this application would qualify for a vested right.

Enclosed is the check for \$50.00. The \$50 filing fee will be correct if the application does not qualify for a vested right.

Upon receipt of the above, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

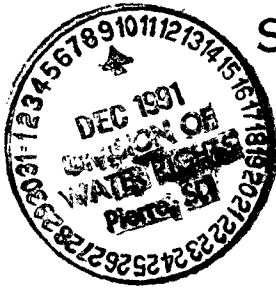
Conversation or File Documentation

NAME OF PERSON OR FILE: Oscar ThompsonADDRESS: _____ COUNTY ALLDATE: 12/5/91 TELEPHONE _____RE: Stola Sunset Home

COMMENTS:

Mr. Thompson stated contacted well driller's son
since driller was deceased. Son said no well
logs were available. Well was drilled in 1962
so it didn't qualify for vested right. Mr. Thompson
stated he would send a letter.

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.



STORLA SUNSET HOME

MEMBER - S. DAK. NURSING HOMES ASSOCIATION

P. O. - LETCHER, S. DAK. 57359

PHONE 248-2244

December 5, 1991

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Attention Karen Schlaak

Dear Ms. Schlaak:

Please be informed that I have contacted the son of the late Lloyd Hinker who drilled our well here at the Home sometime around 1962-63. The family can not find a log of this well, so I'm sorry for the inconvenience this has caused.

Enclosed please find our check for \$50.00 for the permit to appropriate water. Thank you for your consideration.

Sincerely,

Oscar Thompson, assistant administrator

Report on Application No. 5598-3
Storla Sunset Homes
January 29, 1992

This application proposes to appropriate 0.08 cubic feet per second (cfs) from one existing well 220 feet deep in the SE1/4 NE1/4 Section 35-T105N-R63W. The water will be for institutional use at the home.

Aquifer - Codell Aquifer

The Codell aquifer underlies the application area and is a member of the Carlile Shale. In general, the aquifer is composed of gray, reddish-brown or black sandstone, siltstones and shales (Hamilton, 1985). The aquifer is approximately 50 feet thick and the top of the aquifer is encountered at 160 feet below the surface in a well located in Section 35-105N-R63W, approximately 2600 feet to the southwest of the application well (DWR files). The aquifer is under artesian conditions, but wells do not flow. The Codell underlies 707 square miles and has 905,000 acre-feet of recoverable water in Aurora County and 9,895,700 acre-feet of recoverable water in eastern South Dakota. (Hedges, 1982). Most wells in the application area yield from 2 to 100 gal/min (Hamilton, 1985). An estimated outflow of 1700 acre-feet from the Codell to the overlying Niobrara and surficial deposits occurs in Aurora and Jerauld Counties (Hamilton, 1985). The recharge to the Codell is from the overlying Niobrara Chalk, and total recharge to the aquifer is unknown. Infiltration from the Niobrara is far less in areas where the Codell is overlain by impermeable shales than in those areas where the shale layer is absent. Change of storage in the Codell aquifer is insignificant because only domestic and stock wells are pumping a few gallons a minute and outflow and withdrawal rates are in general balance.

The Division of Water Rights monitors observation well AU-78G which is approximately 2 miles east and 1/2 mile north of the diversion point (Water Rights Division, 1992). Water levels have fluctuated from 39.1 to 35.7 feet below the ground surface in 1982 and 1988, respectively. In general, the hydrograph indicates a five to six year cycle of low and high water levels fluctuating about 2 to 3 feet. The water level changes are probably due to seasonal fluctuations in recharge and natural outflow.

Existing Water Rights

There are no water permits in the Codell aquifer in the application area. The only wells in the vicinity are for domestic use. There have been no reports of interference due to pumping at the point of diversion.

Conclusions

1. Water is available from the Codell aquifer.
2. Interference is not a problem - existing water rights will not be impaired.
3. It is a beneficial use of water.
4. This well was completed in 1962; therefore, the well is not subject to completion under SD Well Standards Construction.

for *Jace R Konop*
Gregory C. Johnston
Natural Resources Engineer

Reviewed by:

James A Goodman
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

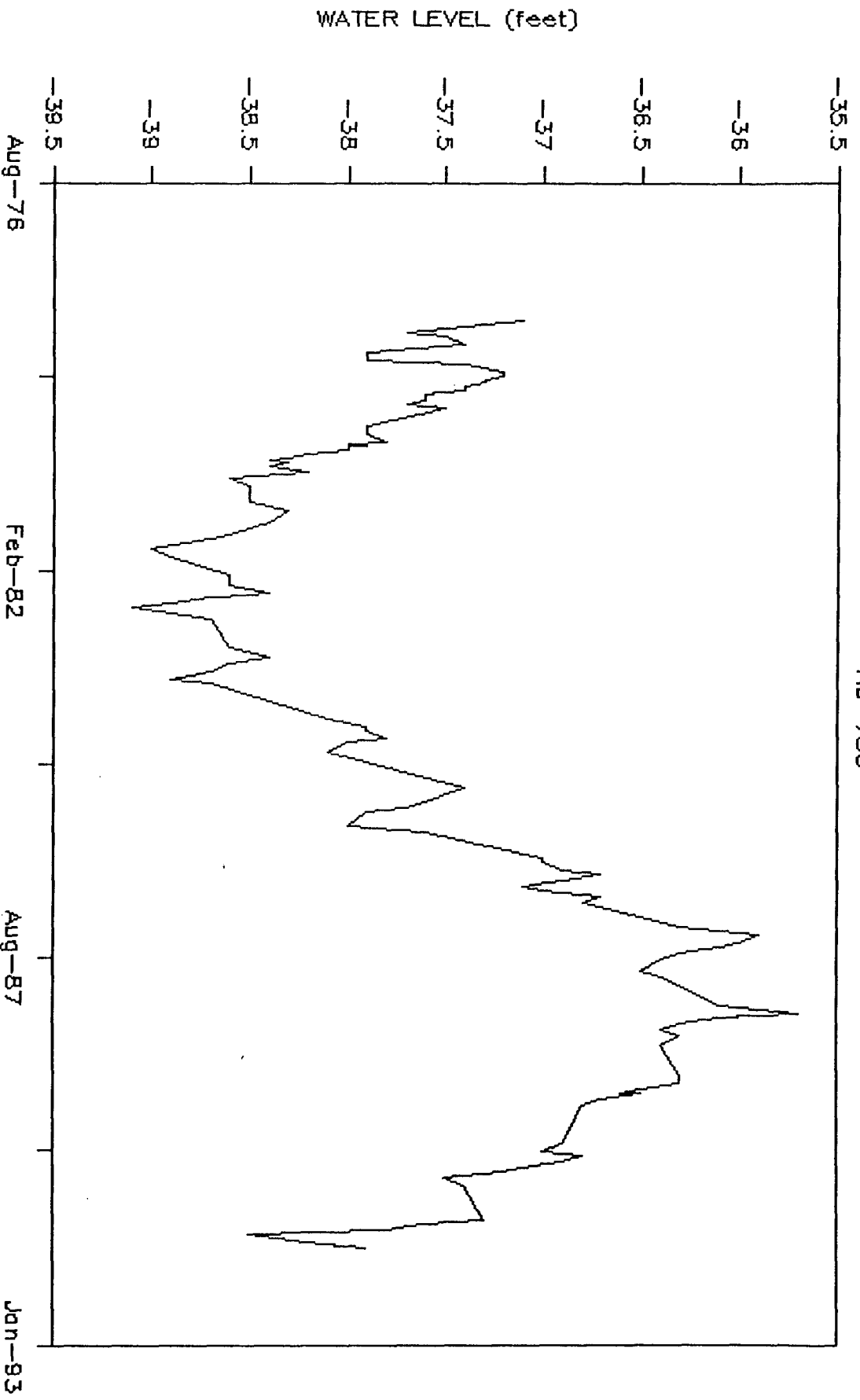
Hamilton, Louis J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota. U.S. Geological Survey Water Resources Investigations Report 84-4030.

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

Water Rights Division, 1992, Observation Well Files, AU-78G, DENR Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

WATER RIGHTS OBSERVATION WELL

AU-786



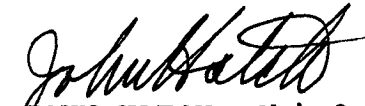
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5598-3, Storla Sunset Home

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5598-3, Storla Sunset Home, C/o Virginia Starr, RR 1 Box 46, Letcher, SD 57359-9618.

The Chief Engineer is recommending APPROVAL of Application No. 5598-3 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 30, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 5, 1992

Virginia Starr
Storla Sunset Home
RR 1 Box 46
Letcher, SD 57359-9618

Dear Ms. Starr:

Water Permit Application No. 5598-3 for institutional use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the South Dakota Mail printed at Plankinton, 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 ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1992

South Dakota Mail
Box 367
Plankinton, SD 57368

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5598-3 to be published twice. Please publish the first notice on February 13, 1992, 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 Storla Sunset Home, RR 1 Box 46, Letcher, SD 57359-9618.

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

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 February 13, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5598-3 to Appropriate Water

Notice is given that the Storla Sunset Home, RR 1 Box 46, Letcher, SD 57359-9618 has filed an application for a water permit to appropriate 0.08 cubic feet of water per second from one well (Codell Aquifer) 220 feet deep located in the SE 1/4 NE 1/4 Section 35-T105N-R63W. The water will be for institutional use at Storla Sunset Home.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5598-3 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 March 2, 1992. 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.

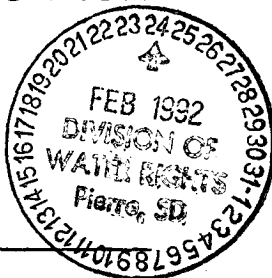
For purposes of publishing 1) the notice of hearing on Application No. 5598-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 11, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the March 11, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 March 11, 1992, 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 March 2, 1992.

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 Aurora) ss.



I, Oliver Van Henderen

certify that the attached printed Notice was taken
 from the South Dakota Mail

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

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

Feb. 13, 1992

Feb. 20, 1992

Oliver Van Henderen
 (Signature)

Bookkeeper
 (Title)

Feb. 20, 1992
 (Date Signed)

Cost of Printing: \$62⁰⁰/₁₀₀

**NOTICE OF HEARING
 ON APPLICATION NO. 5598-3
 TO APPROPRIATE WATER**

Notice is given that the Storla Sunset Home, RR 1 Box 46, Letcher, SD 57359-9618 has filed an application for a water permit to appropriate 0.08 cubic feet of water per second from one well (Codell Aquifer) 220 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35-T105N-R63W. The water will be for institutional use at Storla Sunset Home.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5598-3 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 March 2, 1992. 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.

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opposed or the recommendation is contested, the March 11, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 March 11, 1992, 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 March 2, 1992.

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 ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 7 1992

Virginia Starr
Storla Sunset Home
RR 1 Box 46
Letcher, SD 57359-9618

Dear Ms. Starr:

Enclosed is Water Permit No. 5598-3 authorizing construction of your water diversion system and beneficial use of the water, 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. 5598-3
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, Joe Foss Bldg., Pierre, SD 57501

On this day, June 6, 1994, I made a thorough examination of the water use system constructed by Storla Sunset Home of RR1 Box 46, Letcher, SD 57359 holder of Permit No. 5598-3, bearing the priority of December 2, 1991 authorizing the diversion of 0.08 cu. ft. of water per second from Ground water for institutional purposes, in Aurora County.

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

A. Works used to divert the water:

A 5 HP Franklin Submersible motor with a 37 GPM Goulds pump.

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

Underground pipeline throughout the project.

The system is in the following condition: good. The point of diversion is located 1720 feet S and 265 feet W from the NW corner of Section 35; T105N R63W (SE1/4 NE1/4). The works are capable of diverting and conveying to the place of use 0.08 cu. ft. of water per second which is to be used for institutional purposes. The license should be issued for 0.08 cfs.

****NOTE:** The well driller went out of business and a well log is not available. All figures came from Oscar Thompson, buildings and grounds keeper.

Permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: June 6, 1994



Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5598-3

DATE OF INSPECTION: June 6, 1994

Other permit(s) associated with the project: None

Name of inspection contact: Oscar Thompson

Contact relationship to permit holder: Buildings & Grounds Keeper

Name/address of permit holder: Storla Sunset Home, RR1 Box 46, Letcher, SD 57359

DIVERSION POINT LEGAL LOCATION: 1720 feet S and 265 feet W from the NW corner of Section 35; T105N R63W (SE1/4 NE1/4).

WELL INFORMATION:

1) Well Drilling Firm: Bergeleen Drilling

3) Depth(s) 165 feet

2) No. of Wells 1

4) Well log is available N

Casing:

1) Diameter 6 inches

2) Length 165 feet

3) Type ?

Screen:

1) type ?

2) Length ? feet

Pump:

1) Make Goulds

2) Model Submersible

3) Capacity 37 GPM

Motor:

1) Make Franklin

2) Model No. Submersible

3) Horsepower rating 5 hp

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by Y

2) All structures, wells and lands on map Y

3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

****NOTE:** The well driller went out of business and a well log is not available. All figures came from Oscar Thompson, buildings and grounds keeper.

NOT TO SCALE

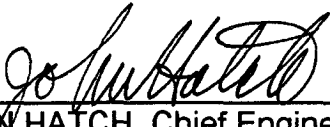
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5598-3

(1) Storla Sunset Home, of RR 1, Box 46, Letcher SD 57359-9618 made Application No. 5598-3, December 2, 1991 for a water permit to appropriate 0.08 cubic feet of water per second from groundwater (one well), Aurora County, South Dakota for institutional purposes. Permit No. 5598-3, with a priority date of December 2, 1991 was approved March 11, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.08 cubic feet of water per second for beneficial use. The location of the diversion point is 1720 feet south and 265 feet west from the northwest corner of Section 35-T105N-R63W (SE 1/4 NE 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 Storla Sunset Home of RR 1, Box 46, Letcher SD 57359-9618 the holder and/or owner of Water Permit No. 5598-3 is issued a license to appropriate water, the right to use 0.08 cubic feet of water per second from groundwater (one well) with a priority date of December 2, 1991 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of institutional use. This license is subject to any limitations or qualifications listed in Water Permit No. 5598-3 and subject to South Dakota State Law.



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

MAR 29 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1995

5598-3

Virginia Starr
Storla Sunset Home
RR 1, Box 46
Letcher, SD 57359

Dear Ms. Starr:

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. 5598-3, 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.

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

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

414400

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 13, 19 95

RECEIVED OF Storla Sunset Home, RR 1 Box 46, Letcher, SD 57359-9618

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>5598-5</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 29 1995

5598-3

Virginia Starr
Storla Sunset Home
RR 1, Box 46
Letcher, SD 57359-9618

Dear Ms. Starr:

Enclosed is Water License No. 5598-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414400 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. 5598-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures