

WATER PERMIT NO. 5731-3

Phone: 527-2526

Name of Applicant: St. Charles Catholic Church

Post Office Address: Artesian SD 57314

Amount of Water Claimed: 15 gpm - 0.033 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: institutional County: Sanborn

About _____ miles _____ of _____

PRIORITY Date Received: 12-10-92 Fee: \$50 Remarks: _____

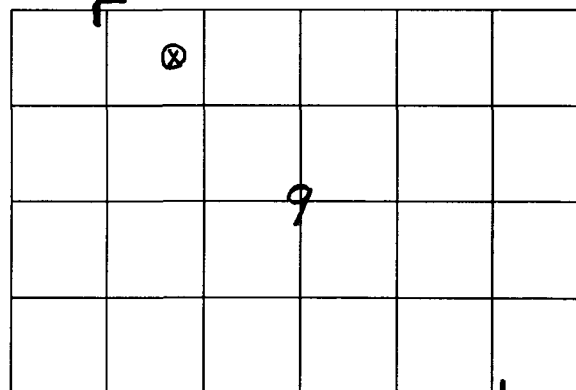
Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: NW 1/4 NW 1/4 Sec 9-T106N-R59W

Land to be Irrigated: _____



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

Depth of Well: 285' REMARKS: _____

Type of Map: aerial PREPARED BY: Gordon Ferguson Reviewed and the Number

Assigned on: 12-10-92 By: Karen Schlaak

No. 5731-3 Hydrologic Unit 10160011
 Map No. _____ Basin James River
 Newspaper Artesian Commonwealth

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 St Charles Catholic Church Phone No. 527-2526Post Office Address _____
(Street, RR or Box) (City) (State) (Zip Code)2. Amount of water claimed (c.f.s.) 15- (GPM) (0.033cfs)3. Source of water supply Artesian Water4. Location of point of diversion NW 1/4 NW 1/4 Sec 9-T106N-R59WCounty Sanborn5. Counties where water will be used Sanborn6. Annual period during which water is to be used all year Jan 1 to 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)

Bath rooms - Kitchen Drinking - watering lawn

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 Sanborn)^{ss}1. Rev. Gerald J. Thury, Pastor 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 Gerald J. ThurySubscribed and sworn to before me this 9th day of December 1992Dorothy Bergman
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5731-3**

Date of first receipt of application December 10, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5731-3 to St. Charles Catholic Church, Artesian SD 57314 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5731-3 appropriates 15 gallons per minute (0.033 cubic feet of water per second) from one well (Codell Sandstone Aquifer) 285 feet deep located in the NW 1/4 NW 1/4 Section 9-T106N-R59W.
2. The water appropriated shall be used for the purpose of supplying water to the church 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. 5731-3 is March 24, 1993.
5. The date from which applicant may claim right is December 10, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

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

MAY 19 1993

date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 9 7/8" Depth 285'
- b) Casing Type BVC 200 LB Diameter 5" Thickness SCN 80
- c) Screen Type BVC 200 Diameter 5" Thickness SCN 80
- d) Gravel Pack Thickness 2 1/2" Length of Gravel Pack 55' FT
- e) Depth to Top of Water Bearing Material 240'
- f) Depth to Water (ground surface to water level) 36'
- 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 _____

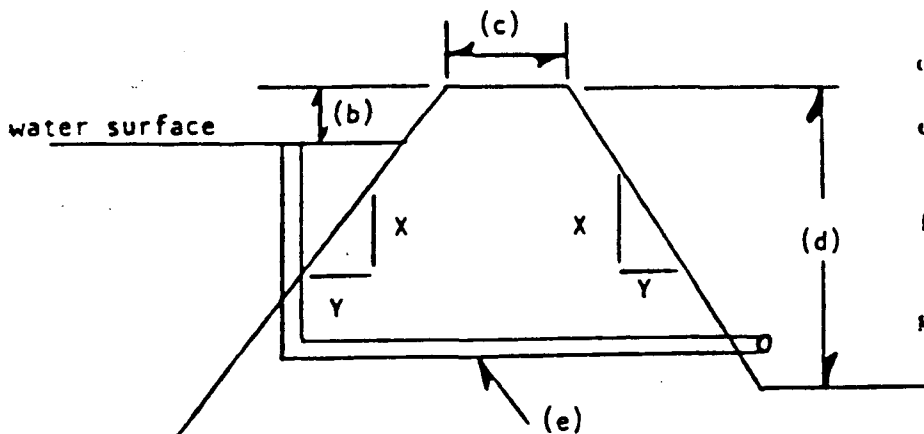
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Rev. David J. Shum
 Signature of Applicant

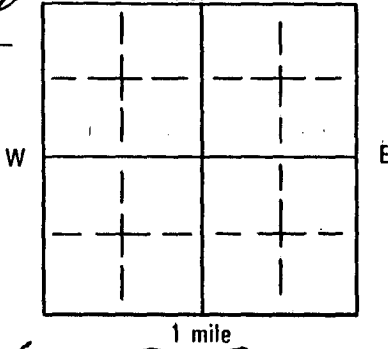


SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location 1/4 1/4 Sec 2 Twp 1 Rg 1County Sanborn North

Please mark well location with an "X"

Well Completion Date 6-13-92

PROPOSED USE:

☐ Domestic ☒ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>PVC 200</u>	<u>5</u> IN	<u>0</u> FT	<u>285</u> FT	<u>9</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? from 10' to 50' cementWhat is grouting material? and Bentonite slurryIf cement, number of sacks? from 50' to 200'Describe grouting procedure Tremie pipe

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 20 FEETMaterial PVC 200Slot Size 15,000 Set From 265 Feet To 285 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

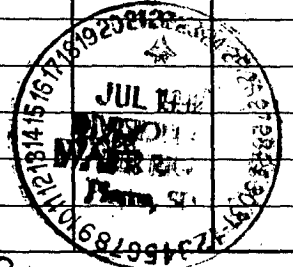
Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain ChlorineBacteriological analysis ☒ YES ☐ NOLaboratory sent to PierreWell Owner Catholic Church at ArtesianName Yo Knight ConstructionAddress Messington Springs, S.D.Well Log: _____ Depth 57382

Formation	From	To
<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>yellow clay</u>	<u>2</u>	<u>19</u>
<u>Blue clay</u>	<u>19</u>	<u>102</u>
<u>sandstone - good</u>	<u>102</u>	<u>155</u>
<u>Chalk</u>	<u>155</u>	<u>200</u>
<u>sandy shale</u>	<u>200</u>	<u>205</u>
<u>shale</u>	<u>205</u>	<u>240</u>
<u>sandstone - good</u>	<u>240</u>	<u>285</u>

STATIC WATER LEVEL 36 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed☒ OtherDescribe: Developed with air

Pumping Level Below Land Surface

56 ft. After 2 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 296

And this report is true and accurate.

Drilling firm Chase Well Drilling

Signature of License Representative:

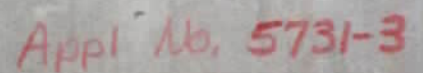
Doug Chase

Signature of Well Owner:

Date _____

NW NW 9 106 59

NOT TO SCALE



RECEIPT

413535

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, December 10, 19 92RECEIVED OF St. Charles Church, Artesian, SD 57314

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

Fee for Application for Permit No. <u>5731-3</u> to Appropriate Water, to construct 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 _____		

(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

August 10, 1992

Artesian Catholic Church
Artesian SD 57314

Dear Sir :

A well driller's report filed by Chase Well Drilling shows that they completed a new well for you. 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 or less gallons of water per minute (GPM), 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 September 10, 1992. You may contact Don Frye at 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

REPORT ON APPLICATION NO. 5731-3
for St. Charles Catholic Church
February 2, 1993

Application No. 5731-3 proposes to appropriate 15 gpm (0.033 cfs) from one well approximately 285 feet deep located in the NW 1/4 NW 1/4 of section 9, T106N R59W in Sanborn County. The water is for institutional use.

AQUIFER - CODELL SANDSTONE (CDLL)

The Codell Sandstone consists of a light gray, moderately hard, medium sandstone ranging in thickness from 0 to 120 feet in Sanborn County (Steece, 1965). The Codell is the upper member of the Carlile shale and lies stratigraphically just below the Niobrara chalk which is also considered an aquifer in this area. The Codell underlies 560 square miles and contains an estimated 716,800 acre feet of recoverable water in storage in Sanborn County (Hedges, 1982). The aquifer is confined (artesian conditions) and the well log submitted with the application indicates 45 feet of Codell was penetrated, the well was capable of producing 50 gpm and the static water level was 30 feet below land surface. This well is completed in accordance with SD Well Construction Standards.

The Division of Water Rights does not measure any observation wells completed into the Codell Sandstone in this immediate area. The nearest observation well completed into the Codell in Sanborn County is located about 17 miles southwest of this application. Water levels do not fluctuate significantly at that site. There are a number of observation wells completed into the Floyd East James and Niobrara aquifers in the area. The information available indicates that these two aquifers are not hydraulically connected to the Codell (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permit/right Nos. 5477-3 and 5480-3 located within the town of Artesian. Interference is not expected to be a concern because of the relatively small diversion rates and the distance between wells. The Codell is widely used as a domestic water source in Sanborn County.

CONCLUSIONS

1. Water is available from the Codell aquifer.
2. The aquifer is confined and under artesian conditions. Interference is not expected to be a concern because of the small diversion rates and the distance (greater than 660 feet) between wells. Pumping will cause fluctuation in the water levels but this should not adversely affect the water supply from the Codell.

3. The well is completed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

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

Water Rights, 1993, Unpublished Observation Well Records for Sanborn County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5731-3, St. Charles Catholic Church

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. 5731-3, St. Charles Catholic Church, c/o Rev. Gerald Thury, Artesian, SD 57314.

The Chief Engineer is recommending APPROVAL of Application No. 5731-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
February 3, 1993



**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 18, 1993

Rev. Gerald Thury
St. Charles Catholic Church
Artesian, SD 57314

Dear Mr. Thury:

Water Permit Application No. 5731-3 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 Artesian Commonwealth printed at Woonsocket, SD (Ph # 796-4221). 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
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 18, 1993

Artesian Commonwealth
Box 218
Woonsocket, SD 57385

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5731-3 to be published twice. Please publish the first notice on February 25, 1993, 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 St. Charles Catholic Church, Artesian, SD 57314 (Ph # 527-2526).

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 February 25, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5731-3 to Appropriate Water

Notice is given that the St. Charles Catholic Church, Artesian, SD 57314 has filed an application for a water permit to appropriate 15 gallons per minute (0.033 cubic feet of water per second) from one well (Codell Sandstone Aquifer) 285 feet deep located in the NW 1/4 NW 1/4 Section 9-T106N-R59W. The water is for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5731-3 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 15, 1993. 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. 5731-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 24, 1993, 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 24, 1993, 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 24, 1993, 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 15, 1993.

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 Eric Gronlund by March 15, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Sanborn)



I, Gerald W. Klaas

certify that the attached printed Notice was

taken from the Artesian

Commonwealth

printed and published in Woonsocket

County of Sanborn and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

Feb. 25, 1993

March 4, 1993

Cost of Printing: \$ 66.67

Gerald W. Klaas
 (Signature)

Printisher
 (Title)

March 4, 1993
 (Date Signed)

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) approved with qualifications, 3) defer, 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 Eric Gronlund by March 15, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

A23-21

NOTICE OF HEARING on Application No. 5731-3 to Appropriate Water

Notice is given that the St. Charles Catholic Church, Artesian, SD 57314 has filed an application for a water permit to appropriate 15 gallons per minute (0.033 cubic feet of water per second) from one well (Codell Sandstone Aquifer) 285 feet deep located in the NW 1/4 NW 1/4 Section 9-T106N-R59W. The water is for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5731-3 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 15, 1993. 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. 5731-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 24, 1993, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol Pierre, SD. If this application is opposed or the recommendation is contested, the March 24, 1993, 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 24, 1993, 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 a automatic delay must be filed by March 15, 1993.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

Rev. Gerald Thury
St. Charles Catholic Church
Artesian, SD 57314

Dear Rev. Thury:

Enclosed is Water Permit No. 5731-3 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

REPORT ON INSPECTION OF PERMIT NO. 5731-3

DATE OF INSPECTION: 7-24-96

Other permit(s) associated with the project: none

NAME & ADDRESS OF INSPECTION CONTACT: Father Thury

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Priest of St. Charles Catholic Church

NAME & ADDRESS OF PERMIT HOLDER: St. Charles Catholic Church, Artesian, SD 57314

DIVERSION POINT LEGAL LOCATION: 790' south and 890' east of the NW corner Section 9, T106N, R59W in the SE¹/₄ NW¹/₄ Section 9.

WELL INFORMATION:

- 1) Well Drilling Firm: Chase Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 285 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 5 inches
- 2) Length 265 feet
- 3) Type pvc

Screen:

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

Pump:

- 1) Make submersible
- 2) Model #
- 3) Size #
- 4) Capacity 15 GPM

Motor:

- 1) Make submersible
- 2) Model No. #
- 3) Horsepower rating ½ hp

DISTRIBUTION LINES OR CANALS:

- 1) Type plastic
- 2) Size 1 inches
- 3) Length # feet

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit No. 5731-3
James River - Water District

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

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

I have this day, 7-24-96 made a thorough examination of the water use system constructed by St. Charles Catholic Church of Artesian, SD 57314 holder of Permit No. 5731-3, bearing the priority of December 10, 1992 authorizing the diversion of 0.033 cu. ft. per second of the waters of Codell Sandstone Aquifer for institutional purposes, in Sanborn County.

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

A. Works used to divert the water:

One well 285 feet deep with 265 feet of 5 inch pvc casing and 20 feet of pvc screen. The well has a submersible pump and motor with a 15 gpm capacity and $\frac{1}{2}$ hp.

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

1 inch plastic pipe

C. Works used to apply water to beneficial use:

Water supply for St. Charles Catholic Church.

The system is in the following condition good. The point of diversion is located 790 feet south and 890 feet east of the NW corner of Section 9, T106N, R59W in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9. The works are capable of diverting and conveying to the place of use 0.033 cu. ft. per second of water which is to be used for institutional purposes.

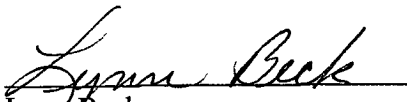
Water has been put to beneficial use to the maximum extent as follows:

Water supply for St. Charles Catholic Church

The license should be issued for 0.033 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none


Lynn Beck

Natural Resources Engineer
DENR, Water Rights Program

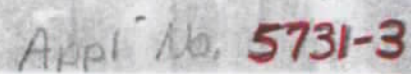
8-29-96
Date

57:15

NW NW 9 106 59

Gautier, Prosper

106-57



STATE OF SOUTH DAKOTA

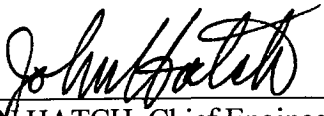
WATER LICENSE NO. 5731-3

(1) St. Charles Catholic Church, PO Box 23, Artesian SD 57314 made Application No. 5731-3, December 10, 1992 for a water permit to divert 0.033 cubic feet of water per second from groundwater (one well), Sanborn County, South Dakota for institutional purposes. Permit No. 5731-3, with a priority date of December 10, 1992 was approved March 24, 1993 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 0.033 cubic feet of water per second for beneficial use. The location of the diversion point is 790 feet south and 890 feet east of the northwest corner of Section 9-T106N-R59W (NW 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 St. Charles Catholic Church, PO Box 23, Artesian SD 57314 the holder and/or owner of Water Permit No. 5731-3 is issued a license to appropriate water, the right to use 0.033 cubic feet of water per second from groundwater (one well) with a priority date of December 10, 1992 from the location specified in (2) of this license, for institutional use. This license is subject to any limitations or qualifications listed in Water Permit No. 5731-3 and subject to South Dakota State Law.



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

DEC 26 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 13, 1996

5731-3

Pastor Gerald J. Thury
St. Charles Catholic Church
Artesian, SD 57314

Dear Pastor Thury:

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. 5731-3, 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 Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 1996

SECOND NOTICE
Permit No. 5731-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Pastor Gerald J. Thury
St. Charles Catholic Church
Artesian, SD 57314

Dear Pastor Thury:

On September 13, 1996, you were notified the final inspection fee of \$50.00 is due before Water License No. 5731-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

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

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5731-3

Pastor Gerald J. Thury
St. Charles Catholic Church
Artesian, SD 57314

4a. Article Number

P 378 080 536

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11/20/96

5. Received By: (Print Name)

Angeline Kining

6. Signature: (Addressee or Agent)

X Angeline Kining

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

RECEIPT

415187

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 25, 19 96

RECEIVED OF St. Charles Church, P.O.Box 23, Artesian, SD 57314

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>573103</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

DEC 26 1996

5731-3

Pastor Gerald J. Thury
St. Charles Catholic Church
P.O. Box 23
Artesian, SD 57314

Dear Pastor Thury:

Enclosed is Water License No. 5731-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415187 in the amount of \$50.00 which you paid for the investigation 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. 5731-3, 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

ks
enclosures