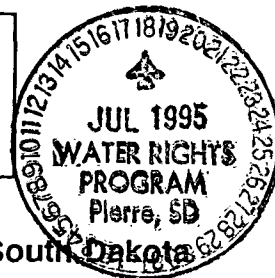


Assigned on: 7-19-95 By: Karen Schlaak

FORM 2: Application for uses other than irrigation
(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5872-3 Hydrologic Unit 10160011
Basin James River
Newspaper Woonsocket News, Box 218, Woonsocket
(office use only)



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

Check use of water:

☒ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other _____

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant FORESTBURG WELL CO Phone 495-4235
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 74 - Box 102 Forestburg State SD 57314
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.06 *CFS or 28 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply One well - 160 feet deep
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1,000' South and 200' East (NW1/4 NW1/4) from the NW1/4 corner of sec 1-T106N-R61W
County Sanborn
- County or counties where water will be used Sanborn
- Annual period during which water is to be used Jan 1 - Dec 31

7. Give a description of the 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)

This application is for the well constructed in 1989 by Pullman Well drilling. Well No. 1 covered by Vested Right No. 4322-3 is maintained as a stand by well. The other deep well (No. 2) has been abandoned.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of SANBORN ss

I, ROLAND PETESCH, 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 Roland Petesch

Subscribed and sworn to before me this 17th day of July 19 95

Raymond E. Matthes
Notary Public

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5872-3

(1) The Forestburg Well Company made Application No. 5872-3, July 18, 1995 for a water permit to divert 0.06 cubic feet of water per second from ground water (one Niobrara Formation well), Sanborn County, South Dakota for municipal purposes. Permit No. 5872-3, with a priority date of July 18, 1995 was approved September 25, 1995 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 0.06 cubic feet of water per second for beneficial use. The location of the diversion point is 1,000'S and 200'E of the NW corner of Section 1, T106N, R61W (NW ¼ NW ¼).

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

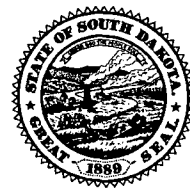
(4) Pursuant to South Dakota Water Law 46-5-30.1 the Forestburg Well Company, 140 W Bennett Ave., Forestburg, SD 57314 the holder and/or owner of Water Permit No. 5872-3 is issued a license to appropriate water, the right to use 0.06 cubic feet of water per second from ground water (one Niobrara Formation well) with a priority date of July 18, 1995 from the location specified in (2) of this license, and used for municipal purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5872-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 8 1998

date



Supplemental Information

(type or print in ink)

As constructed
1. Well Information - ~~Proposed Construction~~

- a) Drill Hole Diameter 8 3/4" Depth 160 ft
- b) Casing Type plastic Diameter 5 in Thickness _____
- c) Screen Type none Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 110 ft
- f) Depth to Water (ground surface to water level) 40 ft
- g) Distance to nearest existing domestic well:
On applicants property ≈ 200' On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

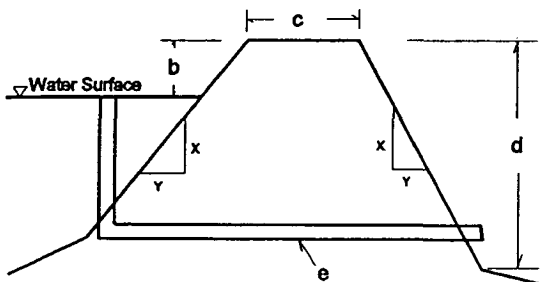
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 5872-3**

Date of first receipt of application July 18, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5872-3 to Forestburg Well Co., HC 74, Box 102, Forestburg 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. 5872-3 appropriates 28 gallons per minute (0.06 cubic feet of water per second) from one well (Niobrara Formation) 160 feet deep located in the NW 1/4 NW 1/4 Section 1-T106N-R61W.
2. The water appropriated shall be used for the purpose of supplying water to the Forestburg community and may not exceed the amount of water needed for beneficial use for municipal use 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. 5872-3 is September 25, 1995.
5. The date from which applicant may claim right is July 18, 1995.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

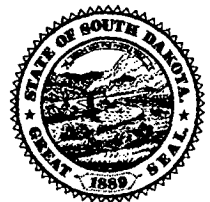
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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

WATER MANAGEMENT BOARD

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

DEC 18 1995

date

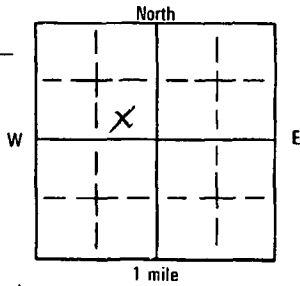


SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 NW 1/4 Sec 1 Twp 106 Rg 41County Sanborn

Please mark well location with an "X"

Well Completion Date 12-5-89

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>0</u> FT	<u>111</u> FT	<u>8 3/4</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? 111 FEETWhat is grouting material? CementIf cement, number of sacks? 11Describe grouting procedure Line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information open hole in chalkWas a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NOLaboratory sent to Sent in by City

Well Owner:

Name Forestburg Well Co.Address P.O. Box 4 Forestburg, SD 57338

Well Log:

Depth

Formation

From

To

Yellow Sand & Clay015Blue Clay w/ streaks1520Blue Clay2060Blue Clay w/ Sand Streaks6080Blue Clay80110Chalk110160TD 160'

REMARKS:

Pumps installedMar. 13 = 1990This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

R. E. Hall, Jr.

Signature of Well Owner:

Date

3-21-90

RECEIPT

414556

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 19 _____, 19 95

RECEIVED OF Forestburg Well Co, HC 74 Box 102, Forestburg, SD 57338

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

Fee for Application for Permit No. <u>5872-3</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 _____
Chief Engineer

John Haldeman

REPORT ON WATER PERMIT APPLICATION NO. 5872-3
for the Forestburg Well Company
August 8, 1995

Application No. 5872-3 proposes to appropriate 28 gpm (0.06 cfs) from one well approximately 160 feet deep located in the NW 1/4 NW 1/4 of section 1, T106N R61W in Sanborn County. The water is for municipal use for the Forestburg community.

AQUIFER - NIOBRARA FORMATION (NBRR)

The Niobrara Formation is described as a gray speckled calcareous clay-shale or marl. The Niobrara is as much as 80 feet thick and averages about 40 feet in thickness in Sanborn County (Steece, 1965). The Niobrara underlies most of Sanborn County and there is no estimate available for the amount of water in storage for the county. The aquifer is confined and under artesian conditions at this site. The driller's log submitted with the application indicates that the top of the Niobrara was at 110 feet below land surface with a total well depth of 160 feet. The well is cased to 111 feet and completed "open hole" below the casing. The well is constructed in accordance with SD Well Construction Standards. The well reportedly produced 50 gpm using air to develop and had a static water level of 40 feet below land surface.

The Water Rights Program monitors an observation well (SA-67E) located about 3 miles northwest of this application which is completed into the Niobrara Formation. Water levels for this well do not fluctuate very much but do indicate slight changes which can be attributed to climatic conditions. A hydrograph for this well is included with this report. In general, the water level indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area which also obtain water from the Niobrara Formation. There is an existing well for Forestburg School which is located a short distance south of this application. Interference is not expected to be a concern. These are all existing wells and have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Niobrara Formation.
2. The aquifer is confined and under artesian conditions. Drawdown will result from pumping but the diversions rate is relatively small and the magnitude of the drawdown should not be significant. Interference is not a concern.
3. The well as built is constructed in accordance with SD Well Construction Standards.

4. Forestburg will continue to use a deep well (Dakota Formation) under Vested Right Claim No. 4322-3 as a backup water supply.



James A Goodman
Natural Resources Engineer

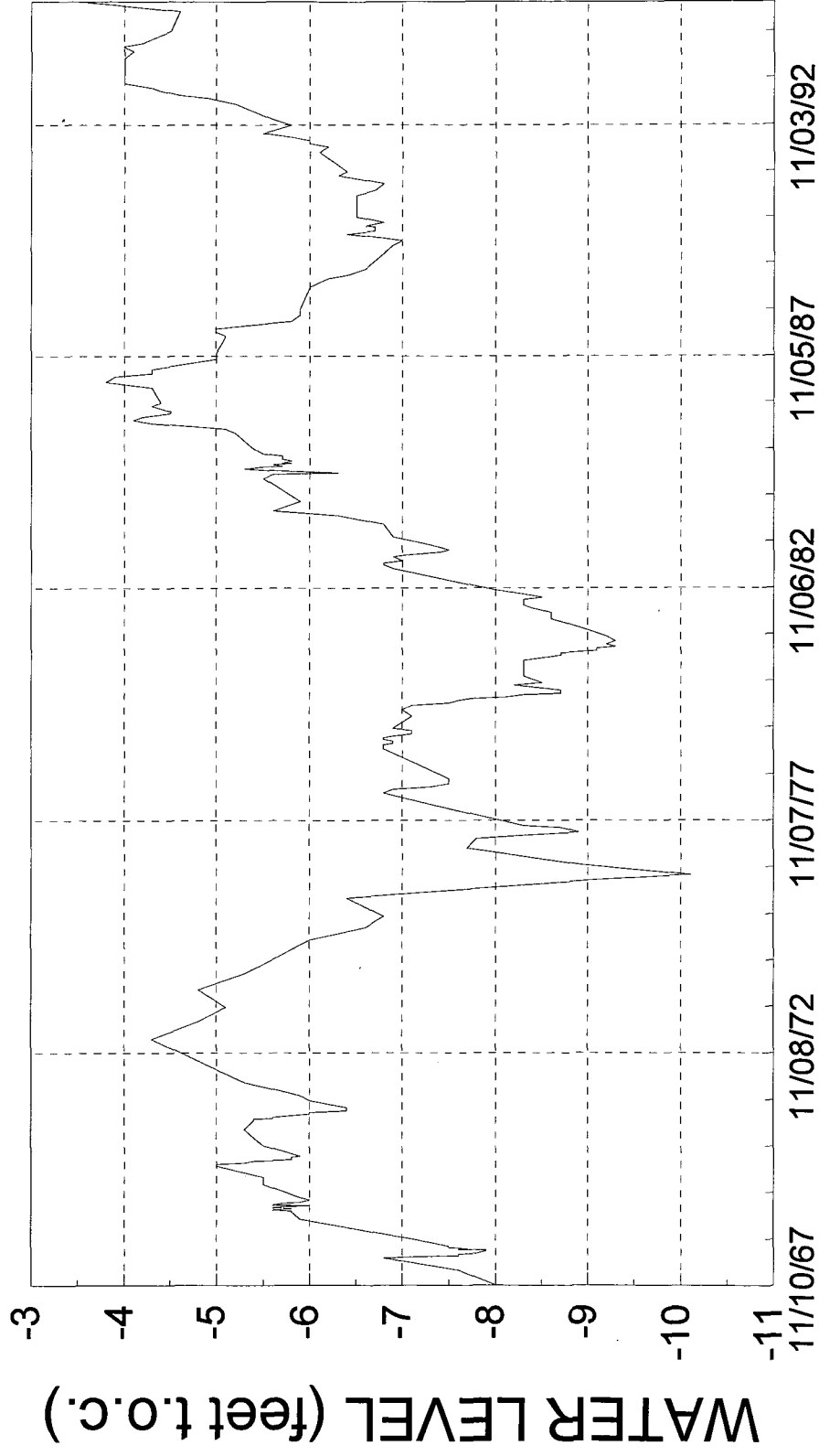
BIBLIOGRAPHY

Steece, F.V., L.W. Howells, 1965, Geology and Ground Water Supplies in Sanborn County South Dakota, Bulletin 17, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1995, Unpublished Observation Well Records for Sanborn County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

SA-67E



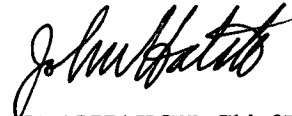
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5872-3, Forestburg Well Company**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5872-3, Forestburg Well Company, c/o Rolland Petesch, HC 74 Box 102, Forestburg, SD 57314.

The Chief Engineer is recommending APPROVAL of Application No. 5872-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
August 29, 1995



**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.

September 1, 1995

Rolland Petesch
Forestburg Well Company
HC 74 Box 102
Forestburg, SD 57314

Dear Mr. Petesch:

Notice of Application No. 5872-3 to Appropriate Water and Readvertisement of Notice of Intent to Validate Vested Water Right Claim No. 4322-3 has been sent to the Publisher of the Woonsocket News printed at Woonsocket, SD (Ph # 605-796-4221). 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
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.



September 1, 1995

Woonsocket News
Box 218
Woonsocket, SD 57385-0218

ATTENTION: Legal Department

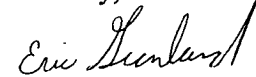
Enclosed is a Notice of Hearing on Application No. 5872-3 to be published twice. Please publish the first notice on September 7, 1995, with the second publication 7 days later.

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 Forestburg Well Company, c/o Rolland Petesch, HC 74 Box 102, Forestburg, SD 57314 (Ph # 605-495-4235).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 September 7, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5872-3 TO APPROPRIATE WATER AND
READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE
VESTED WATER RIGHT CLAIM NO. 4322-3

Notice is given that Forestburg Well Co., HC 74, Box 102, Forestburg SD 57314 has filed an application for a water permit to appropriate 28 gallons per minute (0.06 cubic feet of water per second [cfs]) from one well (Niobrara Formation) 160 feet deep located in the NW 1/4 NW 1/4 Section 1-T106N-R61W. The water is for municipal use for the Forestburg community.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5872-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation.

Notice is given that Vested Water Right Claim No. 4322-3, Forestburg Well Company is eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate this claim, as published on June 9 and 16, 1988 in the Woonsocket News, is necessary to correct errors in the previously published notice.

Vested Water Right Claim No. 4322-3 appropriates 0.13 cfs from one well located in the NW 1/4 NW 1/4 Section 1-T106N-R61W for municipal use. This well is currently used for standby purposes only. The priority date is January 1, 1913.

Any person interested in opposing or supporting this application or validation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation for Application No. 5872-3. The Chief Engineer's address is "Water Rights Program, 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 September 25, 1995. If a petition is filed, then a hearing will be scheduled and the Water Management Board will consider the water permit application and/or validation of the vested water right claim. Notice of the hearing will be given to the applicant and any person filing a petition.

The petition may be informal, but must include a statement describing the petitioner's interest in the application and/or validation, the petitioner's reasons for opposing or supporting the application and/or validation, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to Application No. 5872-3 and Vested Water Right Claim No. 4322-3 or a vested right claim list. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Sanborn) SS



I, Gerald W. Klaas

certify that the attached printed Notice was
 taken from the Woonsocket News

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:

9/7/95

9/14/95

Cost of Printing: \$53.60

Gerald W. Klaas
 (Signature)

Publisher
 (Title)

Sept. 14, 1995
 (Date Signed)

**NOTICE OF APPLICATION
 NO. 5872-3 TO
 APPROPRIATE WATER AND
 READVERTISEMENT OF
 NOTICE OF INTENT TO
 VALIDATE VESTED WATER
 RIGHT CLAIM NO. 4322-3**

Notice is given that Forestburg Well Co., HC 74, Box 102, Forestburg, SD 57314 has filed an application for a water permit to appropriate 28 gallons per minute (0.06 cubic feet of water per second (cfs)) from one well (Niobrara Formation) 160 feet deep located in the NW 1/4 NW 1/4 Section 1-T106N-R61W. The water is for municipal use for the Forestburg community.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5872-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation.

Notice is given that Vested Water Right Claim No. 4322-3, Forestburg Well Company, is eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate this claim, as published on June 9 and 16, 1988 in the Woonsocket News, is necessary to correct errors in the previously published notice.

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Any person interested in opposing or supporting this application or validation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation for Application No. 5872-3. The Chief Engineer's address is "Water Rights Program, 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 September 25, 1995. If a petition is filed, then a hearing will be scheduled and the Water Management Board will consider the water permit application and/or validation of the vested water right claim. Notice of the hearing will be given to the applicant and any person filing a petition.

The petition may be informal, but must include a statement describing the petitioner's interest in the application and/or validation, the petitioner's reasons for opposing or supporting the application and/or validation, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to Application No. 5872-3 and Vested Water Right Claim No. 4322-3 or a vested right claim list. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Permit No. 5872-3
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, **May 8, 1995**, made a thorough examination of the water use system constructed by **the Town of Forestburg (Rolland Petesch)** of **HC 74, Box 102, Forestburg SD 57314** holder of Permit No. **5872-3**, bearing the priority of **July 18, 1995** authorizing the diversion of **0.06** cu. ft. per second of the waters of **ground water (Niobrara Formation)** for **municipal** purposes, in **Sanborn** County.

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

A. Works used to divert the water:

Gould pump
Model 25 EL
1 hp submersible
pumps 28 gpm @ 30 psi

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

Town distribution system

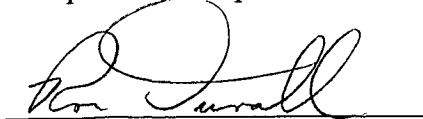
C. Works used to apply water to beneficial use:

Water is supplied to approximately 25 homes (60 to 70 people)

The system is in the following condition **fair**. The point of diversion is located **1,000 feet South and 200 feet East of the NW corner (NW1/4 NW1/4) section 1-T106N-R61W**. The works are capable of diverting and conveying to the place of use **0.06** cu. ft. per second of water which is to be used for **municipal purposes**.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **none** Date Report Completed: **October 24, 1995**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5872-3

Other permit(s) associated with the project: Vested Right No. 4322-3

DATE OF INSPECTION: May 8, 1995

NAME & ADDRESS OF INSPECTION CONTACT: Rolland Petesch, HC 74, Box 102, Forestburg SD

NAME & ADDRESS OF PERMIT HOLDER: Town of Forestburg (not incorporated)

DIVERSION POINT LEGAL LOCATION: 1,000 feet South and 200 feet East from the NW corner section 1-T106N-R61W (NW1/4 NW1/4)

WELL INFORMATION:

1) Well Drilling Firm: Pullman Well Drilling

Screen:

2) No. of Wells 1

1) Type none

3) Depth(s) 160 feet

2) Length na feet

4) Well log is available Y

3) Static water level 40 feet

5) Comment: Well completed 12/5/89

Pump:

Casing:

1) Make Gould

1) Diameter 5 inches

2) Model 25 EL

2) Length 111 feet

3) Size 1 hp, submersible

3) Type Plastic

4) Capacity 28 GPM @ 30 PSI

DISTRIBUTION LINES:

1) Water distributed via town distribution system -- serves approximately 25 homes (60 to 70 people)

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by Y

2) All structures, wells and lands on map Y

Water Rights Division -- File Documentation

NAME: Rolland Petesch, Town of Forestburg

ADDRESS: HC 74, Box 102, Forestburg SD 57314

DATE: June 30, 1995 COUNTY: Sanborn TELEPHONE: 495-4235

RE: Validation of Vested Water Right No. 4322-3

COMMENTS:

On May 8, 1995, an inspection was completed of Vested Water Right No. 4322-3 to assess the present status of water use authorized by the vested water right. Validation of the vested water right, in accordance with SDCL 46-2A-16, was delayed pending completion of an inspection.

Since the vested water right was not contested by the chief engineer or any other interested party, the Water Management Board must validate the vested right as published pursuant to SDCL 46-2A-16, provided the first publication was accurate. Any changes that are needed based on the inspection can be addressed by reissuing the water license or by readvertising the validation if the first published notice contained errors.

INSPECTION RESULTS:

1. The inspection found that one of the two wells specified on the vested right is used for standby purposes. Well No. 2 has been abandoned and could not be located.
2. According to Mr. Petesch, Forestburg now uses a well constructed in 1989 by Pullman drilling and the school is supplied by the "school" well which was completed in about 1964 or 1965. The well constructed in 1989 (well completion report on file) is 160 feet deep into the chalk and supplies 28 gpm @ 30 psi according to Jack Pullman.

RECOMMENDED ACTION:

1. Due to an error in the legal description of Well No. 1 (standby well), the vested right needs to be readvertised. The readvertisement also needs to reflect that the validation is for one well at a diversion rate of 0.13 cfs with a priority date of January 1, 1913. Following readvertisement the license can be reissued.
2. Water use in the school does not need to be permitted provided the diversion rate does not exceed 18 gallons per minute pursuant to SDCL 46-1-6(7). A new permit is needed for the 1989 well which now serves as the water supply for Forestburg.



Ron Duvall, Natural Resources Engineer
Water Rights Division



July 6, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Rolland Petesch
HC 74 Box 102
Forestburg SD 57314

Dear Mr. Petesch:

I am writing in response to an inspection I completed on May 8, 1995, of the wells used to supply water to the residents of Forestburg. Thank you for showing me the well locations and for providing valuable background information.

The inspection was completed to check on the status of two deep wells authorized by Vested Water Right No. 4322-3. One of the two wells has been abandoned and the other well is used for standby purposes. The present well used by Forestburg was constructed in 1989 by Pullman Well Drilling and, according to Jack Pullman, pumps at a rate of 28 gallons per minute. The 1989 well is not covered by a water permit. In addition, another well is used to supply the school. A water permit is not needed for the school well provided water use does not exceed 18 gallons per minute in the school.

As a result of the inspection, the following issues need to be addressed:

1. The well constructed in 1989 by Pullman Well Drilling is not covered by a water permit. Enclosed are partially completed permit application forms and an instruction sheet for your use. I have completed all of the questions except those designated with a red check mark. Please answer the questions with the red checks to complete the application forms. The application forms then need to be returned to the Water Rights Program with a \$50.00 application fee.
2. In June of 1988 a notice was published for Vested Right No. 4322-3 which contained an error regarding the legal descriptions of the two deep wells. This notice needs to be republished to correct the legal description. In addition, the notice will note that one well is no longer used and the other well is maintained as a standby well. We will draft this notice and send a copy to you for your review.

Please contact me at (605) 773-3352 if you have any questions. I will try to assist you through this process in any way possible. Thank you again for your assistance during the inspection.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 15, 1995

Rolland Petesch
Forestburg Well Co.
HC 74, Box 102
Forestburg SD 57314

Dear Mr. Petesch:

Regarding the publication notice for the Forestburg Well Co., I have contacted the Woonsocket News. I informed the paper that the Water Right Program was responsible for payment of this publication notice. The paper indicated they had already sent you the bill. They are going to send another bill for the publication to our office. Please ignore the bill sent to you.

If you have questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

PAYMENT REQUEST FORM

PAYEE: Woonsocket News
P.O. Box 218
Woonsocket, SD 57385

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Notice of Application No. 5872-2 to Appropriate Water and Readvertisement of Notice of Intent to Validate Vested Water Right Claim No. 4322-3 (\$53.60), and Publication of Notice of Hearing to Validate Vested Water Right Application No. 5876-3 to Appropriate Water and Readvertisement of Notice of Intent to Validate Vested Water Right Claim No. 2087-3 (\$58.03).

AMOUNT: \$111.63

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John Hatch

9-22-95

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

Rolland Petesch
Forestburg Well Co.
HC 74, Box 102
Forestburg SD 57314

Dear Mr. Petesch:

The Water Management Board has validated the enclosed Vested Water Right No. 4322-3. This validation gives legal status to the claim and is the final document for the town's vested right. Enclosed is Reissued Water License No. 4322-3. The license is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use (for standby purposes) based on a May 8, 1995 inspection of the system.

Also, enclosed is Water Permit No. 5872-3 authorizing the water diversion from the well drilled in 1989. The final inspection for this well was completed on May 8, 1995 and the Water License can now be issued. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the Water License will be sent to you.

If you have any questions, please contact Ron Duvall with this office.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 1998

5872-3

Rolland Petesch
Forestburg Well Company
HC 74 Box 102
Forestburg, SD 57314

Dear Mr. Petesch:

I am contacting you in regard to Water Permit No. 5872-3, held by the Forestburg Well Company. The permit authorizes use of water for municipal purposes from a 160 feet deep well drilled in 1989. At the time the permit was issued and forwarded to you, a \$50.00 fee was requested for the investigation and issuance of the water license.

It appears from reviewing your water permit, that we have neglected to follow-up on the licensing of Water Permit No. 5872-3. The investigation was completed prior to issuance of the permit and at this time the only requirement necessary is payment of the \$50.00 fee.

Please remit a total of \$50.00 as soon as possible. The check or money order should be made out to "Water Rights Program" and forwarded to our office at 523 E Capitol, Pierre, SD 57501. Please include the permit number on all your correspondence. Upon receipt of this fee, a water license will be issued thus completing your process of obtaining and perfecting a water right.

I apologize for not following up on this matter sooner. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Forestburg, SD
6/19/98

Dear Sirs:

It seems to me, when they inspected the well for the Permit that I sent them a check for \$50, please check this a little closer and I will see if I can find the check. Enclosed check for \$50.

Gover truly

Forestry Well Co
140 West Bennett
Forestry SD
87344





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 8 1998

5872-3

Rolland Petesch
Forestburg Well Company
140 W. Bennett Ave.
Forestburg, SD 57314

Dear Mr. Petesch:

Enclosed is Water License No. 5872-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415808 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. 5872-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

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enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415808

Pierre, June 23 19 98

RECEIVED OF Forestburg Well Co., 140 West Bennet Ave., Forestburg, SD 57338
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. 5872-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By _____
Chief Engineer

