

WATER PERMIT NO. 7176-3

Name of Applicant: **Yankton School District 63-3**

Address: **1900 Ferdig Ave, Yankton SD 57078**

Phone: **605 665-3980**

Amount of Water Claimed: **0.11 cfs**

Total Acres: **NA**

Source of Water Supply: **groundwater**

Water to be used for: **geothermal use**

County: **Yankton**

Type of Waste Disposal System:

Location:

PRIORITY

Date Received: **12-28-2009**

Application/License Fee: **\$700**

Corrected Application Received: **1-8-2010**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **SW ¼ SW ¼ Sec 1-T93N-R56W**

Land to be Irrigated: **NA**

Depth of Well: **100**

Well Driller: **Christensen Well & Irrigations**

Remarks:

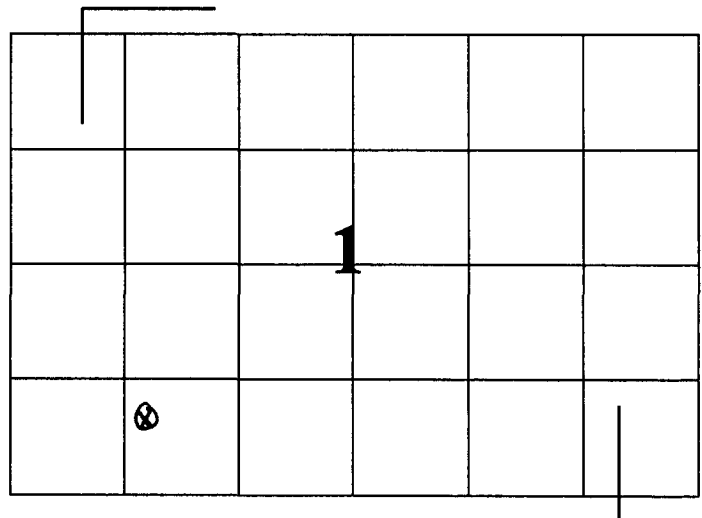
Type of Map: **plat**

Prepared by: **Peter S Johnson, PE**

Reviewed and the Number Assigned on: **1-11-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7176-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan</u> PO Box <u>56</u>
	<u>605-665-7811</u> <u>Yankton 57078</u>

RECEIVED
DEC 28 2009
WATER RIGHTS
PERMIT DIV

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: ☒ 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 YANKTON SCHOOL DIST 63-3 Phone (605) 665-3980
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 1900 FERDIG AVE YANKTON State SD 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.11 *CFS or 50 **GPM 50 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply geotherm - draw from one well, return water to second well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells in W1/2 SW1/4 section 1-T93N-R56W (SW1/4SW1/4)
Lot 2 of Fox Run Industrial Park County YANKTON
- County or counties where water will be used YANKTON
- Annual period during which water is to be used ALL-YEAR Jan 1 - Dec 31
- 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)
Geotherm - we will draw water from one well using it for thermal transfer and return it to the second well

STATE OF SOUTH DAKOTA)
County of YANKTON) 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, Chuck Turner for Yankton School District 63-3, 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.

Applicant's signature Chuck Turner
Subscribed and sworn to before me this 7th day of December 20 09

Dennis L. Wadden
Notary Public signature
expired 11, 2011

SOUTH DAKOTA
WATER PERMIT NO. 7176-3

Date of first receipt of application December 28, 2009.

Date of return to applicant for corrections, amendments or changes December 28, 2009.

Date of receipt of corrected application January 8, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7176-3 to Yankton School District 63-3, 1900 Ferdig Ave, Yankton SD 57078 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. 7176-3 appropriates 0.11 cubic feet of water per second from a well to be completed into the Niobrara Formation (100 feet deep) located in SW 1/4 SW 1/4 (Lot 2 of Fox Run Industrial Park) Section 1-T93N-R56W.
2. The water appropriated shall be used for the purpose of supplying water for geothermal use 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. 7176-3 is March 15, 2010.
5. The date from which applicant may claim right is December 28, 2009.
6. One-fifth of the construction is to be completed on or before September 15, 2012.
7. All construction is to be completed on or before March 15, 2015.
8. Water is to be put to beneficial use on or before March 15, 2019.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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.
2. The well authorized by Permit No. 7176-3 and the re-injection well shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 15 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction (Well Driller's Report attached)

- a) Drill Hole Diameter 8" Depth 100'
- b) Casing Type plastic Diameter 5" Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

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 _____

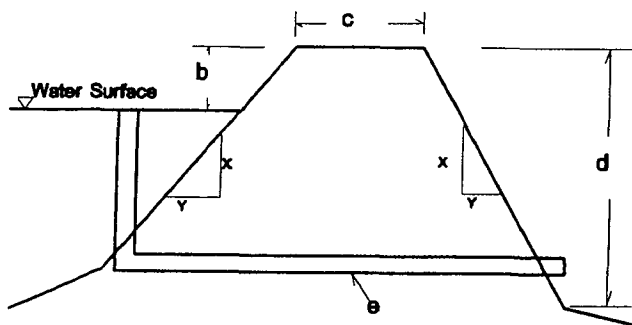
3. Dugout Information

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

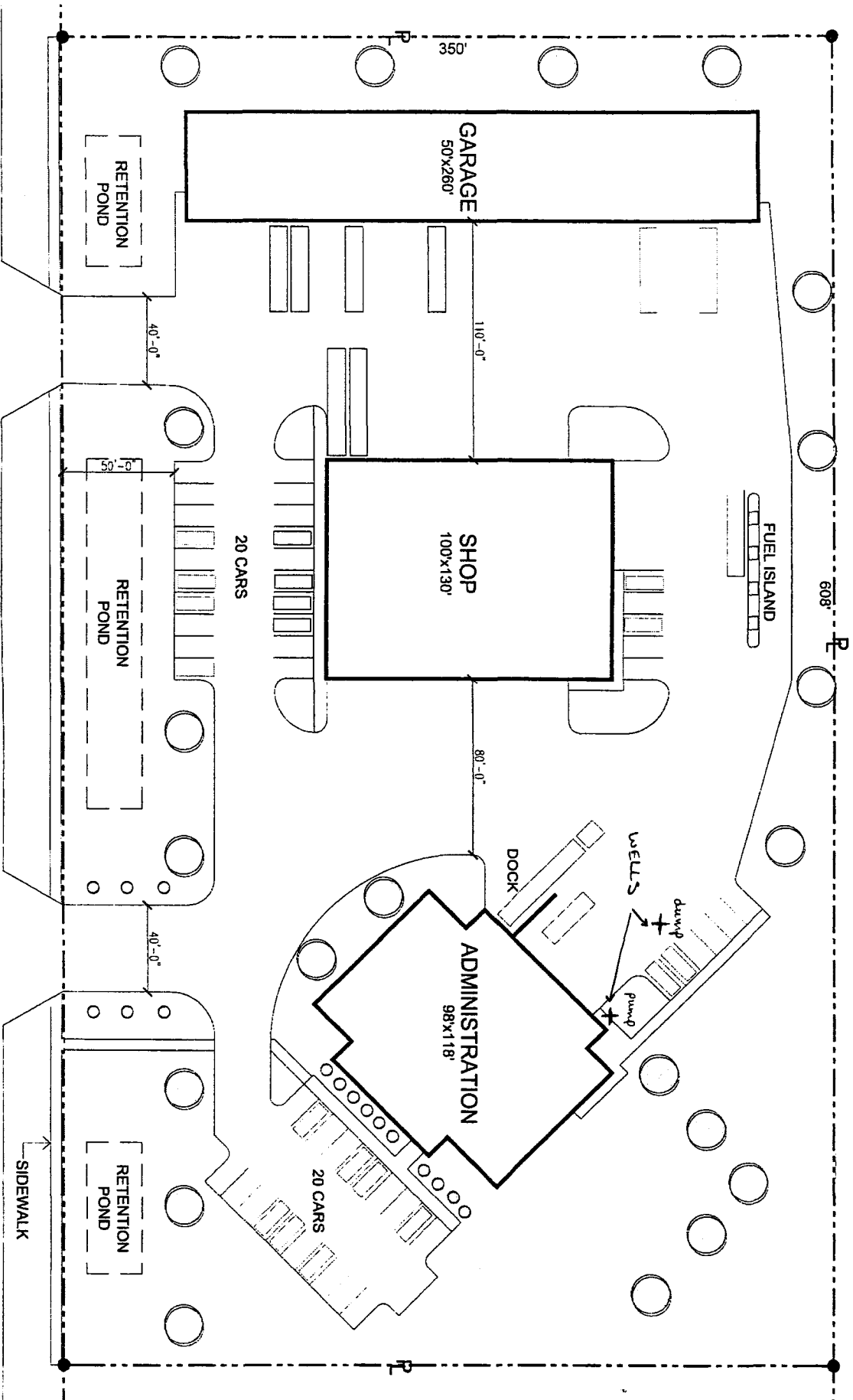
4. Water Storage Dams

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



Mannes Architects
JANUARY 7, 2009

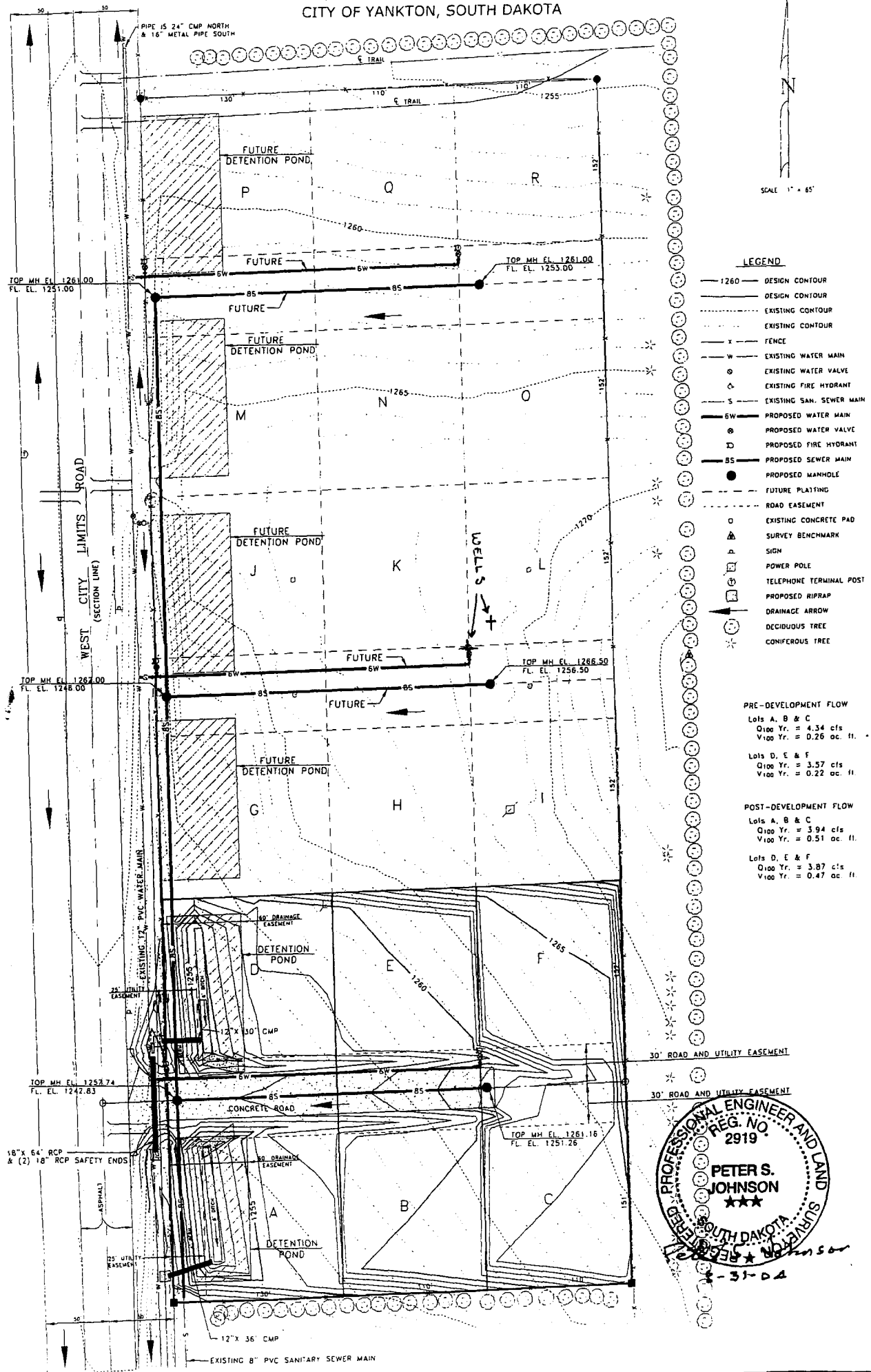


SITE PLAN



**YANKTON SCHOOL DISTRICT 63-3
ADMINISTRATION, SHOP & BUS GARAGE
FACILITIES**

PRELIMINARY LOT LAYOUT FOR LOT 2, FOX RUN INDUSTRIAL PARK
AND WATER, SANITARY SEWER AND DRAINAGE PLAN
CITY OF YANKTON, SOUTH DAKOTA



SCALE 1" = 85'

LEGEND

- 1260 — DESIGN CONTOUR
- — — — — DESIGN CONTOUR
- — — — — EXISTING CONTOUR
- — — — — EXISTING CONTOUR
- x — FENCE
- w — EXISTING WATER MAIN
- o — EXISTING WATER VALVE
- △ — EXISTING FIRE HYDRANT
- s — EXISTING SAN. SEWER MAIN
- 6W — PROPOSED WATER MAIN
- o — PROPOSED WATER VALVE
- △ — PROPOSED FIRE HYDRANT
- 8S — PROPOSED SEWER MAIN
- — PROPOSED MANHOLE
- — — — — FUTURE PLATTING
- — — — — ROAD EASEMENT
- — EXISTING CONCRETE PAD
- △ — SURVEY BENCHMARK
- — — — — SIGN
- — — — — POWER POLE
- — — — — TELEPHONE TERMINAL POST
- — — — — PROPOSED RIPRAP
- — — — — DRAINAGE ARROW
- — DECIDUOUS TREE
- ✱ — CONIFEROUS TREE

PRE-DEVELOPMENT FLOW

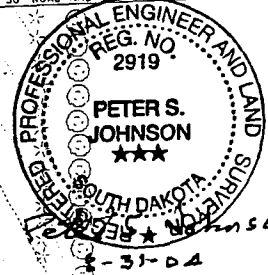
Lots A, B & C
Q₁₀₀ Yr. = 4.34 cfs
V₁₀₀ Yr. = 0.26 ac. ft.

Lots D, E & F
Q₁₀₀ Yr. = 3.57 cfs
V₁₀₀ Yr. = 0.22 ac. ft.

POST-DEVELOPMENT FLOW

Lots A, B & C
Q₁₀₀ Yr. = 3.94 cfs
V₁₀₀ Yr. = 0.51 ac. ft.

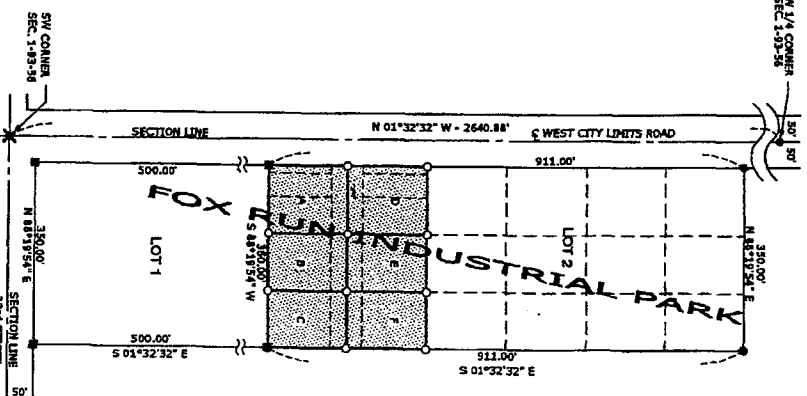
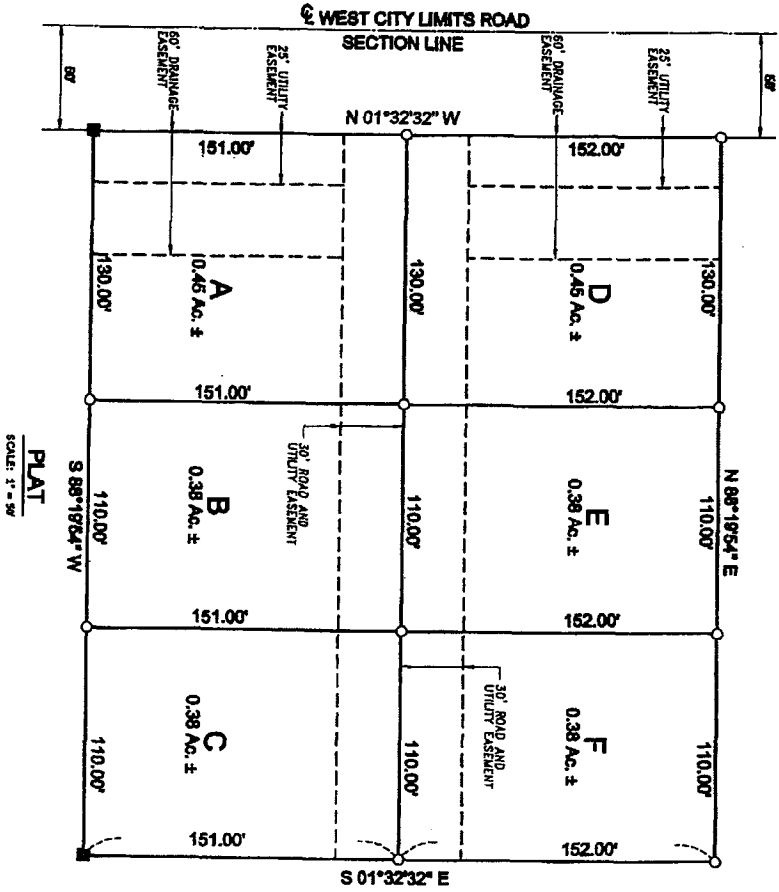
Lots D, E & F
Q₁₀₀ Yr. = 3.87 cfs
V₁₀₀ Yr. = 0.47 ac. ft.



2-31-04

PLAT OF

LOTS A THROUGH F OF LOT 2,
FOX RUN INDUSTRIAL PARK LOCATED IN THE W 1/2 OF THE SW 1/4,
SECTION 1-193N - R56W, CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA



1. PETER S. JOHNSON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, HAVE, AT THE DIRECTION OF LARRY A. BENSON, JEFF FEJFAR AND MYRON WEINANDT MADE A SURVEY OF PART OF LOT 2 OF FOX RUN INDUSTRIAL PARK IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5th P.M. IN THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA.

FOUND 3/4" X 1/4" STEEL PIPE W/ CP SET 3/4" X 1/4" STEEL PIPE W/ CP STAKED JOHNSON LS 2914' FOUND 3/4" X 1/4" STEEL PIPE W/ CP STAKED JOHNSON LS 2914' FOUND 3/4" X 1/4" STEEL PIPE W/ CP STAKED JOHNSON LS 2914' FOUND 3/4" X 1/4" STEEL PIPE W/ CP STAKED JOHNSON LS 2914'

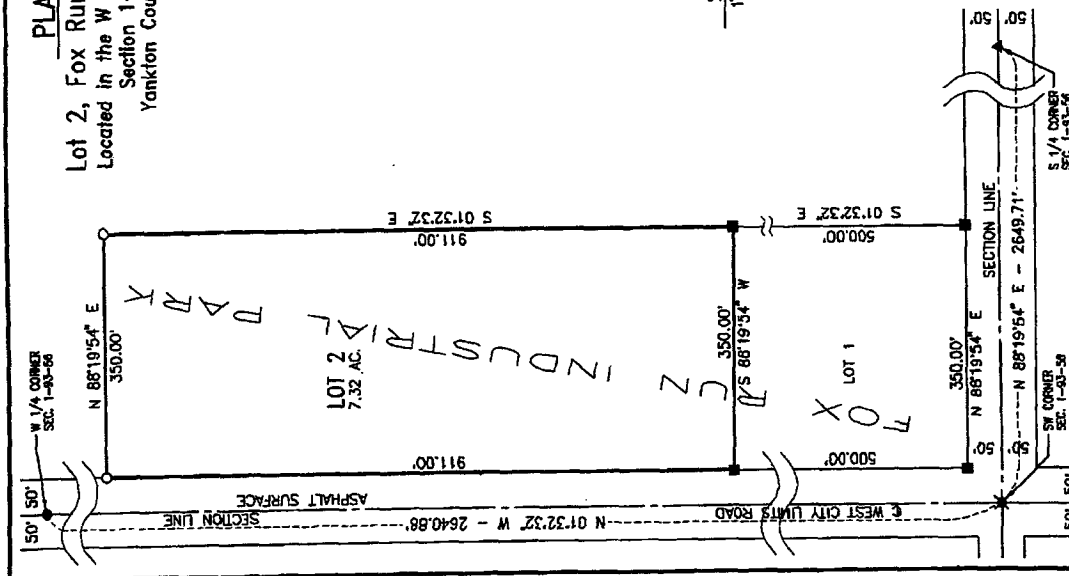
SURVEYOR'S CERTIFICATE

PLAT
SCALE: 1" = 50'

LAYOUT
SCALE: 1" = 200'

Document prepared by:
Peter S. Johnson
Yankton, SD 57401
(605)465-5571

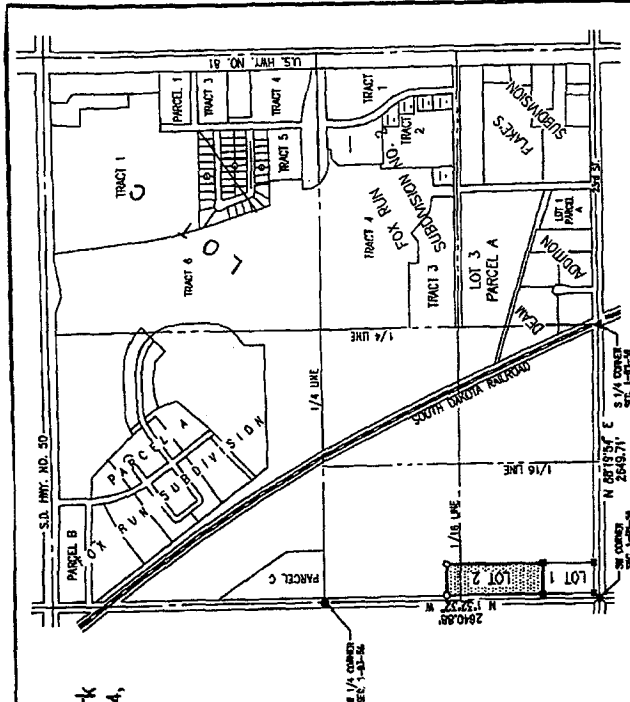
PLAT OF
Lot 2, Fox Run Industrial Park
 Located in the W 1/2 of the SW 1/4,
 Section 1-193N-R56W
 Yankton County, South Dakota



SCALE
 1" = 150'

LAYOUT OF SECTION 1-93-56

SCALE: 1" = 1000'



State of South Dakota, County of Yankton, ss

Filed for Record

Jan 21 1996

Plat of Lot 2, and Recorded in

Book 117 Page 88

Signature of David

10.00 12.71

LEGEND

FOUND REBAR WITH YELLOW SURVEY CAP

FOUND 5/8" REBAR W/ CAP STAMPED "TOM WEEK FELS 2912"

FOUND 3/4" X 16" STEEL PIPE W/ CAP STAMPED "JOHNSON LS 2918"

FOUND R.R. SPIKE

SET 3/4" X 16" STEEL PIPE W/ CAP STAMPED "JOHNSON LS 2918"

Document Prepared By

SCALE: 1" = 50'

ROUND 8 1/4" REBAR W/ CAP SET 3/4" X 18" STEEL PIPE W/ ROUND REBAR WITH YELLOW SURVEY CAP

ROUND 3 1/4" X 18" STEEL PIPE W/ CAP STAINED JOHNSON LS 2019

SURVEYOR'S CERTIFICATE

I, PETER S. JOHNSON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, HAVE, AT THE DIRECTION OF LARRY A. BENSON, JEFF FEIFAR AND MYRON WEINANDT MADE A SURVEY OF PART OF LOT 2 OF FOX RUN INDUSTRIAL PARK IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5th P.M. IN THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA.

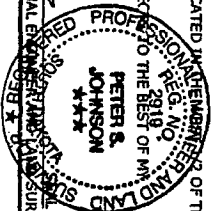
I HAVE SUBDIVIDED THE ABOVE PARCEL INTO SIX LOTS WHICH SHALL HEREAFTER BE KNOWN AS LOTS A THROUGH F OF LOT 2, FOX RUN INDUSTRIAL PARK LOCATED IN THE SOUTHWEST 1/4, SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5th P.M. IN THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA.

I CERTIFY THAT THE LOCATION AND DIMENSIONS OF THE ABOVE LOTS AND SUBDIVISION ARE AS SHOWN ON THE PLAT ABOVE AND ARE CORRECT IN ALL RESPECTS OF KNOWLEDGE AND BELIEF.

I CERTIFY THAT I HAVE EXECUTED THE ABOVE INSTRUMENT THIS 15th DAY OF September, 2004, A.D.

OWNERS' CERTIFICATE

PETER S. JOHNSON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR



WE, LARRY A. BENSON, JEFF FEIFAR AND MYRON WEINANDT, HEREBY CERTIFY WE ARE THE OWNERS OF LOTS A THROUGH F OF LOT 2, FOX RUN INDUSTRIAL PARK LOCATED IN THE WEST 1/2 OF THE SOUTHWEST 1/4, SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5th P.M. IN THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA. THAT SAID LOTS SHALL HEREAFTER BE KNOWN BY THE DESCRIPTION DESIGNATED ABOVE; THAT THE ABOVE AND FOREGOING PLAT AND SURVEY WERE MADE AT OUR REQUEST, AT OUR DIRECTION, AND FOR THE PURPOSE OF DEFINING AND DESCRIBING THE PROPERTY CONTAINED WITHIN THE BOUNDARIES AS SHOWN ON THE PLAT ABOVE AND THE EASEMENTS SHOWN ON THE PLAT ARE HEREBY DEDICATED FOR THE PURPOSES SHOWN FOREVER; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

WITNESS OUR HAND AND SEAL THIS 15th DAY OF Sept, 2004, A.D.

Jeff Feifar
LARRY A. BENSON

Myron Weinandt
JEFF FEIFAR

Myron Weinandt
MYRON WEINANDT

STATE OF SOUTH DAKOTA SS
COUNTY OF YANKTON

BE IT REMEMBERED THAT ON THIS 15th DAY OF Sept, 2004, A.D. BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED LARRY A. BENSON, JEFF FEIFAR AND MYRON WEINANDT, KNOWN TO ME TO BE THE PERSONS WHO ARE DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES 10-12-2004

Angela Selmann
NOTARY PUBLIC, YANKTON COUNTY, SOUTH DAKOTA

RESOLUTION OF APPROVAL

WHEREAS IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING DESCRIBED REAL PROPERTY: LOTS A THROUGH F OF LOT 2, FOX RUN INDUSTRIAL PARK LOCATED IN THE WEST 1/2 OF THE SOUTHWEST 1/4, SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5th P.M. IN THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA, AND HAVE SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL AND

WHEREAS SUCH PLAT HAS BEEN SUBMITTED TO THE PLANNING COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR A REPORT AND RECOMMENDATIONS THEREON TO THE CITY COMMISSION AS REQUIRED BY LAW, NOW THEREFORE BE IT

RESOLVED THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND THE SAME IS HEREBY APPROVED AND THE CITY FINANCE OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

Bill Jones
MAYOR, CITY OF YANKTON, SOUTH DAKOTA

COUNTY OF YANKTON

BE IT REMEMBERED THAT ON THIS 15th DAY OF Sept, 2004, A.D. BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED LARRY A. BENSON, JEFF FEJFAR AND MYRON WEINMANT, KNOWN TO ME TO BE THE PERSONS WHO ARE DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES 10-12-2004

Angela Subramanian SEAL
NOTARY PUBLIC, YANKTON COUNTY, SOUTH DAKOTA

RESOLUTION OF APPROVAL

WHEREAS IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING DESCRIBED REAL PROPERTY: LOTS A THROUGH F OF LOT 2, FOX RAIN INDUSTRIAL PARK LOCATED IN THE WEST 1/2 OF THE SOUTHWEST 1/4, SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5th P.M. IN THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA, AND HAVE SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL, AND

WHEREAS SUCH PLAT HAS BEEN SUBMITTED TO THE PLANNING COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR A REPORT AND RECOMMENDATIONS THEREON TO THE CITY COMMISSION AS REQUIRED BY LAW, NOW THEREFORE BE IT

RESOLVED THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND THE SAME IS HEREBY APPROVED AND THE CITY FINANCE OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

Al Vireck
MAYOR, CITY OF YANKTON, SOUTH DAKOTA

I, Al Vireck, CITY FINANCE OFFICER OF THE CITY OF YANKTON, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA ON THIS 11 DAY OF October, 2004, A.D.

Al Vireck
CITY FINANCE OFFICER, YANKTON, SOUTH DAKOTA

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT.

DATED THIS 24th DAY OF May, 2004, A.D.

John Prineas
YANKTON COUNTY DIRECTOR OF EQUALIZATION

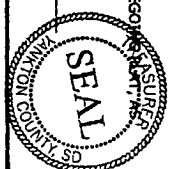
COUNTY TREASURER'S CERTIFICATE

THE UNDERSIGNED, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES THAT ARE LIENS UPON ANY OF THE LAND INCLUDED IN THE FOREGOING PLAT, SHOWN BY THE RECORDS IN MY OFFICE, HAVE BEEN FULLY PAID.

DATED THIS 24th DAY OF May, 2004, A.D.

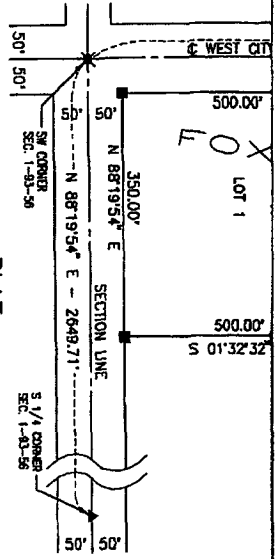
David Thompson
YANKTON COUNTY TREASURER

REGISTERED FOR RECORD THIS 24th DAY OF May, 2007, AT 10:00 A.M. IN BOOK 819 OF PLATS ON PAGE 197



Brian A. Humboldt
YANKTON COUNTY REGISTER OF DEEDS

\$10.00 fee
99103



LEGEND

- ✱ FOUND REBAR WITH YELLOW SURVEY CAP
- FOUND 5/8" REBAR W/ CAP
- STAMPED "TOM WEEK FELS 2912"
- FOUND 3/4" X 16" STEEL PIPE W/ CAP STAMPED "JOHNSON LS 2919"
- ▲ FOUND R.R. SPIKE
- SET 3/4" X 16" STEEL PIPE W/ CAP STAMPED "JOHNSON LS 2919"

Notarized
10.28.12
12741

SURVEYOR'S CERTIFICATE

I, PETER S. JOHNSON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, HAVE, AT THE DIRECTION OF THE CITY OF YANKTON, SOUTH DAKOTA, MADE A SURVEY OF A TRACT OF LAND WHICH SHALL HEREAFTER BE KNOWN AS LOT 2, FOX RUN INDUSTRIAL PARK, LOCATED IN THE W 1/2 OF THE SW 1/4 OF SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

I CERTIFY THAT THE LOCATION AND DIMENSIONS OF THE ABOVE LOT ARE AS SHOWN ON THE PLAT ABOVE AND ARE CORRECT IN ALL RESPECTS THE BEST OF MY KNOWLEDGE AND BELIEF.

I CERTIFY THAT I HAVE EXECUTED THE ABOVE INSTRUMENT THIS 4th DAY OF JANUARY, 1996 A.D.

OWNER'S CERTIFICATE

I, JEAN M. HUNHOFF, MAYOR OF THE CITY OF YANKTON, SOUTH DAKOTA, HEREBY CERTIFY THAT THE CITY OF YANKTON IS THE OWNER OF LOT 2, FOX RUN INDUSTRIAL PARK, LOCATED IN THE W 1/2 OF THE SW 1/4 OF SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT SAID TRACT SHALL HEREAFTER BE KNOWN BY THE LOT NUMBER AND DESCRIPTION DESIGNATED ABOVE. THAT THE ABOVE AND FOREGOING PLAT AND SURVEY WERE MADE AT MY REQUEST, AT MY DIRECTION AND FOR THE PURPOSE OF DEFINING AND DESCRIBING THE PROPERTY CONTAINED WITHIN THE BOUNDARIES AS SHOWN ON THE PLAT ABOVE; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING, APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

WITNESS MY HAND AND SEAL THIS 11th DAY OF JANUARY, 1996 A.D.

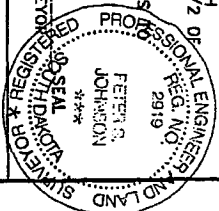
STATE OF SOUTH DAKOTA
 COUNTY OF YANKTON

BE IT REMEMBERED THAT ON THIS 11th DAY OF JANUARY, 1996 A.D. BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED JEAN M. HUNHOFF, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND CERTIFICATE AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

MY COMMISSION EXPIRES 03-15-03

RESOLUTION OF APPROVAL

WHEREAS IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING DESCRIBED REAL PROPERTY: LOT 2, FOX RUN INDUSTRIAL PARK, LOCATED IN THE W 1/2 OF THE SW 1/4 OF SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL AND



Document Prepared By:
 Peter S. Johnson
 210 W. 3rd St.
 Yankton, SD 57401
 605/655-5571

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

BE IT REMEMBERED THAT ON THIS 11th DAY OF January, 1996 A.D. BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED JEAN M. HISHOFF, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND CERTIFICATE AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

MY COMMISSION EXPIRES 03-15-03

Marlene Egan
NOTARY PUBLIC, YANKTON COUNTY, SOUTH DAKOTA

SEAL

RESOLUTION OF APPROVAL

WHEREAS IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING DESCRIBED REAL PROPERTY: LOT 2, FOX RUN INDUSTRIAL PARK, LOCATED IN THE W 1/2 OF SECTION 1, TOWNSHIP 93 NORTH, RANGE 56 WEST OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR APPROVAL AND

WHEREAS SUCH PLAT HAS BEEN SUBMITTED TO THE PLANNING COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA FOR A REPORT AND RECOMMENDATIONS THEREON TO THE CITY COMMISSION AS REQUIRED BY LAW, NOW THEREFORE BE IT

RESOLVED THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND THE SAME IS HEREBY APPROVED AND THE CITY FINANCE OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

John Hishoff
MAYOR, CITY OF YANKTON, SOUTH DAKOTA

Kathy L. Quinlan, CITY FINANCE OFFICER OF THE CITY OF YANKTON, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE CITY COMMISSION OF THE CITY OF YANKTON, SOUTH DAKOTA ON THIS 11th DAY OF January, 1996 A.D.

Kathy L. Quinlan
CITY FINANCE OFFICER, YANKTON, SOUTH DAKOTA

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT.

DATED THIS 22nd DAY OF January, 1996 A.D.

Carol J. Stoltz
YANKTON COUNTY DIRECTOR OF EQUALIZATION

COUNTY TREASURER'S CERTIFICATE

THE UNDERSIGNED, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES THAT ARE LIENS UPON ANY OF THE LAND INCLUDED IN THE FOREGOING PLAT, AS SHOWN BY THE RECORDS IN MY OFFICE, HAVE BEEN FULLY PAID.

DATED THIS 22nd DAY OF January, 1996 A.D.

Marlene Egan
YANKTON COUNTY TREASURER

Return to:

YANKTON TITLE
PO BOX 15
YANKTON, SD 57078

Prepared by: Garrett J. Horn
Horn Law Office, Prof. LLC
P.O. Box 886
Yankton, SD 57078
(605) 260-1300



Num ☒ Alpha
Margin ☒ Tran
Paid ☒ Seal

101397

STATE OF SOUTH DAKOTA
County of Yankton)ss

Filed for record at 11:15 A.M.

DEC 17 2008

in Book 482 Page 270

Brian J. Hunkoff
Register of Deeds

\$10.00 pd.

WARRANTY DEED

Larry A. Benson, a married person, of 1504 Aspen Circle, Yankton, SD 57078, and Jeff Fejfar, a single person, of 407 Deer Blvd., Yankton, SD 57078, Grantors, for and in consideration of one dollar (\$1.00) and other valuable consideration, GRANT, CONVEY and WARRANT to Yankton School District 63-3, of 1900 Ferdig, Yankton, SD 57078, the following described real estate located in the County of Yankton, South Dakota, and more particularly described as follows, to-wit:

Lot Two (2) as per plat recorded in Book S17, Page 88, excepting therefrom Lots A, B, C, D, E, and F as platted in Book S19, page 197, all located in Fox Run Industrial Park, City and County of Yankton, South Dakota.

Grantors warrant and represent the above-described real property is not being claimed by themselves or any members of their families as a homestead.

This Deed transfers any and all after acquired title.

Dated this 17 day of December, 2008.

Transfer Fee: 161.00

TRANSFER FEE
PAID \$ 160.50
DATE 12-17-08
61385

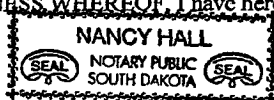
Larry A. Benson
Larry A. Benson

State of South Dakota)
County of Yankton)

Jeff Fejfar
Jeff Fejfar

On this 17 day of December, 2008, before me, the undersigned officer, personally appeared Larry A. Benson and Jeff Fejfar, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



My Commission expires:
(SEAL) 7-15-2010

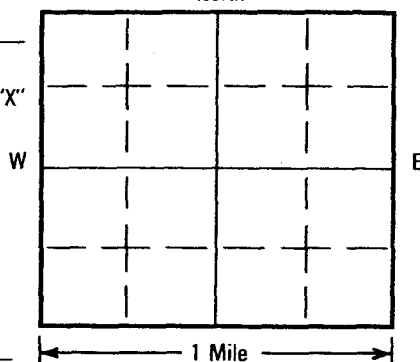
Nancy Hall
Notary Public - South Dakota

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1 Twp 93N Rg 56W
 County Yankton North

Please mark well location with an "X"



Well-Completion Date

8-18-09

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Straight rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
200 LB/FT 5 IN 0 FT 40 FT 8 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Pessel No. of Sacks _____ Grout Weight _____ lb./gal From 0 ft To 40 ft
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure pumped grout down
w/ Pessel grout

SCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 4 3/4 IN Length 40 to 100 FEETMaterial open holeSlot Size _____ Set From 40 Feet to 100 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:

chlorine

☐ NO, Why Not?

Laboratory sent to for water
 quality analysis

Well Owner:

Business Name:

Address:

Yankton School District
1900 Ferdig St
Yankton 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top + brown clay	0	60
brown clay	6	13
coarse sand	13	27
gravel + chalk	27	38
yellow chalk	38	47
grey shale	47	100

STATIC WATER LEVEL

40

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:

installed sub
pump

☐ Bailed☐ Other

Pumping Level Below Land Surface

40

ft. After

1

Hrs. pumped

40

GPM

ft. After

Hrs. pumped

GPM

If pump installed, pump rate

GPM

REMARKS

RECEIVED

OCT - 1 2009

WATER RIGHTS
PROGRAM

This well was drilled under license #

444

And this report is true and accurate.

Drilling firm

Christensen Well & Drilling

Signature of License Representative:

Andy W. Christensen

Signature of Well Owner or Equitable Property Holder:

Date:

9-28-09

10-5-09

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 28, 20 09

RECEIVED Yankton School District, PO Box 738, Yankton SD 57078

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

Fee for Application for Permit No. <u>7176-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7176-3</u>	200	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	700.00

No. 04364

By [Signature]

Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 23, 2009

Yankton School District
1900 Ferdig St
Yankton SD 57078

Dear Sir:

I am writing in regard to a well driller's report filed by Christensen well & Irrigation. The report shows a new well was completed for the Yankton School District on August 18, 2009. Based on the information in the report, you will 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 institutional uses that require water permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building.
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, 2009.**

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



December 28, 2009

RECEIVED

JAN - 8 2010

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Yankton School Dist 63-3
Chuck Turner
1900 Ferdig Ave
Yankton SD 57078

Dear Mr. Turner:

Thank you for submitting the *Application for a Permit to Appropriate Water* for geothermal use. In order to complete the application the following is required.

- Enclosed are the maps submitted with the application. One of the maps needs to reference a government section corner or quarter corner.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

We are Lot 2 of
Fox Run Industrial Park
less sublots A-F

enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
1595 WYNKOOP STREET
DENVER, CO 80202-1129
<http://www.epa.gov/region8>

7176-3
RECEIVED

MAR 12 2010

**WATER RIGHTS
PROGRAM**

MAR 09 2010

Ref: 8P-W-GW

Chuck Turner
Yankton School District 63-3
P. O. Box 738
Yankton, SD 57078

RE: CLASS V UIC PROGRAM
Rule Authorization: Geothermal Well
Yankton School District 63-3
(Administration Building)
2410 West City Limits Road
Yankton, SD
EPA File #SD50000 - 08746

Dear Chuck Turner:

The U.S. Environmental Protection Agency's (EPA's) Underground Injection Control (UIC) Program staff has reviewed the application that was submitted by you or on your behalf for the Class V geothermal injection well(s) at the above referenced location. Based on our understanding of the proposed geothermal system and limited potential for groundwater contamination, we have determined that a permit is not necessary at this time. Therefore, your geothermal injection well(s) is currently "authorized by rule" in accordance with Title 40 Code of Federal Regulations (40 CFR) Sections 144.24 and 144.84(a). This authorization is based on information provided in your application and is valid for construction and operation of geothermal injection well(s) as detailed in your application. This authorization is limited to the location(s) indicated in the application that we received on March 1, 2010.

All injection wells are regulated under the UIC Program in accordance with 40 CFR Parts 144 and 146, which have been promulgated under Part C of the Safe Drinking Water Act, 42 United States Code Sections 1421 through 1428. Your Class V injection well(s) is subject to periodic compliance inspections, which may include sampling and analysis of your fluids. Finally, be aware that under 40 CFR Sections 144.12(c), (d), and (e), the EPA can require you to apply for a permit or close your injection well(s) under certain circumstances.



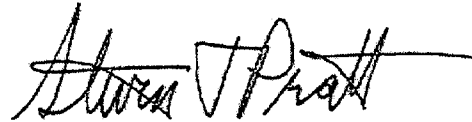
Printed on Recycled Paper

Please notify us if the potential for groundwater contamination increases. If you intend to change the proposed plan, please notify us in advance. Any changes in operating methods or any other conditions that may adversely impact groundwater **MUST** be approved in advance by the EPA. Failure to comply with the above requirements will result in violations of UIC regulations and possible enforcement actions and penalties.

Please be advised that this rule authorization pertains solely to the UIC Program and does NOT relieve you from satisfying any other federal, state, or local regulations concerning geothermal injection wells that may apply.

Please complete and return the self-addressed, stamped postcard included with this letter. Please contact Howard Urband at 1-800-227-8917, extension 312-6135 or (303) 312-6135, if you have any questions or need more information. More information on the EPA Region 8 Class V program can also be found online at:
<http://www.epa.gov/region8/water/uic/r8cvprog.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Pratt", with a long horizontal flourish extending to the right.

Steven J. Pratt, PE, CAPM (inactive)
Director, Groundwater Program

Enclosure: Self-addressed, Stamped Postcard (please return with signature and date)

cc: Ms. Karen Schlaak, Director
SD Department of Environment and Natural Resources
Water Rights Program
523 East Capitol
Pierre, SD 57501



Printed on Recycled Paper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7176-3, Yankton School District 63-3**

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. 7176-3, Yankton School District 63-3, c/o Chuck Turner, 1900 Ferdig Avenue, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7176-3 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 qualifications:

1. 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.
2. The well authorized by Permit No. 7176-3 and the re-injection well shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 16, 2010

NOTE: The Yankton School District will need to consult with the U.S. Environmental Protection Agency regarding the requirement to inject the water back into the aquifer. This is considered a Class V injection well by the Environmental Protection Agency that will need a permit or Rule Authorization. The EPA Region 8 Class V Underground Injection Control contact for South Dakota is Douglas Minter at (303) 312-6079.

**Report on Water Permit Application No. 7176-3
for Yankton School District
January 14, 2010**

Application No. 7176-3 proposes to appropriate 50 gallons per minute (0.11 cfs) from one well approximately 100 feet deep to be completed into the Niobrara Formation aquifer located in the SW ¼ SW ¼ Section 1 for geothermal use purposes in T93N-R56W in Yankton County. The annual period during which water will be used is January 1 through December 31.

AQUIFER: Niobrara Formation (NBRR)

This report will address the availability of unappropriated water from the Niobrara Formation aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Niobrara Formation is a buried light-gray to black, soft calcareous shale or marl and varies in thickness from 250 feet to less than 100 feet in the area of this application (Bugliosi, 1986). The aquifer appears to be under water table conditions in this area. Also, the aquifer appears to be hydraulically connected to the Lower James Missouri aquifer, which directly overlies the Niobrara Formation in the immediate area. Ground Water is found within fractures and solution openings in the rock. Existing production wells for the golf course to the northwest are capable of producing over 500 gpm.

The aquifer underlies 238 square miles of Yankton County but an estimate for water in storage is not available (Bugliosi, 1986).

Observation Well Data:

The Water Rights Program monitors an observation well completed into the Niobrara located approximately one and a quarter miles south of the application location. 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. A hydrograph for this observation well is included with this report.

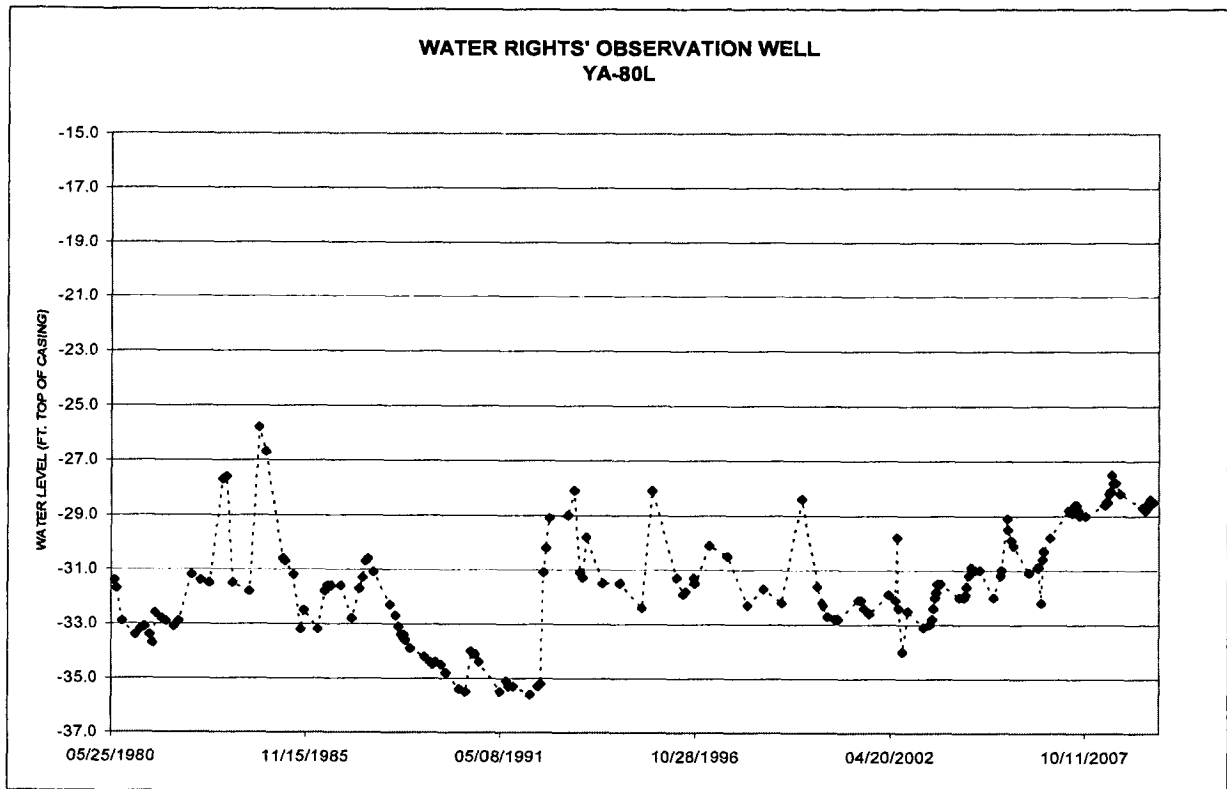


Figure 1. Hydrograph for Water Rights Observation Well YA-80L, completed into the Niobrara Aquifer within one and a half miles of 7176-3

In general, the hydrograph shows that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

There are four existing water permits within one mile of the application location which obtain water from the Niobrara Formation aquifer. The nearest existing permit is located less than a half mile to the northeast. Interference should not be a problem.

Conclusions:

1. Water is available from Niobrara Formation aquifer.
2. The aquifer appears to be under unconfined conditions at this location. The Niobrara is in all likelihood connected to the Lower James Missouri aquifer at this location.
3. Since the applicant plans to inject the water back into the aquifer, which is considered a Class V Injection Well by EPA, they will need a permit or Rule Authorization from EPA. Douglas Minter, the EPA Region 8 Class V Underground Injection Control contact for South Dakota can be reached at 303-312-6079.

4. If the wells covered by this permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
5. These wells must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, WRI 84-4241, USGS, Huron, SD 57350.

Water Rights, 2010, Unpublished Observation Well Data for the Niobrara Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501

RECEIVED

MAR - 8 2010

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

NOTICE OF APPLICATION
NO. 7176-3 to
Appropriate Water

Notice is given that the Yankton School District 63-3, c/o Chuck Turner, 1900 Ferdig Ave, Yankton SD 57078 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second from a well to be completed into the Niobrara Formation (100 feet deep) located in SW 1/4 SW 1/4 (Log 2 of Fox Run Industrial Park) Section 1-T93N-R56W for geothermal use purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7176-3 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 this 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 this 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 March 15, 2010.

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. Pimer, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$217.46.

Estimated publishing cost per published copy:

\$0.0252

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED Notice of Application No 7176-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE 3rd DAY OF March 2010 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$217.46 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 2/24/2010 & 3/3/2010

FILED ON: 3/3/2010

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF March 2010

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 2010

Dakota Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

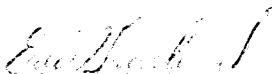
Enclosed is a Notice on Application No. 7176-3 to Appropriate Water to be published twice. Please publish the first notice on February 24, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Yankton School District 63-3, c/o Chuck Turner, 1900 Ferdig Ave., Yankton SD 57078 (Ph # 605-665-3980).

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. 7176-3

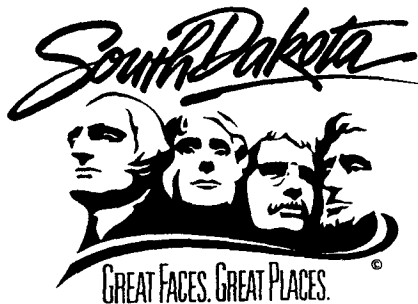
TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of February 17, 2010 enclosing Notice to Appropriate Water by Application No. 7176-3 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
denr.sd.gov

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

February 17, 2010

Yankton School District 63-3
c/o Chuck Turner
1900 Ferdig Ave
Yankton SD 57078

Dear Mr. Turner:

Water Permit Application No. 7176-3 for geothermal 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 Daily Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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 report on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

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.

Instruction to Newspaper - Publish first Notice on February 24, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7176-3 to Appropriate Water

Notice is given that the Yankton School District 63-3, c/o Chuck Turner, 1900 Ferdig Ave, Yankton SD 57078 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second from a well to be completed into the Niobrara Formation (100 feet deep) located in SW ¼ SW ¼ (Log 2 of Fox Run Industrial Park) Section 1-T93N-R56W for geothermal use purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7176-3 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 this 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 this 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 March 15, 2010.

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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 15 2010

Yankton School District 63-3
1900 Ferdig Ave
Yankton SD 57078

Dear Sir:

Enclosed is Water Permit No. 7176-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

SEP 20 2010

WATER RIGHTS
PROGRAMDate 15 Sept 2010

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

FROM: YANKTON SCHOOL DISTRICT 63-3
(name)

2410 WEST CITY LIMITS ROAD
(address)

YANKTON SD 57078 (city, state, zip) (605) 665-3980 (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

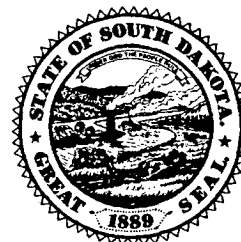
Water Permit No. 7176-3 states that the water use system is to be constructed by
26 July 2010 (date), and water is to be put to beneficial use by 26 July 2010 (date).

The water use system was completed on 26 July 2010 (date).

Applying the water to beneficial use was completed on 26 July 2010 (date).

You may schedule an investigation so that the water license may be issued.

Chuck Turner
(signature)
Supervisor of Buildings & Grounds





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 21, 2010

7176-3

Chuck Turner
Yankton School District 63-3
2410 West City Limits Rd
Yankton SD 57078

Dear Mr. Turner:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know the district is completed with the water use system authorized by Water Permit No. 7176-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

7176-3

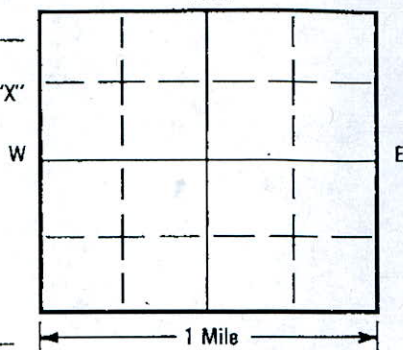
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 1 Twp 93N Rg 56WCounty Gambton

North

Please mark well location with an "X"



Well-Completion Date

2-2-09

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

straight rotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

200 LB/FT 5 IN 0 FT 43 FT 8 IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type lensol No. of Sacks _____ Grout Weight _____ lb./gal From 0 ft To 43 ft

_____ lb./gal _____ ft _____ ft

Describe grouting procedure pumped grout down w/ pressure groutersSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 4 3/4 IN Length 43 to 100 FEETMaterial open holeSlot Size _____ Set From 43 Feet to 100 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: chlorine

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Gambton School District

Business Name: _____

Address: 800 Douglas
Gambton, ND 57078

WELL LOG:

DEPTH

FORMATION	FROM	TO
top + brown clay	0	6
med sand	6	10
clay + sand	10	20
coarse gravel + chalk chunks	20	40
yellow chalk	40	42
grey shale (drills hard)	42	52
grey shale (drills easier)	52	100

STATIC WATER LEVEL 42 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:

☒ PumpedDescribe: installed sub☐ Bailed☐ Other

Pumping Level Below Land Surface

43 ft. After 1 Hrs. pumped 30 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

well is part of a geothermal system per licensing inspector - WR 7/30/19

This well was drilled under license # _____

And this report is true and accurate.

Drilling firm Christensen Well & PumpingSignature of License Representative: Cody W. Christensen

Signature of Well Owner or Equitable Property Holder: _____

Date: 3-2-09

RECEIVED

JUL 26 2019

WATER RIGHTS PROGRAM

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7176-3**

I have this day, July 23, 2019, made a thorough examination of the water use system constructed by Yankton School District 63-3, 2410 West City Limits Road, Yankton, SD 57078, holder of Permit No. 7176-3, bearing the priority of December 28, 2009, authorizing the diversion of 0.11 cu. ft. per second of the waters of groundwater (Niobrara Aquifer) for geothermal use in Yankton County.

Inspection contact: Derrick Dalnes

A. Works used to divert the water:

Well Information:

West Well (Pumping Well)

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 inches
- 2) Length 40 feet
- 3) Type Plastic

Screen:

- 1) Type Open Hole
- 2) Diameter 4.75 inches
- 3) Length 60 feet
- 4) Static water level 40 feet

Pump:

- 1) Make Grundfos
- 2) Model BF30 with Variable Speed Drive
- 3) Capacity 75 GPM

Motor:

- 1) Make Franklin
- 2) Model No. Unknown
- 3) Horsepower rating 3 hp

East Well (Injection Well)

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 inches
- 2) Length 43 feet
- 3) Type Plastic

Screen:

- 1) Type Open Hole
- 2) Diameter 4.75 inches
- 3) Length 57 feet
- 4) Static water level 42 feet

Pump:

- 1) None

Motor:

- 1) None

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

- 1) Type Unknown
- 2) Size Unknown
- 3) Length Unknown

C. Works used to apply water to beneficial use:

- 1) Geothermal Heat Pump System

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Exceptions to compliance are: The well pump is rated at 75 gpm, but the heat pumps in the building are rate for 50 gpm.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The pumping well is 300 feet east and 1,020 feet north of the southwest corner of Section 1-T93N-R56W (Latitude 42.897144, Longitude -97.416014 – SW1/4 of the SW1/4).
The injection well is 330 feet east and 1,050 feet north of the southwest corner of Section 1-T93N-R56W (Latitude 42.897231, Longitude -97.415894 – SW1/4 of the SW1/4).
2. The works are capable of diverting and conveying to the place of use 0.167 cu. ft. per second of water which is to be used for geothermal purposes. Water has been put to beneficial use to the maximum extent at the school facility in Lot 2 of Fox Run Industrial Park less Sublots A-F, and the license should be issued for 0.11 cfs.
3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: The geothermal system is a pump and dump system and is in good working order. The well pump is rated for 75 gpm and it has a variable speed drive. The heat system pumps inside the building are rated for 50 gpm. The well pump information was not available at the site, so I obtained the information from Christensen Well & Irrigation.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 26, 2019

Water Right No. 7176-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
July 26, 2019

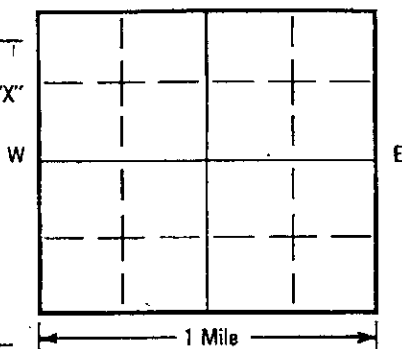
7176-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 1 Twp 93N Rg 56W
County Gambton North

Please mark well location with an "X"



Well-Completion Date

2-2-09

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Straight rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
200 LB/FT 5 IN 0 FT 43 FT 8 IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN
____ LB/FT ____ IN ____ FT ____ FT ____ IN

GROUTING DATA

Grout Type sealant No. of Sacks _____ Grout Weight _____ lb./gal From 0 ft To 43 ft
____ lb./gal ____ ft ____ ft

Describe grouting procedure pumped grout down w/ pressure grout

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter 4 3/4 IN Length 43 to 100 FEET
Material open hole
Slot Size _____ Set From 43 Feet to 100 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: chlorine☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner:

Gambton School District

Business Name:

800 Douglas

Address:

Gambton, SD 57078

WELL LOG:

DEPTH

FORMATION	FROM	TO
top + brown clay	0	6
med sand	6	10
clay + sand	10	20
course gravel + dark clink	20	40
yellow chalk	40	42
grey shale (drills hard)	42	52
grey shale (drills easier)	52	100

STATIC WATER LEVEL

42

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:

☒ PumpedDescribe: installed sub☐ Bailed☐ Other

Pumping Level Below Land Surface

43

ft. After

1 Hrs. pumped

30

GPM

ft. After

Hrs. pumped

GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # _____

And this report is true and accurate.

Drilling firm

Christensen Well & Pumping

Signature of License Representative:

Cody W. Christensen

Signature of Well Owner or Equitable Property Holder:

Date:

3-2-09



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 03 2019

7176-3

Derrick Dalnes
Yankton School District 63-3
2410 West City Limits Rd
Yankton SD 57078

Dear Mr. Dalnes:

Enclosed is Water License No. 7176-3. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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, which appears to read "Jeanne Goodman". The signature is fluid and cursive, with a long, sweeping underline.

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7176-3**

(1) Yankton School District 63-3, 2410 West City Limits Road, Yankton, SD 57078 made Application No. 7176-3, December 28, 2009 for a water permit to divert 0.11 cubic feet of water per second from ground water, one well (Niobrara Formation), Yankton County, South Dakota for geothermal purposes. Permit No. 7176-3, with a priority date of December 28, 2009 was approved March 15, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 15, 2015 and for the application to beneficial use of said water on or before March 15, 2019.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.11 cubic feet of water per second for beneficial use. The location of the diversion point and injection well are as follows:

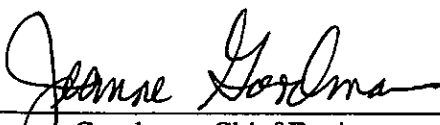
- The pumping well is 300'E and 1,020'N of the SW corner of Section 1, T93N, R56W (SW ¼ SW ¼) Latitude 42.897144, Longitude -97.416014
- The injection well is 330'E and 1,050'N of the SW corner of Section 1, T93N, R56W (SW ¼ SW ¼) Latitude 42.897231, Longitude -97.415894

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for geothermal purposes at the school facility.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Yankton School District 63-3, 2410 West City Limits Road, Yankton, SD 57078 the holder and/or owner of Water Right No. 7176-3 is issued a license to appropriate water, the right to use 0.11 cubic feet of water per second from ground water, one well (Niobrara Formation) with a priority date of December 8, 2009 from the location specified in (2) of this license for geothermal purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7176-3 and subject to the following qualifications:

- 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.
- The well authorized by No. 7176-3 and the reinjection well shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
The wells were drilled in 2009 by Christensen Well & Irrigation.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 03 2019

date

