

Considered: _____

WATER PERMIT NO. 5655-3

Phone: 336-7000

Name of Applicant: Ronning Enterprises

Post Office Address: 401 E 12th St, Sioux Falls SD 57104

Amount of Water Claimed: 0.20 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: geothermal heat County: Minnehaha

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-9-92 Fee: \$225 Remarks _____

Corrected Application Received 4-20-92 Period of Annual Use Jan 1- December 31

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

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

Diversion Point: NE 1/4 NW 1/4, NW 1/4 NE 1/4

Sec 21-T101N-R49W

Land to be Irrigated: _____

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

Depth of Well: 250' REMARKS _____

Type of Map: plat PREPARED BY: Kim J Buell Reviewed and the Number

Assigned on 4-21-92 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352
RD 5/1/91No. 5655-3 Hydrologic Unit 10170203
Map No. _____ Basin Big Sioux
Newspaper Argus Leader, PO Box 5034, SF**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. _____1. Name of Applicant RONNING ENTERPRISES Phone No. (605) 336-7000Post Office Address 401 EAST 12TH STREET SIOUX FALLS State SD 57104
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s) PUMP CAPACITY WILL BE 90 GPM (0.20 cfs)3. Source of water supply BIG SIOUX RIVER AQUIFER4. Location of point of diversion SEC 21-101-49 IN CITY OF SIOUX FALLS VICINITY OF 13THSTREET AND THIRD AVENUE CNE 1/4 NW 1/4, NW 1/4 NE 1/4County MINNEHAHA5. Counties where water will be used Minnehaha6. Annual period during which water is to be used 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 TO PROVIDE WATER FOR GEOTHERMAL HEAT FOR 66 UNIT APARTMENT BUILDING

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 MINNEHAHA) ssI, Slate M. Ronning 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 Slate M. RonningSubscribed and sworn to before me this 9th day of January 19 92BARBARA LAMBERT, Notary Public
My Commission Expires May 8, 1993

Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5655-3**

Date of first receipt of application January 9, 1992.

Date of return to applicant for corrections, amendments or changes
January 10, 1992.

Date of receipt of corrected application April 20, 1992.

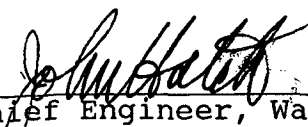
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5655-3 to Ronning Enterprises, 401 East 12th St, Sioux Falls SD 57104 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5655-3 appropriates 0.20 cubic feet of water per second (90 gallons per minute) from one well (Sioux Quartzite) 250 feet deep located between the NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 21-T101N-R49W.
2. The water appropriated shall be used for the purpose of supplying water for heating an apartment complex and may not exceed the amount of water needed for beneficial use for geothermal heating 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. 5655-3 is July 15, 1992.
5. The date from which applicant may claim right is April 20, 1992.
6. One-fifth of the construction is to be completed on or before January 15, 1995.
7. All construction is to be completed on or before July 15, 1997.
8. Water is to be put to beneficial use on or before July 15, 2001.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

1. 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.

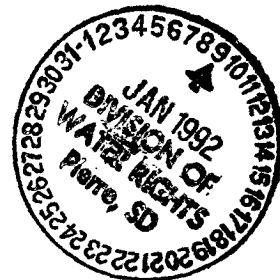
WATER MANAGEMENT BOARD

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

NOV 20 1992
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 250 + or -
- b) Casing Type STEEL Diameter 6" Thickness .375
- c) Screen Type NONE Diameter Thickness
- d) Gravel Pack Thickness NONE Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 30' + or -
- f) Depth to Water (ground surface to water level) 30' + or -
- g) Distance to nearest existing domestic well:
- On applicants property 250' 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

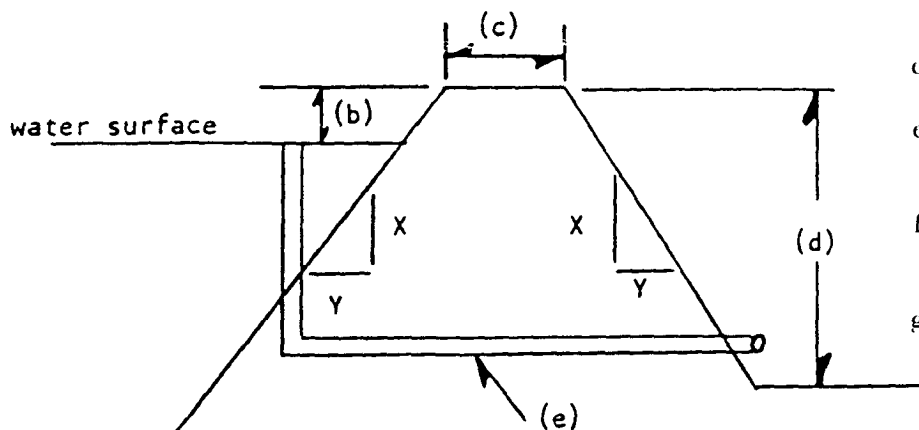
g) X & Y Slope
Upstream

Downstream

Surface Area of Impoundment

Storage acre feet

Drainage area above dam



Signature of Applicant

A circular library stamp from the University of Toronto Libraries. The text "UNIVERSITY OF TORONTO LIBRARIES" is curved along the top inner edge. The date "JAN 1992" is stamped in the center. The numbers "1-2345678910111213141516171819202122232425262728293031" are arranged in a circle around the date.



A circular professional seal for Kim J. Borell, a Registered Professional Engineer and Land Surveyor in the State of South Dakota. The seal features a rope-like outer border. Inside, the text "REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR" is written in a circular path. The state name "SOUTH DAKOTA" is at the bottom, flanked by two stars. The center contains the name "KIM J. BORELL" and the license number "4190". A handwritten signature is written across the center of the seal.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413002

Pierre, January 9, 19 92

RECEIVED OF Ronning Property Management, 401 East 12th St., Sioux Falls, SD 57104

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

Fee for Application for Permit No. <u>5655-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By John H. Hotal CE
Chief Engineer

REPORT ON APPLICATION NO. 5655-3
for Ronning Enterprises
June 9, 1992

Application No. 5655-3 proposes to appropriate 0.2 cfs (90 gpm) from one well approximately 265 feet deep located between the NE 1/4 NW 1/4, NW 1/4 NE 1/4 of section 21, T101N R49W in Minnehaha County. The water use is to provide geothermal heat for an apartment building.

AQUIFER - SIOUX QUARTZITE (SOUX)

The Sioux Quartzite is a Precambrian age metamorphosed mostly quartz sandstone cemented with silica. Ground water is found within fractures and joints in the rock. Where the fractures and joints are well developed, the aquifer will yield sufficient quantities of water (Lindgren, 1992). The Sioux Quartzite underlies all of Minnehaha County and there is no estimate available for the amount of water in storage for the aquifer. According to the well log submitted with the application, the top of the quartzite was encountered at 28 feet below land surface and continued to a depth of 265 feet. The static water level was reported at 20 feet below land surface and the well reportedly produced 150 to 200 gpm using air to develop. The Sioux Quartzite is confined and under artesian conditions at this site.

The Division of Water Rights does not measure any observation wells completed into the Sioux Quartzite in this immediate area. The nearest observation wells (MA-80T, MA-80U and MA-80BA) are completed into formation lying directly upon the Sioux Quartzite and should be representative of the general water level elevations. Water levels for these wells do show response to climatic conditions, that is, rising during wet years and gradually declining during dry years (Water Rights, 1992). The water level record indicates the aquifer is capable of sustaining additional withdrawals.

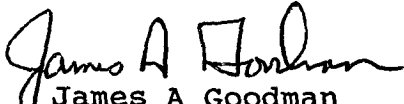
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permits Nos. 5491-3 and 5365-3 which are located approximately 1 mile from this application. Interference is not expected to be a problem. All diversions are relatively small and drawdown caused by these diversions is not expected to be significant.

CONCLUSIONS

1. Water is available from the Sioux Quartzite.
2. Interference is not expected to be a concern. Because wells completed into the Sioux Quartzite are typically low capacity wells, this well may not be capable of sustaining a diversion of 90 gpm on a continuous basis.
3. This well has been completed in accordance with SD Well Construction Standards.

4. The water will be used for geothermal purposes and will be discharged into the City of Sioux Falls storm sewer. Apparently the City of Sioux Falls has agreed to allow this discharge.
5. Geothermal use is a beneficial use; however, discharging this water to the storm sewer seems to be a waste of water. If possible other methods of water use should be investigated to put the water to better use or possibly reinjecting water into the aquifer.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, USGS WRI 91-4101, USGS, Huron, SD, 57350.

Water Rights, 1992, Unpublished Observation Well Records for Minnehaha County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5655-3, Ronning Enterprises

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. 5655-3, Ronning Enterprises, c/o Slate Ronning, 401 E 12th Street, Sioux Falls, SD 57104

The Chief Engineer is recommending APPROVAL of Application No. 5655-3 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) it is 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
June 10, 1992

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, }
COUNTY OF MINNEHAHA } ss.

..... M.. DEVISH, being duly sworn, says: That The Sioux Falls Argus-Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota by Sioux Falls Newspapers Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 18 day of June, 1992,

Thursday, the 25 day of June, 1992,

....., the day of, 19.....,

....., the day of, 19.....,

....., the day of, 19.....,

....., the day of, 19.....,

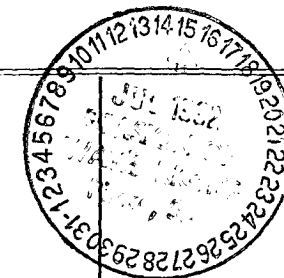
....., the day of, 19.....,

and that \$118.69 was charged for publishing the same.

M. Devish

Subscribed and sworn to before me July 14, 1992,

Nancy A. Buckle
Notary Public, South



NOTICE OF HEARING on Application No. 5655-3 to Appropriate Water

Notice is given that Ronning Enterprises, 401 E 12th St, Sioux Falls, SD 57104 has filed an application for a water permit to appropriate 0.2 cubic feet of water per second (90 gallons per minute) from one well (Sioux Quartzite) 250 feet deep located between the NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 21-T101N-R49W. The water use is to provide geothermal heat for an apartment building.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5655-3 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 July 6, 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. 5655-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 15, 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 July 15, 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 July 15, 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 July 6, 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.
June 18, 25, 1992
10155



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 10, 1992

Ronning Enterprises
Slate M Ronning
401 East 12th St
Sioux Falls SD 57104

Dear Mr. Ronning:

In regard to your water permit application received on January 9, 1992, the following information needs to be submitted in order to process your application.

A well log or driller's test log signed by a South Dakota licensed well driller must accompany the application.

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

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1992

Ronning Enterprises, Inc.
4401 E. 6th Street
Sioux Falls SD 57101

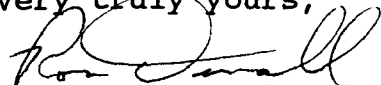
Dear Sir :

A well driller's report filed by Sioux Well Drilling shows that they completed a new well for you which produced 30-35 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 GPM or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing; manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a water permit. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; 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 GPM or use water outside of the school building.
2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by February 28, 1992, or contact Don Frye (605-773-3352) if you don't believe your water use requires a permit or if you need assistance.

Very truly yours,


RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: RONNING ENTERPRISES (Mr. Steve Ronning)ADDRESS: 4401 E. 6th Street Sioux Falls SD COUNTY MinnehahaDATE: 3/5/92 TELEPHONE 336-7000RE: Well log legal description.

COMMENTS:

Mr. Steve Ronning called regarding a letter we sent for a well described on the well log as located in the SE $\frac{1}{4}$ Sec 35, T102N, R48W. The application we had on file for Ronning Enterprises listed the well location as NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec 21, T101N R49W. When we received the well log, we thought it was for a different well and sent a letter about permit requirements. Mr. Ronning stated that the well log's legal description was incorrect, and he would contact Wayne Wagner of Sioux Well Drilling and have him send us a letter on a new well log with the correct legal description. The well log was for the application for Ronning Enterprises.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 1992

Slate Ronning
Ronning Enterprises
401 East 12th St
Sioux Falls SD 57104

Dear Mr. Ronning:

On March 5, 1992, you called regarding a January 10, 1992, letter you received from this office concerning the discrepancy between the location of the well as described on your water permit application and the description of the well on the well completion report (copies enclosed). You indicated Sioux Well Drilling would be contacted and a well completion report would be submitted for the correct legal description. To date, we have not received this well completion report.

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.

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

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosure

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Ronning Enterprises - WP Application No. 5655-3

ADDRESS: _____ COUNTY: Minnehaha

DATE: 4/23/92 TELEPHONE: 336-7000

RE: Discussion with Slate Ronning

COMMENTS:

I contacted Mr. Ronning to ask him were the water to be used geothermal heating will be discharged. Mr. Ronning checked with his engineers as the water will be discharged to the City of Sioux Fall's storm sewer. They already have an agreement with the City for this discharge.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Ronning



**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.

June 11, 1992

Slate Ronning
Ronning Enterprises
401 E 12th Street
Sioux Falls, SD 57104

Dear Mr. Ronning:

Water Permit Application No. 5655-3 for geothermal heat 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 Argus Leader printed at Sioux Falls, SD (Ph # 331-2200). 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

June 11, 1992

Argus Leader
PO Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5655-3 to be published twice. Please publish the first notice on June 18, 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 Ronning Enterprises, 401 E 12th Street, Sioux Falls, SD 57104 (Ph # 336-7000).

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 June 18, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5655-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5655-3 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 July 6, 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. 5655-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 15, 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 July 15, 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 July 15, 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 July 6, 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

NOV 20 1992

Slate M. Ronning
Ronning Enterprises
401 East 12th Street
Sioux Falls, SD 57104

Dear Mr. Ronning:

Enclosed is Water Permit No. 5655-3 authorizing construction of your water diversion system and beneficial use of the water, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

APR 26 1999

6112-3

Ronning Enterprises
%Slate M. Ronning
401 E. 12th St.
Sioux Falls, SD 57104

Dear Mr. Ronning:

Enclosed are Water Permit and Water License No. 6112-3. This is the final water right document completing your process of obtaining a Water Right.

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. 6112-3, 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 Program
(605) 773-3352

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enclosures

NOTE: The applicable portions of No. 5655-3 are incorporated into this Water License No. 6112-3.