

WATER PERMIT NO. 5740-3

Phone: 448-5851

Name of Applicant: Kidder American Legion

Post Office Address: RR 1, Box 124, Britton SD 57430-9604

Amount of Water Claimed: 13 gpm -- 0.03 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: institutional County: Marshall

About 2 miles east of Kidder

PRIORITY Date Received: 1-20-93 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: SE 1/4 SE 1/4 Sec 22-T128N-R57W

Land to be Irrigated: _____

			22		
				(X)	

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

Depth of Well: 156 feet REMARKS: _____

Type of Map: aerial PREPARED BY: Harland Peterson, ASCS Reviewed and the Number

Assigned on: 1-20-93 By: Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 5740-3 Hydrologic Unit 10160005
Map No. _____ Basin James River
Newspaper The Britton Journal, Box 69, Britton**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 Kidder American Legion Phone No. 448-5851
 Post Office Address RR1 Box 124 Britton State S.D. 57430 9604
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 13 gpm (0.03 cfs)
3. Source of water supply Ground Water
4. Location of point of diversion White Township Section 22 128-52 S.E. Qtr.
SE 1/4 SE 1/4 County MARSHALL
5. Counties where water will be used MARSHALL
6. Annual period during which water is to be used Jan 1 thru 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)

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 Marshall)^{ss}

1. Larry Bosse, Commander - Kidder American Legion

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 Larry Bosse, Commander Am. LegionSubscribed and sworn to before me this 12th day of January 19 93

My Commission Expires November 2, 1995

Sharon E. Nelson
 Notary Public



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

See Well completion Report

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ 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 _____ On property owned by others 40 rods

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 required. 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 _____

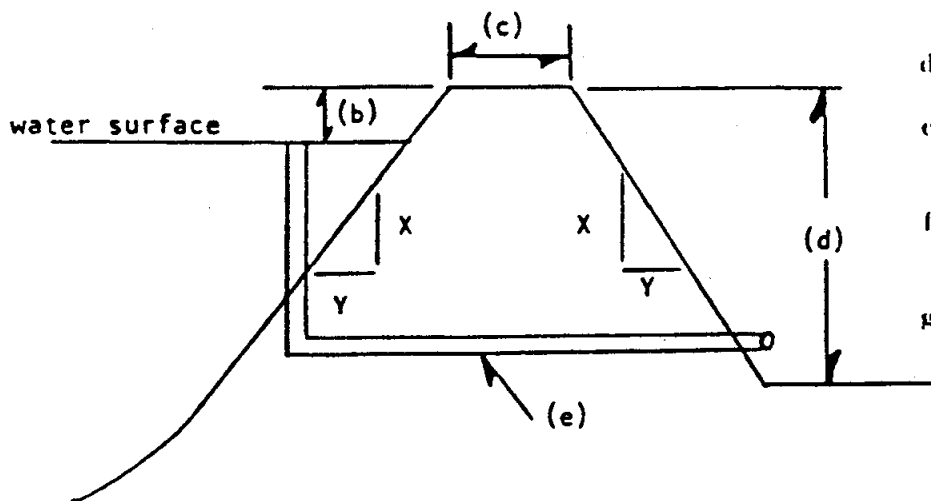
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



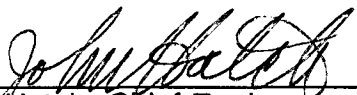
**SOUTH DAKOTA
WATER PERMIT NO. 5740-3**

Date of first receipt of application January 19, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5740-3 to Kidder American Legion, RR 1, Box 124, Britton SD 57430-9604 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. 5740-3 appropriates 13 gallons per minute (0.03 cubic feet of water per second) from one well 156 feet deep (Middle James Columbia Aquifer) located in the SE 1/4 SE 1/4 Section 22-T128N-R57W.
2. The water appropriated shall be used for the purpose of supplying water to the American Legion and may not exceed the amount of water needed for beneficial use for commercial use.
3. The water is to be used during the following described annual period: January 1- December 31.
4. The date of approval of Permit No. 5740-3 is April 20, 1993.
5. The date from which applicant may claim right is January 19, 1993.
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, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

MAY 19 1993
date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 SE 1/4 Sec 22 Twp 128 Rg 57County Pierre

North

W

E

1 mile

Please mark well location with "X"

Well Completion Date 3-5-88

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

Other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>4</u> IN	<u>#1</u> FT	<u>146</u> FT	<u>6 7/8</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? 35 ft FEETWhat is grouting material? cementIf cement, number of sacks? 2

Describe grouting procedure _____

What was grout weight? 100 lb / 6 gal LB/GALSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 4 IN Length 10 FEETMaterial plasticSlot Size .015 Set From 146 Feet To 156 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 ☐ NO

Laboratory sent to _____

Well Owner:

Name Kidder American Legion

Address _____

Well Log:

Depth

Formation

From

To

<u>top soil</u>	<u>0</u>	<u>2</u>
<u>yellow clay</u>	<u>2</u>	<u>21</u>
<u>blue clay</u>	<u>21</u>	<u>61</u>
<u>fine dark sand</u>	<u>61</u>	<u>67</u>
<u>blue clay</u>	<u>67</u>	<u>122</u>
<u>fine sand</u>		
<u>coarser at bottom</u>	<u>122</u>	<u>156</u>
<u>TD</u>	<u>156</u>	

STATIC WATER LEVEL 43 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: air pump
656 P.M.

Pumping Level Below Land Surface

<u>44</u> ft.	After <u>2</u> Hrs.	pumped <u>65</u> GPM
_____ ft.	After _____ Hrs.	pumped _____ GPM
_____ ft.	After _____ Hrs.	pumped _____ GPM

REMARKS:

This well was drilled under license # _____

And this report is true and accurate.

Drilling firm Lenius Well Drilling

Signature of License Representative: _____

Signature of Well Owner: _____

Date 3-5-88

RECEIPT

413599

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 20, 19 93RECEIVED OF Reisenweber - Wolf Post 298, RR 1, Britton, SD 57430

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

Fee for Application for Permit No. <u>5740-3</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

Appl. No. 5740-3

NOT TO SCALE



(Robert E. Parnow
Op)

128-57

(Andrew...
2...)

T1292 36L-L9

280.6

T1292

10.5
T1292
Olto Channel
(Jan 26 1993)

22

141.7
T1293

30.3
T1293

NHEI
2

21.2

NHEI
3

11.9

4 NHEI

19.6

NHEI
5

33.8

T1293
1158
Kennedy
Chapman

NHEI
6

128-57

Appl. No. 5740-3

Harland Peterson (CEO)
Marshall Co. ASD office

 **Department of
Water & Natural Resources**

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

March 28, 1988

X
Kidder American Legion
Sid Stiegelmeier, Commander
RR 2, Box 89
Britton SD 57430

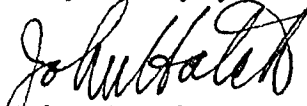
Dear Mr. Stiegelmeier:

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

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

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

Very truly yours,



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

cc: Well Driller

Enclosure

SOUTH Dakota Department of
Water & Natural Resources

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

November 6, 1990

KIDDER AMERICAN LEGION
SID STIEGELMEIER, COMM.
RR2 BOX89
BRITTON SD 57430

Dear MR. STIEGELMEIER, COMM.:

A well drillers report filed with this office by LENIUS WELL DRILLING indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information regarding what types of water use in South Dakota require obtaining a permit to appropriate water. Based on the type of water use specified on the well driller's report, you probably need a water permit.

I am enclosing application forms and an instruction sheet for preparing a water permit application. The completed application can be submitted with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501". Please respond by 12/7/90.

If you have questions or need assistance contact Regan Fanning, Natural Resource Analyst (605-773-3352).

Very truly yours,

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

enclosure



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 22, 1991

SID STIEGELMEIER, COMM.
KIDDER AMERICAN LEGION
RR2 BOX89
BRITTON SD 57430

Dear MR. STIEGELMEIER, COMM.:

I am writing to follow-up on my November 7, 1990 letter concerning the requirement to apply for a water permit.

Information we have indicates you may need a water permit to use water from your new well(s). A water permit must be obtained for any use of water other than domestic uses, such as individual farm or ranch use, not exceeding 18 gallons per minute during average daily use.

No response to the November 7, 1990 has been received. If you need assistance with completion of the application forms or if you do not believe you need a water permit, please contact Regan Fanning by March 29, 1991 at: Joe Foss Building, 523 E. Capitol, Pierre SD 57501-3181, (605) 773-3352.

Thank you for your attention to this matter.

Sincerely,

Ron Duvall
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 5, 1991

Kidder American Legion
RR
Kidder SD 57453

Dear Sir:

A well driller's report filed by Lenius Well Drilling shows that they completed a new well for your organization back in March 1988. Based on the information in the report, you may need a water permit. We have sent two previous letters to Kidder American Legion in care of Mr. Sid Stiegelmeier, and have received no reply.

1. A water permit must be obtained for any commercial use of water from a private well. 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.
2. Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by December 6, 1991, or contact Don Frye (605-773-3352) if you need assistance or if you don't believe your water use requires a permit.

Thank you for your attention to this matter.

Very truly yours,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 1992

Kidder American Legion
RR
Kidder SD 57453

Dear Sir:

I am writing to follow-up to my November 7, 1990, February 22, 1991 and November 5, 1991 letters regarding the legal requirement that you obtain a permit to appropriate water for use in your facility. **Without a water permit, you have no legal right to the use of water and the Chief Engineer can issue a shut off order if the illegal use of water continues.**

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 July 24, 1992. If you have questions or need assistance contact Don Frye, Natural Resources Analyst (605-773-3352).

Sincerely,

RON DUVAL, Natural Resources Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 1992

Larry Bosse
Kidder American Legion
RR
Kidder, SD 57453

Dear Mr. Bosse:

I am writing to follow up our phone conversation on September 24, 1992 and the most recent letter sent to you June 26, 1992 (copy enclosed). In our conversation you stated that during the October meeting a decision would be made as to whether or not the Legion would apply for a water permit.

Please inform us of the decision or complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501 by January 15, 1993. If you have questions or need assistance, please contact me at (605)-773-3352.

Sincerely,

RON DUVALL, Natural Resources Engineer
Water Rights Division
enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 1993

Larry Bosse, Commander
Kidder American Legion
RR 1, Box 124
Britton, SD 57430-9604

Dear Mr. Bosse:

I am writing in regards to the water permit application filed for the water use by Kidder American Legion. A report has been prepared on the application, however, the type of wastewater disposal system utilized needs to be specified prior to further processing of the application. Please answer the following questions to the best of your knowledge.

What type of wastewater disposal system is used at the Legion?
(ie. septic tank, drainfield)

Septic tank & drainfield

What is the capacity of the system? 1000 gallons

Approximate year of construction? early 1950's

Please complete and return this information in the enclosed envelope. Upon receipt of this information, the application's notice of hearing will be scheduled for publication.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

REPORT ON APPLICATION NO. 5740-3
for Kidder American Legion
February 25, 1993

Application No. 5740-3 proposes to appropriate 13 gpm (0.03 cfs) from one well approximately 156 feet deep located in the SE 1/4 SE 1/4 of section 22, T128N R57W in Marshall County. The water is for commercial use at the American Legion.

AQUIFER - MIDDLE JAMES COLUMBIA (MJ-C)

The Middle James Columbia is a confined glacial outwash (sand and gravel) under artesian conditions in this area. The aquifer underlies 95,400 acres and contains an estimated 715,500 acre feet of recoverable water in storage in Marshall County (Hedges, 1982). The aquifer extends into North Dakota to the north and into Brown County to the west. The driller's log submitted with the application indicates sand (aquifer) from 122 feet to 156 feet below land surface. The completed well had a static water level of 43 feet and was capable of producing 65 gpm using air to develop.

The Division of Water Rights monitors 15 observation wells completed into the Middle James Columbia aquifer in Marshall County. One of these wells, ML-70K, is located about 1 mile northwest of this application. Water levels for this well show good response to pumping by area high capacity wells with a maximum annual fluctuation of 25 feet. The long term trend for water levels at this site has been slightly downward but recharge is also evident from the hydrograph. The record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

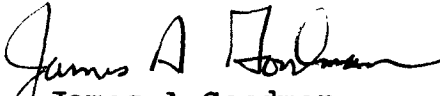
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 2205-3 (2 wells, 1.45 cfs) located about 3/4 mile west of this application. Interference is not a concern. Drawdown caused by this application will not be significant because of the small diversion rate.

CONCLUSIONS

1. Water is available from the Middle James Columbia aquifer.
2. The aquifer is confined and under artesian conditions. The water level record indicates that fluctuation occurs as a result of pumping. This well is constructed in a manner that will allow the lowering of a pump.
3. Interference is not expected to be a concern. The diversion for this application is relatively small and located far enough away from prior rights to minimize any potential effects.

4. The well was grouted with neat cement. This well completion was determined to be a violation of well construction standards but was accepted and no corrections requested (1988 letter to Lenius Well Drilling).
5. The wastewater system constructed in the early 1950's for this facility utilizes a 1000 gallon septic tank and drainfield.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

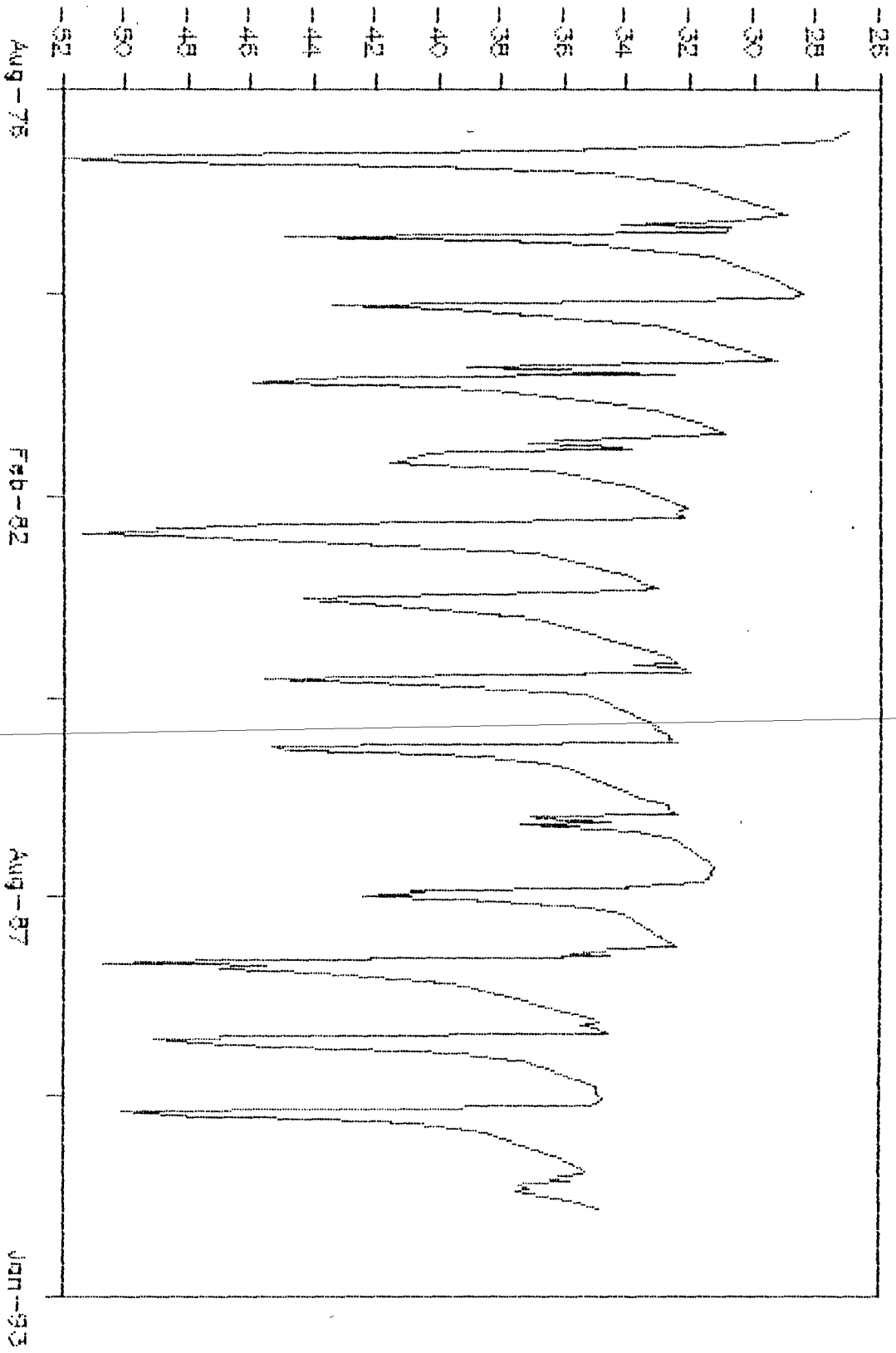
Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

WATER LEVEL (FEET)

WATER RIGHTS OBSERVATION WELL

ML-70K

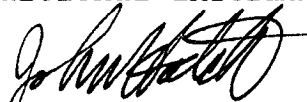


RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5740-3, Kidder American Legion

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. 5740-3, Kidder American Legion, c/o Larry Bosse, RR 1 Box 124, Britton, SD 57430.

The Chief Engineer is recommending APPROVAL of Application No. 5740-3 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.


JOHN HATCH, Chief Engineer
March 4, 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.

March 16, 1993

Larry Bosse, Commander
Kidder American Legion
RR 1 Box 124
Britton, SD 57430-9604

Dear Mr. Bosse:

Water Permit Application No. 5740-3 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 Britton Journal printed at Britton, SD (Ph # 448-2281). 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

March 16, 1993

The Britton Journal
Box 69
Britton, SD 57430-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5740-3 to be published twice. Please publish the first notice on March 24, 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 Kidder American Legion, RR 1 Box 124, Britton, SD 57430-9604 (Ph # 448-5851).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of
Hearing to Appropriate Water by Application No. _____ which was first
published in our issue of _____. ENCLOSED IS A COPY OF THIS
FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on March 24, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5740-3 to Appropriate Water

Notice is given that Kidder American Legion, RR 1 Box 124, Britton, SD 57430-9604 has filed an application for a water permit to appropriate 13 gallons per minute (0.03 cubic feet of water per second) from one well 156 feet deep (Middle James Columbia Aquifer) located in the SE 1/4 SE 1/4 Section 22-T128N-R57W. The water is for commercial use at the American Legion.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5740-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 12, 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. 5740-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 20, 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 April 20, 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 April 20, 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 April 12, 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 April 12, 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.

2T(Mar. 24-31)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Marshall) ssI, Charles L. Gard

certify that the attached printed Notice was

taken from the Britton Journalprinted and published in BrittonCounty of Marshall and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:March 24, 1993March 31, 1993Cost of Printing: \$54.26Charles L. Gard
(Signature)publisher

(Title)

March 31, 1993

(Date Signed)

NOTICE OF HEARING
on Application No. 5740-3
to Appropriate Water

Notice is given that Kidder American Legion, RR 1 Box 124, Britton, SD 57430-9604 has filed an application for a water permit to appropriate 13 gallons per minute (0.03 cubic feet of water per second) from one well 156 feet deep (Middle James Columbia Aquifer) located in the SE 1/4SE1/4 Section 22-T128N-R57W. The water is for commercial use at the American Legion.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5740-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 12, 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.

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April 20, 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 April 12, 1993.

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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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

Larry Bosse, Commander
Kidder American Legion
RR 1 Box 124
Britton, SD 57430-9604

Dear Mr. Bosse:

Enclosed is Water Permit No. 5740-3 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

2005 South Dakota Water Use Questionnaire

To:

Address correction requested:

KIDDER AMERICAN LEGION
RR 1 BOX 124
BRITTON SD 57430 9604

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5740-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: MARSHALL

Aquifer: MIDDLE JAMES

Pumping Pt. Legal: SEC 22-T128N-R57W

Management Unit: COLUMBIA

Type of Water Use: COMMERCIAL

1) Please estimate your year 2005 water use from the above water source: 0 gallons

2) If no water use in 2005, please list the reason(s) why in the comments section.

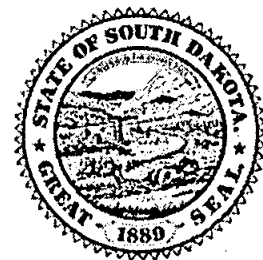
Comments:

The White Townships now
operates the building. (See below)

Contact Person:

Jim Eye

Telephone No:

448-5728

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

RECEIVED

FEB 21 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 28, 2006

No. 5740-3

Jim Eye
42431 104th St
Britton SD 57430

Dear Mr. Eye:

The 2005 SD Water Use Questionnaire for Water Permit No. 5740-3 currently listed in the name of Kidder American Legion was returned to our office indicating that White Township now operates the building and that you were the contact person. The questionnaire and a partially completed "Notice of Transfer" form for use in filing a transfer on Water Permit No. 5740-3 are enclosed.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form and questionnaire to our office. A filing fee of \$2.50 is required for the transfer.

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 16, 2006

No. 5740-3

Jim Eye
42431 104th St
Britton SD 57430

Dear Mr. Eye:

On February 28, 2006, I wrote you concerning Water Permit No. 5740-3 listed in the name of Kidder American Legion. The return of the 2005 SD Water Use Questionnaire indicated that White Township now operates the building and you were the contact person. This is a reminder that we have not received the *Notice of Transfer of Ownership* form.

Enclosed is another partially completed *Notice of Transfer of Ownership* form. The transfer form should be completed, checked over for accuracy and **signed by the new owner.** Upon completion, return the form to our office with a required filing fee of \$2.50.

It is important to us to keep our records current. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5740-3

Date: 8-3-06

I/We request that Water Permit No. 5740-3

formerly owned by: Kidder American Legion

be transferred to: (name & address) White Township % Douglas Chapin / Clerk
42813 103^N ST
Britton SD 57430 Telephone No. 605 448-2923

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

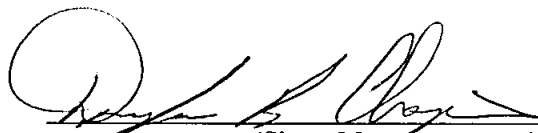
one well - SE 1/4 SE 1/4 Section 22-T128N-R57W

I/We understand that the validity of Water Permit No. 5740-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We White Township, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIVED
AUG - 4 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 4, 20 06

RECEIVED OF Treasurer of White Township, 42813 103rd St., Britton SD 57430

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	2	50
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 <u>5740-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02522

By

Darland Ebel

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 4, 2006

5740-3

Douglas Chapin
White Township
42813 103rd St
Britton SD 57430

Dear Mr. Chapin:

Thank you for following up on the ownership change for Water Permit No. 5740-3. The transfer has been completed. The water permit formerly listed in the name of Kidder American Legion is now listed in the name of White Township.

Enclosed is your Receipt No. 02532 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure