

WATER PERMIT NO. 6787-3

Name of Applicant: Rose Faithe

Address: 617 N Summit, Sioux Falls SD 57104

Phone: 605 332-0237

Amount of Water Claimed: 0.13 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: geothermal heat

County: Minnehaha

Type of Waste Disposal System:

Location: Sioux Falls

PRIORITY

Date Received: 12-27-06

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: SW ¼ NW ¼ Sec 16-T101N-
R49W

Land to be Irrigated: NA

Depth of Well: 382 feet deep

Well Driller: : Dave Putzke Well Drilling

Remarks:

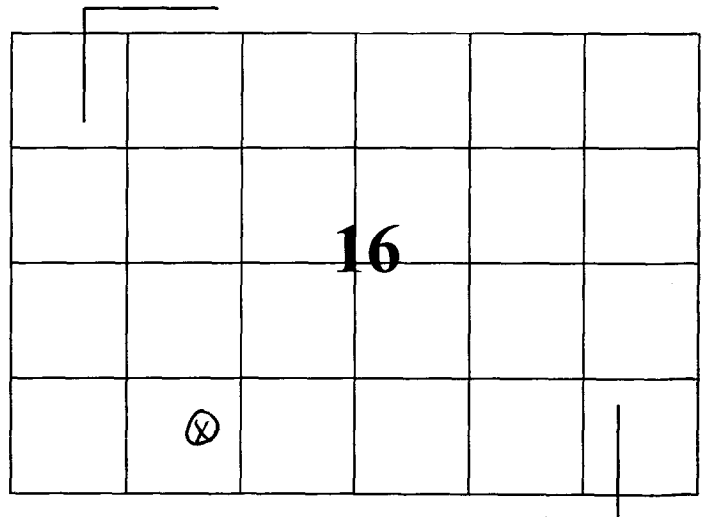
Type of Map: plat

Prepared by: Mark D Widerrich, PE

Reviewed and the Number Assigned on: 1-2-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6787-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Argus Leader, Sioux Falls SD</u> <u>605-331-2200</u> <u>57117</u>

RECEIVED
DEC 27 2006
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: (check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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.)

1. Name of Applicant Rose Faithe Phone (605) 332-0237
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 617 N. Summit Sioux Falls State SD 57104
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.13 *CFS or 60 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Minnehaha
Lot 1, Faithe Museum Addition to Sioux Falls, SD. Located in the NW 1/4 Section 16, Township 101N,
Range 49W (SW 1/4 NW 1/4)
5. County or counties where water will be used Minnehaha
6. Annual period during which water is to be used All year 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 well will be used as the source well for a geothermal heat pump system. This system will be used to heat and cool the 8,200 S.F. building adjacent to the well.

STATE OF SOUTH DAKOTA)
County of MINNEHAHA SS

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)

I, ROSE FAITHE, 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.

ASSIGNED Signature Rose Faithe

Subscribed and sworn to before me this 1 day of December 20 06

MY COMMISSION EXPIRES
9/18/2010

HATHY L. Down
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6787-3**

Date of first receipt of application December 27, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6787-3 to Rose Faithe, 617 N Summit, Sioux Falls SD 57104 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6787-3 appropriates 0.13 cubic feet of water per second from one well completed into the Sioux Quartzite Aquifer (382 feet deep) located in the SW 1/4 NW 1/4 Section 16-T101N-R49W.
2. The water appropriated shall be used for the purpose of geothermal heating and cooling purposes at the Museum of Visual Materials and may not exceed the amount of water needed for beneficial 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. 6787-3 is February 26, 2007.
5. The date from which applicant may claim right is December 27, 2006.
6. One-fifth of the construction is to be completed on or before August 26, 2009.
7. All construction is to be completed on or before February 26, 2011.
8. Water is to be put to beneficial use on or before February 26, 2015.
9. 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: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 01 2007

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 10" Depth 407'
- b) Casing Type Steel Diameter 6" Thickness 9.18LB/FT
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 23'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others N/A

2. Wastewater Disposal System Information

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

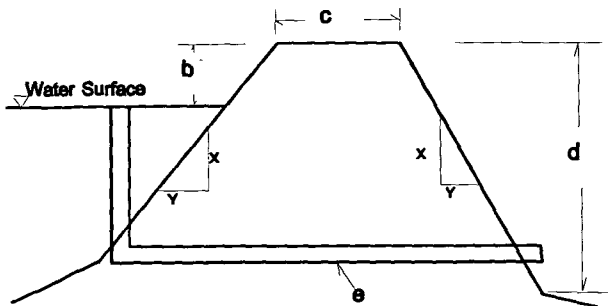
3. Dugout Information

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

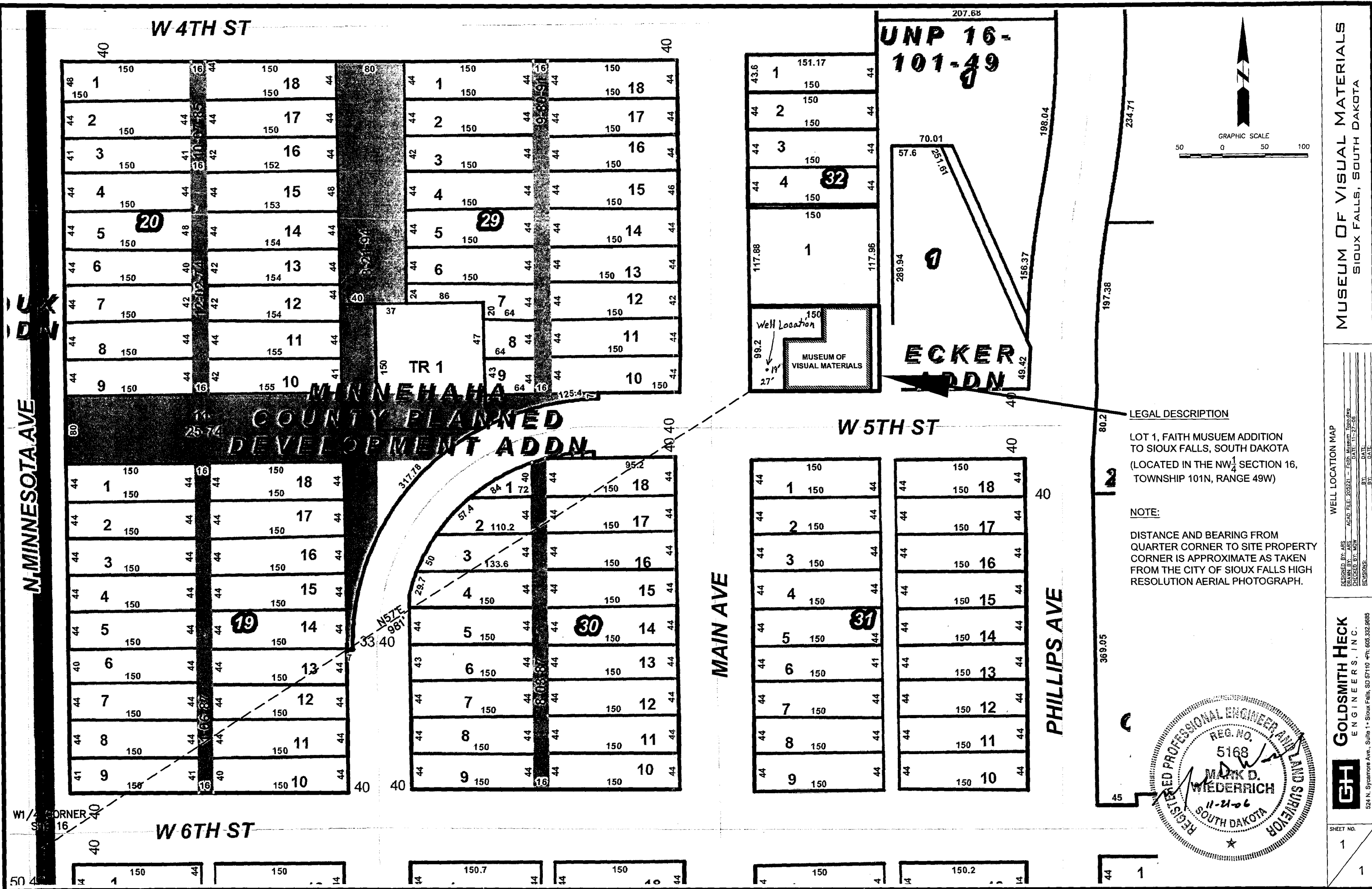
4. Water Storage Dams

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

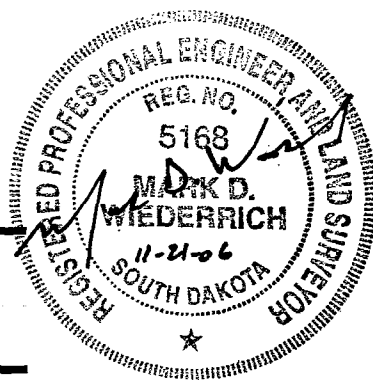


LEGAL DESCRIPTION

LOT 1, FAITH MUSUEM ADDITION
TO SIOUX FALLS, SOUTH DAKOTA
(LOCATED IN THE NW¹/₄ SECTION 16,
TOWNSHIP 101N, RANGE 49W)

NOTE:

DISTANCE AND BEARING FROM
QUARTER CORNER TO SITE PROPERTY
CORNER IS APPROXIMATE AS TAKEN
FROM THE CITY OF SIOUX FALLS HIGH
RESOLUTION AERIAL PHOTOGRAPH.



MUSEUM OF VISUAL MATERIALS
SIOUX FALLS, SOUTH DAKOTA

WELL LOCATION MAP
DESIGNED BY: ARS
ACAD FILE: 205521 - FAITH Museum, Sioux Falls
CHECKED BY: MOW
DATE: 11-27-06
REVISIONS: BY DATE

GOLDSMITH HECK
ENGINEERS, INC.
524 N. Sycamore Ave., Suite 1 • Sioux Falls, SD 57110 • PH: 605.332.9695

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 20 07

RECEIVED OF Puetz Corporation, PO Box 968, Mitchell SD 57301

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

Fee for Application for Permit No. <u>6787-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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. <u>6787-3</u>	50	00
Fee for Filing Transfer Form _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No.

02732

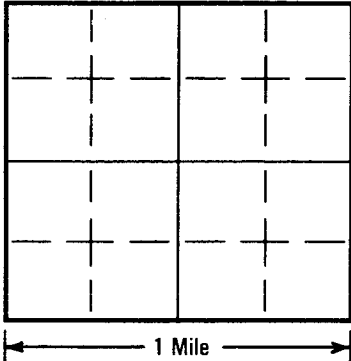
By

Darland Ebel
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NW 1/4 Sec 16 Twp 101N Rg 49W
 County Minnehaha
Sioux Falls, SD
 Please mark well location with an "X"
Lot 1, Fairhe W
Museum Addition
 Well Completion Date
9-21-06



Well Owner: _____
 Business Name: Museum of Visual Materials
 Address: 500 N. main
Sioux Falls, SD 57104

WELL LOG:

DEPTH

FORMATION

FROM

TO

top soil02yellow clay223Granite23382

LOCATION:

City Sewer

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

Geothermal

- ☐ Domestic/Stock ☐ Municipal ☒ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
P18 LB/FT 6 IN 0 FT 23 FT 10 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Portland 1* No. of Sacks 5 Grout Weight _____ lb./gal From 0 ft To 23 ft
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

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? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: 5 gallons OPLaboratory sent to for water quality analysis _____ NO, Why Not? ChlorineSTATIC WATER LEVEL 10 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: AIR☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

240 ft. After 48 Hrs. pumped 60 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm Dave Patoka well Drilling & repair Inc

Signature of License Representative:

Dave Patoka

Signature of Well Owner or Equitable Property Holder:

Ross FithieDate: 8/1/06

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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

October 31, 2006

Museum of Visual Materials
617 N Summit Ave
Sioux Falls SD 57104-2641

Dear Sir:

I am writing regarding well completion reports submitted by Dave Putzke Well Drilling & Repair, Inc. The reports show two wells have been completed for geothermal use at your business. State statutes provide that a water right permit be obtained for geothermal use of water except when being used for a single family household. Based on the information in the reports, you may need a water permit for this water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E Capitol, Pierre SD 57501. Please respond by December 1, 2006.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures

Consulting
Development
Architecture
Construction
Corporation
Mitchell, SD - 877-995-2276

Submittal Transmittal

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Museum of Visual Materials
110 West 5th
Sioux Falls, SD 57104

Project # 0516
Tel: Fax:

Date: 12/19/2006

Reference Number: 66

Transmitted To: Karen Schlaak
Water Rights Program
523 E. Capitol
Pierre, SD 57501
Tel: 605-773-3352

Transmitted By: Paul Williams
Puetz Corporation
800 North Kimball
Mitchell, South Dakota 57301
Tel: 605-996-2276
Fax: +1 (605) 996-9126

Item	Submit Package No.	Description	Due Date
1	01770-01 - - 0	Well water permit for non irrigation use	1/2/2007

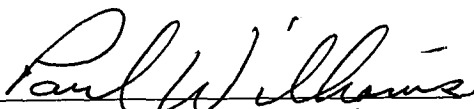
Submitted To	Submitted By	Working Name
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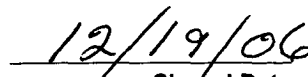
Approval

Item	Qty	Description
001	2	Application for Permit to Appropriate Water Within The State of South Dakota
002	2	South Dakota Water Well Completion Report
003	2	Map by registered professional engineer showing diversion in relation to a government section corner

Submitted By	Submitted By	Quantity
Puetz Corporation	Paul Williams	1

Remarks


Signature


Signed Date

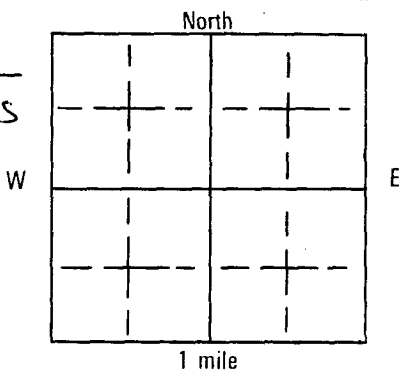
SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location SW 1/4 NW 1/4 Sec 16 Twp 101N Rg 49W 49W

Well Owner:

County

Minnehaha
City of Sioux FallsPlease mark well
location with
an "X"Lot 1, Faith
Museum
AdditionName Museum of Visual MaterialsAddress 500 N. Main
Sioux Falls, SD 57104

Plugging completion Date _____

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth

522'

Casing material

Steel

Casing size(s)

6"

Casing condition

New

Hole depth

Hole size

Describe plugging procedure:

Fill in w/ fine sand to 25'-522'0-25' slurry

Describe grout or plugging material: _____

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JAN - 4 2007

WATER RIGHTS
PROGRAM

Type of non-slip plug: _____

This well or test hole was plugged under license #

439

And this report is true and accurate.

Drilling firm

Dave Putzke Well Drilling & Repair Inc.

Signature of Licensed Representative

Dave Putzke

Signature of Well Owner

Roe Farthe

Date

12/7/06

1-2-07

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6787-3, Rose Faithe

ADDRESS: COUNTY: Minnehaha

DATE: January 26, 2007 TELEPHONE:

RE: Call to Paul Williams, HVAC consultant for Musuem 605 996-2276

COMMENTS:

I contacted Mr. Williams regarding how the water is to be disposed of once used for geothermal heating and cooling. He said the initial plan is to reinject the water but the first attempt to do so did not work very well. The next option is discharge to the city of Sioux Falls' storm sewer. I made him aware that the city would have to agree to this discharge to the storm sewer.

NAME: Eric Thornlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6787-3, Rose Faithe**

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. 6787-3, Rose Faithe, 617 N Summit, Sioux Falls SD 57104.

The Chief Engineer is recommending APPROVAL of Application No. 6787-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
January 26, 2007

NOTE: The applicant's consultant has indicated the plan is to reinject water back to the Sioux Quartzite. If water is to be reinjected, the Ground Water Quality Program should be contacted at (605) 773-3296 to discuss whether additional permitting is necessary. The other option is to discharge water to the City of Sioux Falls storm sewer. The city will need to be contacted and agree prior to water being discharged to the storm sewer.

REPORT ON WATER PERMIT APPLICATION NO. 6787-3

For Rose Faithe
January 22, 2007

Application No. 6787-3 proposes to appropriate 0.13 cfs (60 gpm) from one well approximately 382 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 16, T101N R49W in Minnehaha County. The water is for geothermal heating and cooling purposes at the Museum of Visual Materials.

AQUIFER – SIOUX QUARTZITE (SOUX)

The Sioux Quartzite consists of predominantly orthoquartzite with minor conglomerate and mudstone layers (Tomhave, 1994). The orthoquartzite portion of the formation, typically pale red to moderate red in color, consists predominantly of pink-colored, fine grains of quartz sand cemented to a nonporous quartzite by silica (Baldwin, 1949). The Sioux Quartzite is broken into blocks by well-developed jointing, both vertical and horizontal. Spacing of the joints varies greatly in exposure from a few inches to several feet apart (Tomhave, 1994). Ground water is both stored and transmitted by the joints and or fractures in the rock. There is no estimate for water in storage or for recharge to the rock available. Typically wells developed into the quartzite are low yield and have relatively small specific capacities. The quartzite underlies all of Minnehaha County and is probably (discharges into) hydraulically connected to the Big Sioux River, the Big Sioux aquifer, the Split Rock Creek and quartzite wash aquifers which also overlie the Sioux Quartzite at some locations (Lindgren, 1992). The aquifer appears to be under slightly artesian conditions at this site.

Test well drilling at this site indicates topsoil from 0 to 2 feet, yellow clay from 2 to 23 feet and quartzite from 23 to 382 feet all below land surface. The well was capable of producing 60 gpm using air to develop. The well had a static water level of 10 feet below land surface and yielded a specific capacity of about 0.26 gpm/ft of drawdown (this is a very low specific capacity). The well as built is in accordance with SD Well Construction Standards.

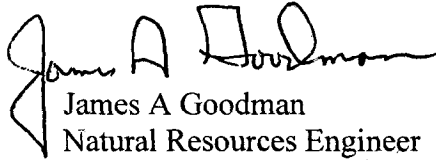
The Water Rights Program does not monitor any observation wells completed into the Sioux Quartzite in this area. Two observation wells (MA-80U and MA-80V) completed into the Quartzite wash are located about two miles to the northwest and one observation well (MA-80BA) completed into the Split Rock Creek aquifer is located about four miles east of this application. Water levels for these wells may be indicative of the Sioux Quartzite. Hydrographs for these wells area included with this report (Water Rights, 2007).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest permitted use for water from the Sioux Quartzite is located about 1,750 feet to the north. That existing right is No. 5491-3 (0.049 cfs) and is also for geothermal use. Interference is not expected to be a concern. These are both relatively low yield wells creating considerable drawdown within the pumped well but lateral effect is not expected to be significant at this distance between production wells.

CONCLUSIONS

1. Water is available from the Sioux Quartzite.
2. Interference is not expected to be a concern. At the distance between wells and the requested pump rates drawdown is not expected be adverse.
3. This well appears to have been constructed in accordance with SD Well Construction Standards.
4. The applicant's consultant has indicated the plan is to reinject water back to the Sioux Quartzite. If water is to be reinjected, the Ground Water Quality Program should be contacted at (605) 773-3296 to discuss whether additional permitting is necessary. The other option is to discharge water to the City of Sioux Falls storm sewer. The city will need to be contacted and agree prior to water being discharged to the storm sewer.

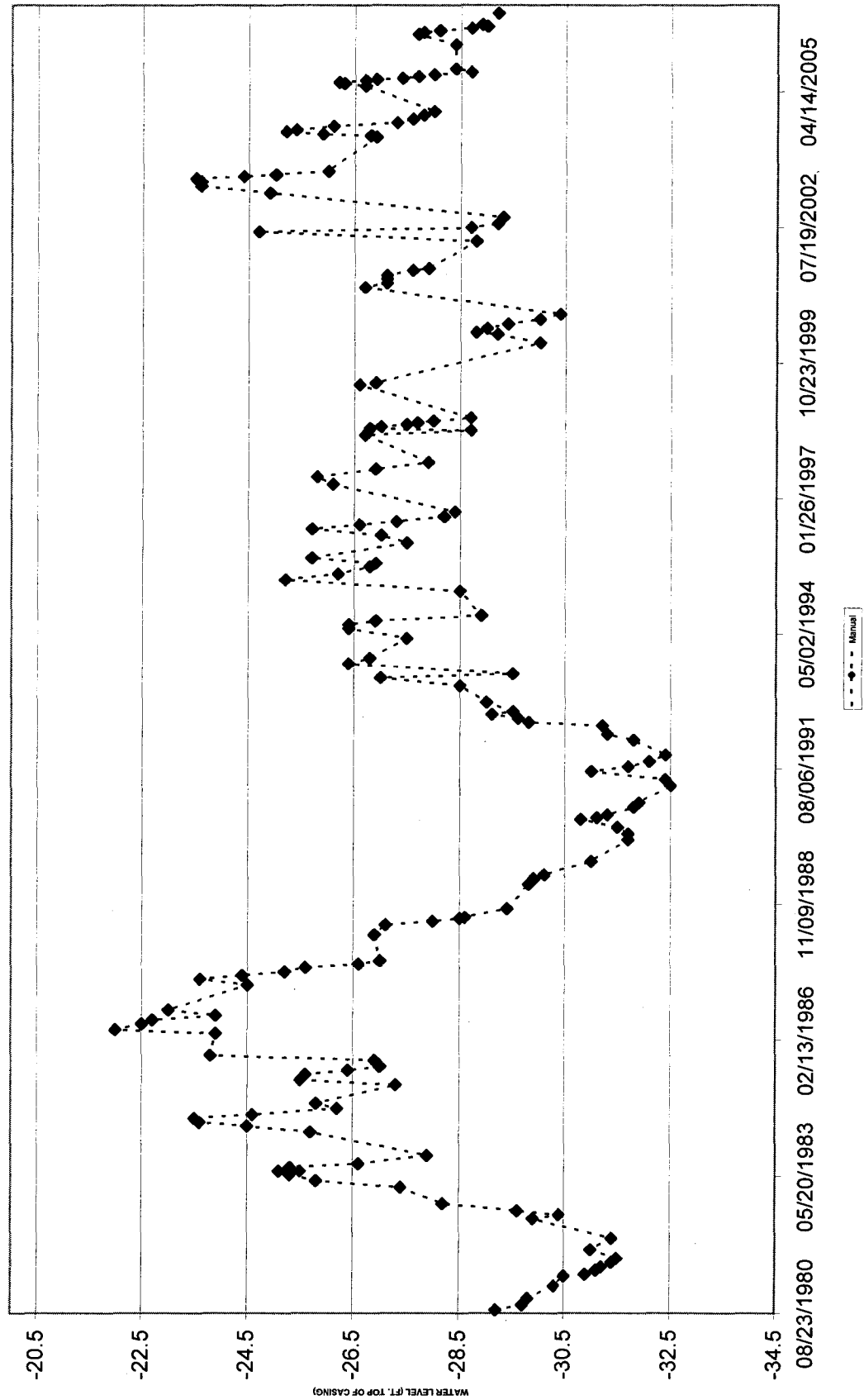


James A Goodman
Natural Resources Engineer

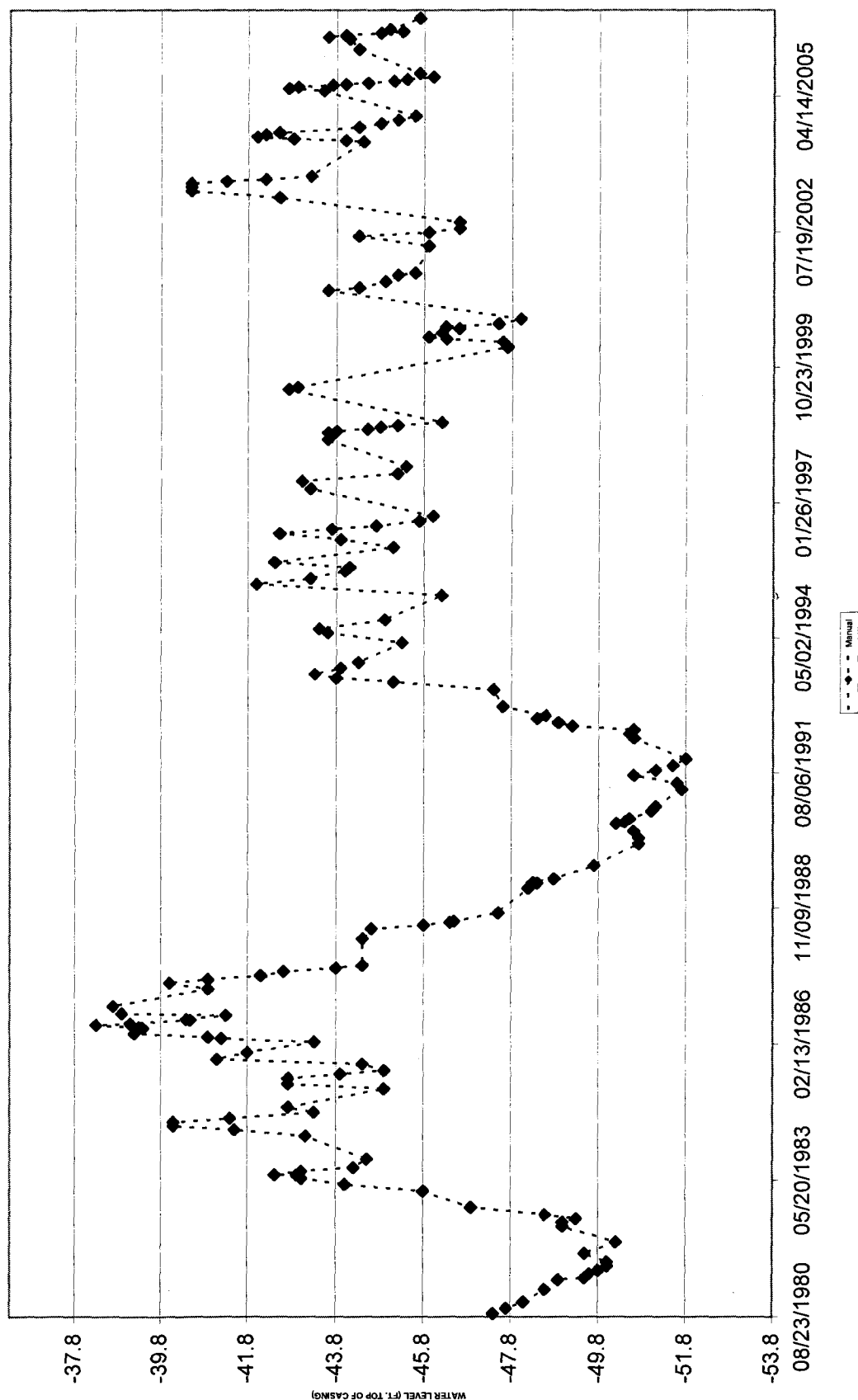
BIBLIOGRAPHY

- Baldwin, B., 1949, A Preliminary Report on the Sioux Quartzite, SDGS Report of Investigations 63, SD DENR, SDGS, Vermillion, SD, 57069.
- Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, Water-Resources Investigations Report 91-4101, USGS, Huron, SD, 57350.
- Tomhave, D.W., 1994, Geology and Minnehaha County, South Dakota, Bulletin 37, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2007, Unpublished Observation Well Data for Minnehaha County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

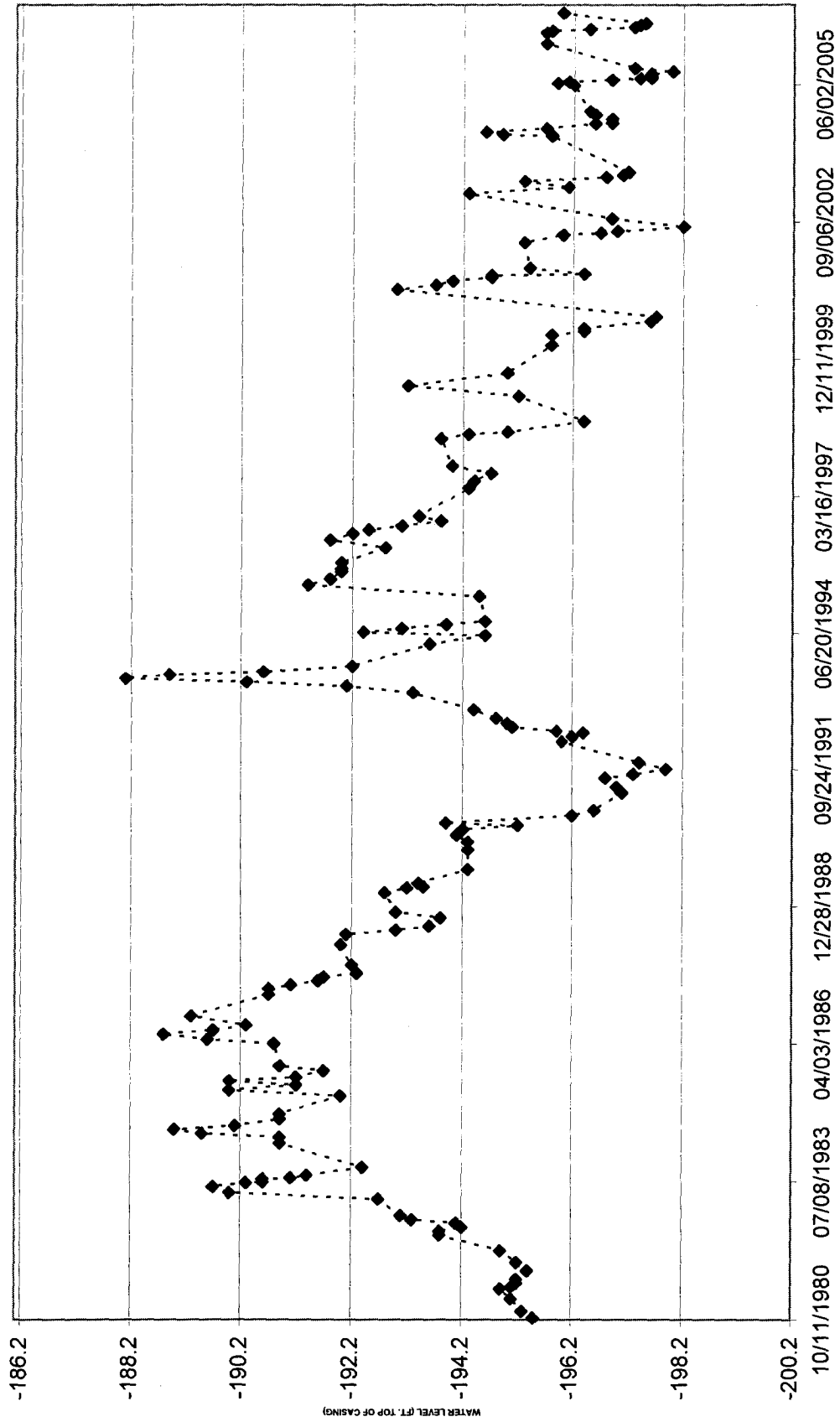
WATER RIGHTS' OBSERVATION WELL MA-80V



WATER RIGHTS' OBSERVATION WELL MA-80U



WATER RIGHTS' OBSERVATION WELL
MA-80BA



AFFIDAVIT OF PUBLICATION-

Customer Number: 078340

PMB 2020

Invoice Number: 1000543

Argus Leader **AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

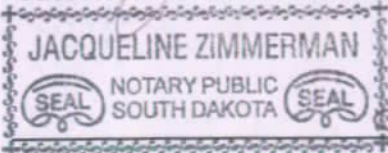
Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the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

Friday, the 9 day of February 2007 ,
Wednesday, the 14 day of February 2007 ,
 _____, the _____ day of _____ 2007 ,
 _____, the _____ day of _____ 2007 ,
 _____, the _____ day of _____ 2007 ,
 _____, the _____ day of _____ 2007 ,
 _____, the _____ day of _____ 2007 ,

and that \$101.92 was charged for publishing the same

Betty Jones

Subscribed and sworn to before me 2/14/2007 .



J Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2009

State Notices

NOTICE OF APPLICATION
NO. 6787-3
to Appropriate Water

Notice is given that Rose Faith, 617 N Summit, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 0.13 cubic feet of water per second from one well completed into the Sioux Quartzite Aquifer (382 feet deep) located in the SW 1/4 NW 1/4 Section 16-T101N-R49W. The water is for geothermal heating and cooling purposes at the Museum of Visual Materials.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6787-3 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. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation 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. 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 February 26, 2007.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.
1000543 Feb. 7 & 14, 2007



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2007

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6787-3 to Appropriate Water to be published twice. Please publish the first notice on February 7, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Rose Faithe, 617 N. Summit, Sioux Falls SD 57104 (phone - 605 332-0237).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6787-3

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

Date _____

We are in receipt of your letter of January 29, 2007 enclosing Notice to Appropriate Water by Application No. 6787-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

January 29, 2007

Rose Faithe
617 N. Summit
Sioux Falls SD 57104

Dear Ms. Faithe:

Water Permit Application No. 6787-3 for geothermal heating and cooling use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Argus Leader printed at PO Box 5034, Sioux Falls SD 57117-5034 (Ph # 605 331-2200). You will need to contact the newspaper and authorize publication of this notice. 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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

cc: Paul Williams, Puetz Corporation, 800 N. Kimball, Mitchell SD 57301

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.

Instruction to Newspaper - Publish first Notice on February 7, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6787-3 to Appropriate Water

Notice is given that Rose Faithe, 617 N Summit, Sioux Falls SD 57104 has filed an application for a water permit to appropriate 0.13 cubic feet of water per second from one well completed into the Sioux Quartzite Aquifer (382 feet deep) located in the SW ¼ NW ¼ Section 16-T101N-R49W. The water is for geothermal heating and cooling purposes at the Museum of Visual Materials.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6787-3 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. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation 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. 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 February 26, 2007.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**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 01 2007

Rose Faithe
617 N Summit
Sioux Falls SD 57104

Dear Ms. Faithe:

Enclosed is Water Permit No. 6787-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Your consultant has indicated the plan is to reinject water back to the Sioux Quartzite. If water is to be reinjected, the Ground Water Quality Program should be contacted at (605) 773-3296 to discuss whether additional permitting is necessary. The other option is to discharge water to the City of Sioux Falls storm sewer. The city will need to be contacted and agree prior to water being discharged to the storm sewer.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 6787-3
Sioux 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, August 15, 2011, made a thorough examination of the water use system constructed by Rose Faithe of 617 N Summit, Sioux Falls, SD 57104 holder of Permit No. 6787-3, bearing the priority of December 27, 2006 authorizing the diversion of 0.13 cu. ft. per second of the waters of the Sioux Quartzite Aquifer for Geothermal Heating purposes, in Minnehaha County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Dave Putzke Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 382 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 6 inches
- 2) Length 23 feet
- 3) Type Steel

Pump:

- 1) Make Armstrong
- 2) Model 5X29-750L-43
- 3) Capacity 6 GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2065 feet south and 840 feet east of the NW corner of Section 16-T101N-R49W
(N 43.55268, W -96.72815) (SW ¼ NW ¼)

Report of Examination of Works

Permit No. 6787-3

The works are capable of diverting and conveying to the place of use 0.013 cu. ft. per second of water which is to be used for Geothermal Heating.

The license should be issued for 0.013 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



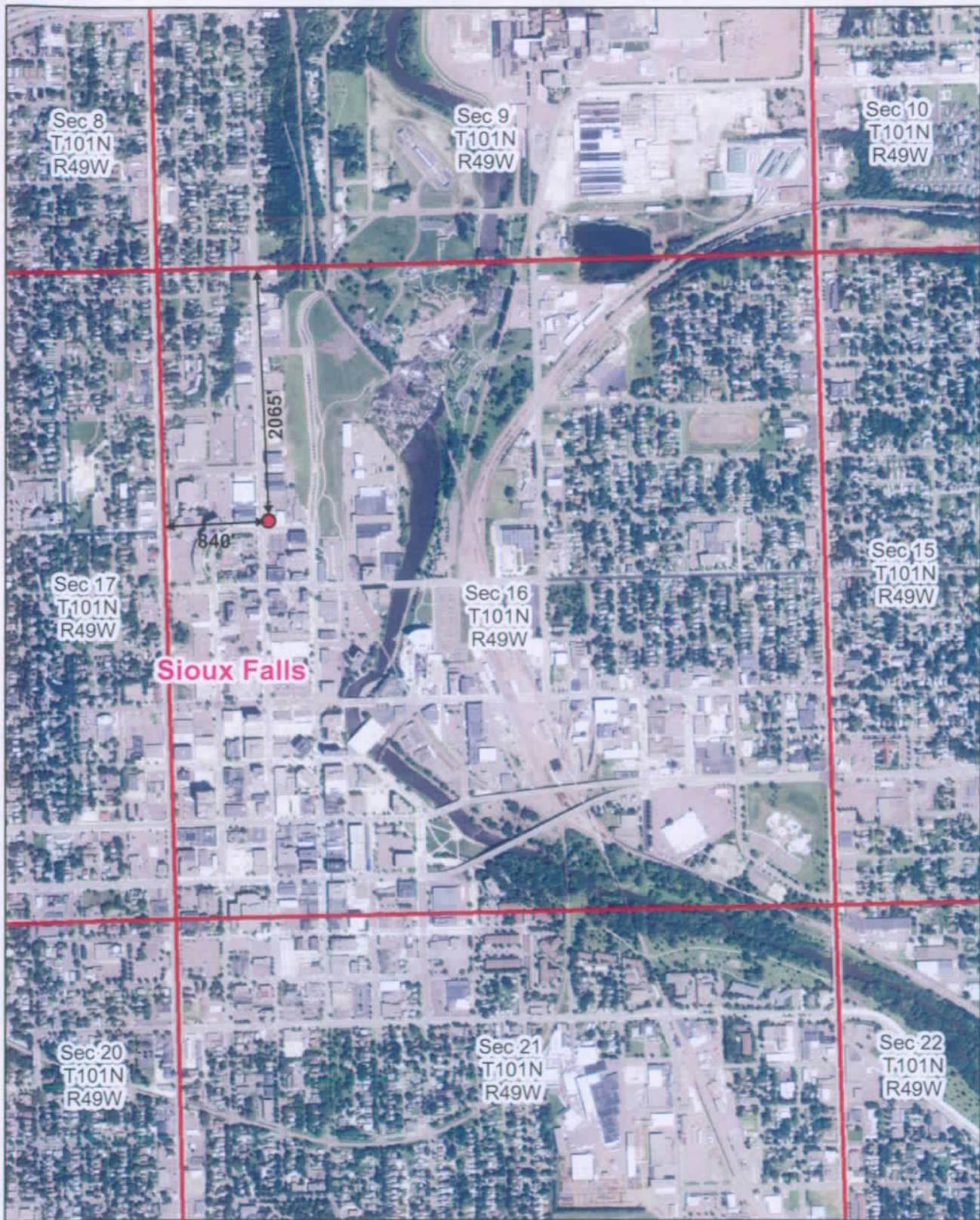
Mike DeFea

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 24, 2011

Rose Faithe

Water Permit No. 6787-3



0 400 800 1,600 2,400 3,200 Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 24, 2011



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6787-3

(1) Rose Faithe, 617 N Summit, Sioux Falls SD 57104 made Application No. 6787-3, December 27, 2006 for a water permit to divert 0.13 cubic feet of water per second from ground water (one well – Sioux Quartzite), Minnehaha County, South Dakota for geothermal heating and cooling purposes. Permit No. 6787-3, with a priority date of December 27, 2006 was approved February 26, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 26, 2011 and for the application to beneficial use of said water on or before February 25, 2015.

(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 0.013 cubic feet of water per second for beneficial use.

The location of the diversion point is 2,065 feet south and 840 feet east of the NW corner of Section 16, T101N, R49W (SW ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for heating and cooling the Museum of Visual Materials.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rose Faithe, 617 N Summit, Sioux Falls SD 57104 the holder and/or owner of Water Right No. 6787-3 is issued a license to appropriate water, the right to use 0.013 cubic feet of water per second from ground water (one well – Sioux Quartzite) with a priority date of December 27, 2006 from the location specified in (2) of this license for geothermal heating and cooling purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6787-3 and subject to the following qualification:

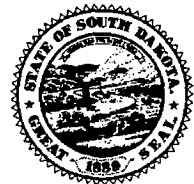
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 02 2011

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 02 2011

6787-3

Rose Faithe
617 N Summit
Sioux Falls SD 57104

Dear Ms. Faithe:

Enclosed is Water License No. 6787-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 6787-3, 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,

A handwritten signature in black ink that reads "Garland Erbele". The signature is fluid and cursive, with the first name "Garland" being more prominent than the last name "Erbele".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED \$50 Transfer

JUN 29 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6787-3Date: December 27, 2007

I/We request that Water Right/Permit No. 6787-3 formerly owned by:
Rose Faithe, 617 N Summit, Sioux Falls, SD be transferred to:

New Owner Name: Museum of Visual MaterialsAddress: 500 N Main AveCity, State, Zip Sioux Falls SD 57104 Telephone No. 605-362-9100271-9500

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

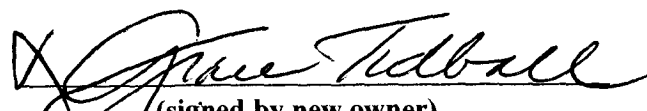
2,065 feet south and 840 feet east of the NW corner of Section 16, T101N, R49W (SW1/4 NW1/4)

☒ I understand that the validity of Water Right/Permit No. 6787-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Grace Tidball, Board of Trustees, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/29, 20 12

RECEIVED OF Museum of Visual Materials 500 N Main Sioux Falls SD 57104

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	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 <u>6787-3</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. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05476**

By *Ladislav Erchule*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

July 3, 2012

6787-3

Grace Tidball, Board of Trustees
Museum of Visual Materials
500 N Main Ave
Sioux Falls SD 57104

Dear Ms. Tidball:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6787-3.

The ownership change has been completed. The water right formerly held by Rose Faithe is now listed in the name of "Museum of Visual Materials".

Enclosed for your records is Receipt No. 05476 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

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

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

enclosure