

WATER PERMIT NO. 5770-3

Phone: 605-486-4752

Name of Applicant: Margaret Thuringer - Chinatown

Post Office Address: HC 1, Box 25, Eden SD 57232 12/98 SD 25

Amount of Water Claimed: 0.06 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Marshall

About _____ miles _____ of _____

PRIORITY Date Received: 2-4-91 Fee: \$50.00 Remarks: _____

Corrected Application Received: 5-18-93 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 SW 1/4 Sec 22-T125N-R55E

Land to be Irrigated: _____

			22		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 43 feet REMARKS: no well log available

Type of Map: aerial PREPARED BY: Marjorie Fredenthal Reviewed and the Number

Assigned on: 5-19-93 By: Karen Schlaak

RF

No. <u>5770-3</u>	Hydrologic Unit <u>1016001D</u>
Map No. _____	Basin <u>James River</u>
Newspaper <u>The Britton Journal, Box 69</u>	

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

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

Type of Application: Check one or more of the following

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



1. Name of Applicant Margaret Thuringer ChinaTown Phone No. 605-486-4752
Post Office Address HCO1 Box 25 Eden State SD 57232
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) less than 30 gals per min. (0.06 cfs)
3. Source of water supply well - ground water
4. Location of point of diversion MAP
Eden Township Sec. 22 Township 125 Range 55
SE 1/4 S.W. 1/4 on 1.90 acres. County Marshall
5. Counties where water will be used Marshall
6. Annual period during which water is to be used year around 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)

*Water is used at Chinatown to wash bar glasses, scrub floors, and two public bathrooms.
It is used at the mobile home in which we live.*

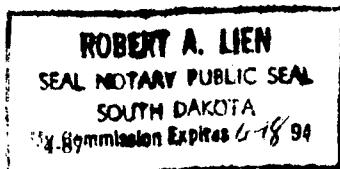
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed (see instruction)

STATE OF SOUTH DAKOTA)
County of Marshall) ss

I, Margaret Thuringer 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 Margaret Thuringer

Subscribed and sworn to before me this 1st day of Feb 19 91



Robert A. Lien
Notary Public



Supplemental Information

(type or print in ink)

1. Well Information -- Proposed construction

- a) Drill Hole Diameter 5 inch Depth 43 ft.
- b) Casing Type Steel Diameter 2 1/2 inch Thickness .188
- c) Screen Type Plastic Diameter 1 1/4 inch Thickness .188
- d) Gravel Pack Thickness None Length of Gravel Pack -
- e) Depth to Top of Water Bearing Material 3.5 ft.
- f) Depth to Water (ground surface to water level) 1.5 ft.
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 300 ft.

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 _____

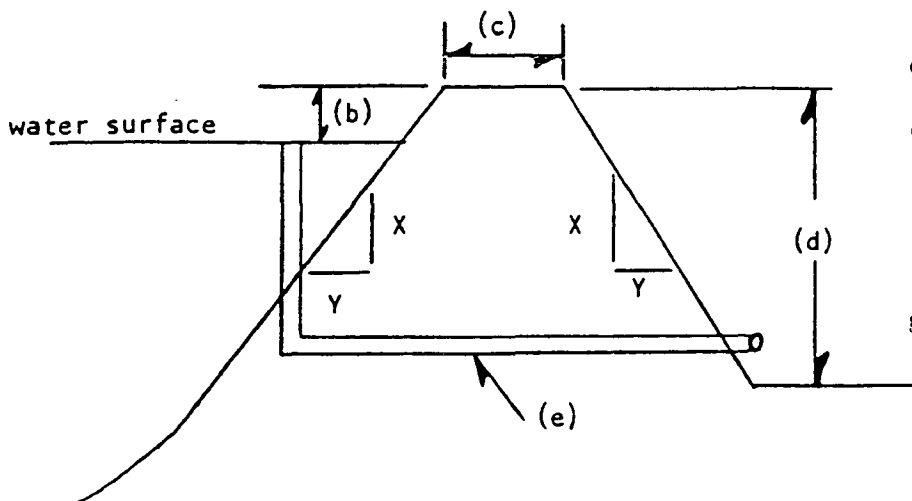
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Margaret Thuringer
Signature of Applicant

**SOUTH DAKOTA
WATER PERMIT NO. 5770-3**

Date of first receipt of application February 4, 1991.

Date of return to applicant for corrections, amendments or changes February 6, 1991.

Date of receipt of corrected application May 18, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5770-3 to Margaret Thuringer, China Town, HC 1, Box 25, Eden SD 57232 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. 5770-3 appropriates 30 gallons per minute (0.06 cubic feet of water per second) from one well (Pleistocene Unknown) 43 feet deep located in the SE 1/4 SW 1/4 Section 22-T125N-R55W.
2. The water appropriated shall be used for the purpose of supplying water to the business and a mobile home and may not exceed the amount of water needed for beneficial use for commercial and domestic 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. 5770-3 is July 13, 1993.
5. The date from which applicant may claim right is May 18, 1993.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

AUG 10 1993
date

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DIVISION OF
PUBLIC RIGHTS
Harris, MD
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Edmund Kirby

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Adolph Scher
Robert & Catherine
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Rudolph Hartman
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John
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CRP
1988-97
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T2464

4-220
Gerald
Michael

105-55

well

Margorie Freudenthal
Acting, C.E.D.
Marshall Co. ASC Office
Britton SD

5770-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

December 6, 1984

China Town Bar & Cafe
Eden, SD 57232

Dear Mr. Thuringer:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for China Town Bar & Cafe.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

Kevin C. Larson

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures



Department of Water & Natural Resources

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

April 25, 1985

NOTICE

China Town Bar & Cafe
Eden, South Dakota 57232

Dear Mr. Thuringer:

December 6, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a restaurant. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

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

S519.WR



Department of Water & Natural Resources

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

NOTICE

January 30, 1986

G. Thuringer
China Town Bar & Cafe
Eden, SD 57232

Dear Mr. Thuringer:

December 6, 1984 and April 25, 1985 we notified you that state law requires a water permit for water use by your business. We have not received an application from you for the required water permit. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, if you wish to continue to use water during 1986, you will need to have an application on file prior to April 1, 1986.

The filing fee for use of 45 gallons per minute or less is \$50.00. The applicant must pay the cost of advertising. If your water system has been in continuous use since prior to 1955, it may qualify for a vested right. The filing fee for a vested right is \$10.50.

If you need any help in preparing the application, map or additional forms, please contact us.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

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

S522.wr

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☒ Show to whom and date delivered —¢
☐ Show to whom, date, and address of delivery.. —¢

2. ☐ **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:** G. Thuringer
China Town Bar & Cafe
Eden, SD 57232

4. **TYPE OF SERVICE:**

- ☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

P 614 819 577

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. *Margaret Thuringer*
DATE OF DELIVERY
2-3-84

POSTMARK

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S
INITIALS**

DA

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

China Town Bar & Cafe

WATER RIGHTS DIVISION
(605) 773-3352

May 23, 1986

Margaret Thuringer
China Town Bar and Cafe
Eden, South Dakota 57222

Dear Ms. Thuringer:

This letter is in response to your \$50.00 check received April 2, 1986. The check cannot be cashed until a permit application is received. The following information needs to be completed before processing can begin on your application.

1. Enclosed are two copies of Form 2 and 2A which need to be completed, signed, and notarized. The number of gallons per minute of water produced by the well must be specified in Question No. 2 and Form 2.
2. Mark the location of the well on the enclosed map and sign the map.
3. Any information on the well construction needs to be completed on the two copies of form 2A. A well log from the well driller also needs to be submitted with the application.

Please complete and return the enclosed forms and contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

June 10, 1986

Margaret Thuringer
China Town Bar and Cafe
Eden, South Dakota 57222

Dear Ms. Thuringer:

Enclosed is the \$50.00 check you remitted regarding the application to obtain a water permit. The check cannot be cashed until a completed permit application has been received. On May 23, 1983, application forms and instructions were sent to you in response to receipt of your \$50.00 check. The application has not yet been received; therefore, I am returning the check. A new fee will need to be submitted along with the permit application.

If the application forms sent on May 23, 1986, did not arrive or were misplaced, contact us to obtain a second set of forms.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



Eden, South Dakota
December 15, 1990

Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Duvall

Enclosed are some information sheets which I have filled out the best I know.

Another sheet asks for a permit application. Somewhere it stated that a pump that doesn't exceed 18 gallons per minute doesn't have a permit. Did I read it correctly?

We are registered as a bar and cafe. We use the water in our mobil home on the same lot and for the bathrooms in the business. But as for the business the cafe consists of baked pizzas and micro-wave sandwiches. The bar drinks which require water for a mix I use bottled spring water. We have been using bottled water for years because of my ~~the~~ husband's health. So I use spring water for the few bar drinks when required.

I have been sending in my well water samples to the state testing and they come back safe. Please advise me what to do next. Sincerely, Margaret Thurgood

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412526

Pierre, February 5, 1991

RECEIVED OF Margaret Thuringer, HC 1 Box 25, Eden, SD 57232

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

Fee for Application for Permit No. 5770-3 to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for (Any Other Work Provided by Law)		
Total	50	00

By

John Hatch (Mr.)
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 6, 1991

Margaret Thuringer
Chinatown
HC 01, Box 25
Eden SD 57232

Dear Ms. Thuringer:

This letter is in regard to your water permit application received on February 4, 1991 for Chinatown. Before we can process your application further, a well log signed by a licensed South Dakota well driller needs to be submitted. If a well log is available for the existing well, please submit it. If not, you should be able to contact the person who drilled your well for a copy of this log.

Upon receipt of the well log, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Natural Resources Analyst
605 773-3352

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 10, 1991

Margaret Thuringer
Chinatown
HC 01, Box 25
Eden SD 57232

Dear Ms. Thuringer:

On February 4, 1991, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use at Chinatown. You were notified on February 6, 1991 that the application was incomplete until we received a copy of the well log signed by a licensed South Dakota well driller. To date, we have not received a response from you.

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

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Margaret ChuringerADDRESS: Eden COUNTY _____DATE: 6-11-91 TELEPHONE _____RE: Application for Chinatown - well log

COMMENTS:

Mrs Churinger called stated they only information she had on her well was what she had put on the Form 2A. She tried to contact the well driller (who hasn't been in business for several years) with no results.

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: Karen Schaeck



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 11, 1991

Margaret Thuringer
Chinatown
HC 01, Box 25
Eden SD 57232

Dear Mrs. Thuringer:

In regard to your water permit application received on February 4, 1991, enclosed is the aerial photo submitted with your application. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

You stated in our phone conversation this morning that you have attempted, with no results, to obtain a copy of the well log from the person who drilled your well. Since the well log can not be obtained, we will continue processing the application with the information available, as soon as the signed map is returned.

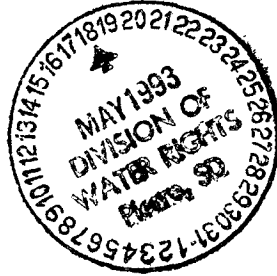
If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 29, 1993

Margaret Thuringer
Chinatown
HC 01, Box 25
Eden SD 57232

Dear Ms. Thuringer:

On February 1, 1991, you submitted an application (copy enclosed) for a permit to appropriate water for commercial use. You were notified on June 11, 1991 (copy enclosed) that the application was incomplete and were instructed what additional information was necessary in order to complete the application. To date, we have not received a response from you.

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. If you no longer use water from a private water supply, please contact us and the \$50.00 filing fee which you submitted will be returned.

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

Karen Schlaak
Natural Resources Analyst
(605) 773-3352

enclosure

REPORT ON APPLICATION NO. 5770-3
for Margaret Thuringer
May 26, 1993

Application No. 5770-3 proposes to appropriate 30 gpm (0.06 cfs) from one well approximately 43 feet deep located in the SE 1/4 SW 1/4 of section 22, T125N R55W in Marshall County. The water is for domestic and commercial use.

AQUIFER - PLIESTOCENE UNKNOWN (PSU)

The aquifer consists of surficial and buried outwash (sand and gravel). There is no estimate available for the amount of water in storage for this aquifer system. According to the information submitted with the application this well is completed to a depth of 43 feet and the aquifer was encountered at a depth of 35 feet. The well had a static water level of 15 feet below land surface. This would mean the aquifer is under confined or artesian conditions at this site.

The Division of Water Rights monitors one observation well ML-70Q completed into a surficial aquifer and located about 4 miles northeast of this site. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. This well is completed into the Coteau Lakes aquifer.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

There are no other existing water permits/rights in this area. Interference is not a problem. This is a small diversion rate and any drawdown caused by pumping will not be significant.

CONCLUSIONS

1. Water is available for this application. This well has been in use for many years with no problems.
2. Interference is not expected to be a concern.
3. The method of wastewater disposal for this facility is not known.



James A Goodman
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5770-3, Margaret Thuringer

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. 5770-3, Chinatown, c/o Margaret Thuringer, HC 1 Box 25, Eden, SD 57232.

The Chief Engineer is recommending APPROVAL of Application No. 5770-3 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 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 11, 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.

June 11, 1993

Margaret Thuringer
Chinatown
HC 1 Box 25
Eden, SD 57232

Dear Ms. Thuringer:

Water Permit Application No. 5770-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The 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
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, 1993

The Britton Journal
Box 69
Britton, SD 57430-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5770-3 to be published twice. Please publish the first notice on June 16, 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 Margaret Thuringer, HC 1 Box 25, Eden, SD 57232 (Ph # 486-4752).

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 June 16, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5770-3 to Appropriate Water

Notice is given that Margaret Thuringer, Chinatown, HC 1 Box 25, Eden, SD 57232 has filed an application for a water permit to appropriate 30 gallons per minute (0.06 cubic feet of water per second) from one well (Pleistocene Unknown) 43 feet deep located in the SE 1/4 SW 1/4 Section 22-T125N-R55W. The water is for domestic and commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5770-3 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, 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. 5770-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 13, 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 July 13, 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 July 13, 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 July 6, 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 July 6, 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(June 16-23)

NOTICE OF HEARING
on Application No. 5770-3
to Appropriate Water

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
County of Marshall)

I, Charles L. Gard

certify that the attached printed Notice was
taken from the Britton Journal

printed and published in City of Britton

County of Marshall and State of

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

June 16, 1993

June 23, 1993

Cost of Printing: \$54.26

Charles L. Gard
(Signature)

publisher

(Title)

June 23, 1993

(Date Signed)

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 10 1993

Margaret Thuringer
China Town
HC 1 Box 25
Eden, SD 57232

Dear Ms. Thuringer:

Enclosed is Water Permit No. 5770-3 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

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

MARGARET THURINGER
CHINATOWN, HC 1 BOX 25
EDEN SD 57232

Address correction requested:

Margaret Thuringer
12198 S D Hwy 25
Eden, South Dakota 57232

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5770-3. 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: PLEISTOCENE SERIES UNKNOWN

Pumping Pt. Legal: SEC 22-T125N-R55W

Management Unit: NOT APPLICABLE

Type of Water Use: COMMERCIAL

1) Please estimate your year 2000 water use from the above water source: _____ gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

The uses of my water was to water a small
garden and about 12 small evergreens during the
summer. I average about three loads of clothes per week.
Also for showering and toilet uses for myself. I haven't
been in business during 2000. I don't have a meter
so I don't have any idea as to the amount of
gallons I've used for myself. I live alone.

Contact Person:

Margaret Thuringer

Telephone No:

605 486 4752



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

Thank you for completing the 2000 water use questionnaire.

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



Permit No. 5770-3
James River - Water District

Other permit/license(s) associated with project: none

Contact Person & Address: Margaret Thuringer, 12198 SD Highway 25, Eden SD 57232

Report Of Examination Of Works

On, October 16, 2001, I made a thorough examination of the water use system constructed by Margaret Thuringer of 12198 SD Highway 25, Eden SD 57232 holder of Permit No. 5770-3, bearing the priority of May 18, 1993, authorizing the diversion of 0.06 cu. ft. per second of the waters of a Pilestocene Unknown well for commercial and domestic purposes, in Marshall County.

The system is in the following condition good. The point of diversion is located Well: from the SW corner of Section 22 in T125N-R55W it is 1582 feet east and 93 feet north with a longitude of -97.415909 and a latitude of 45.616784. The works are capable of diverting and conveying to the place of use 0.06 cu. ft. per second of water that is to be used for commercial and domestic purposes. The license should be issued for 0.06 cfs.

Review of 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 NA
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

- 1) Well Drilling Firm: John Vreckota Britton no longer in business
- 2) No. of Wells 1
- 3) Depth(s) 43 feet
- 4) Well log is available no

Casing:

- 1) Diameter 2.5 inches
- 2) Length unknown feet
- 3) Type Steel

Screen:

- 1) Type Plastic
- 2) Length unknown feet
- 3) Static water level 15 feet

Pump\ Motor:

- 1) Pump Make Fairbank Morse
- 2) Pump Model FM 5CT7 Convertible Pump

3) Capacity 27 GPM

4) Motor Make Fairbank Morse

5) Motor Model No. unknown

6) Horsepower rating 0.5 hp

Distribution System:

1) Type Plastic 2) Size unknown inches 3) Length unknown feet

Stacy J. Johnson

Stacy J. Johnson

Natural Resources Project Engineer

DENR, Water Rights Program

10-30-01

Date

Section 22 T125N-R55W



Center of Section

Well

It is located 1582 feet east and 93 feet north of the SW corner

Stacy J Johnson 10-26-09
Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program

0.2

0

0.2

0.4 Miles



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5770-3

(1) Margaret Thuringer, 12198 SD Highway 25, Eden SD 57232 made Application No. 5770-3, February 4, 1991 for a water permit to divert 0.06 cubic feet of water per second from groundwater (one well), Marshall County, South Dakota for commercial and domestic purposes. Permit No. 5770-3, with a priority date of May 18, 1993 was approved July 13, 1993 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

(2) It is certified that the permit holder 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 0.06 cubic feet of water per second for beneficial use. The location of the diversion point is 1,582 feet east and 93 feet north of the southwest corner of Section 22-T125N-R55W (SE ¼ SW ¼).

(3) The permit holder 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 Margaret Thuringer, 12198 SD Highway 25, Eden SD 57232 the holder and/or owner of Water Right No. 5770-3 is issued a license to appropriate water, the right to use 0.06 cubic feet of water per second from groundwater (one well) with a priority date of May 18, 1993 from the location specified in (2) of this license for commercial and domestic purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5770-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 07 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 2001

5770-3

Margaret Thuringer
12198 SD Highway 25
Eden SD 57232

Dear Ms. Thuringer:

On October 16, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5770-3, was completed by Stacy Johnson, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416980

Pierre, November 20, 2001

RECEIVED OF Margaret Thuringer, 12198 SD Hwy 25, Eden, SD 57232
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>5770-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Darland Erbe

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 07 2001

5770-3

Margaret Thuringer
12198 SD Highway 25
Eden, SD 57232

Dear Ms. Thuringer:

Enclosed is Water License No. 5770-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416980 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. 5770-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures