

WATER PERMIT NO. 7204-3

Name of Applicant: Steven Fousek

Address: 29972 396th Ave, Wagner SD 57380

Phone: 605491-5475

Amount of Water Claimed: 0.133 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial and geothermal heat

County: Charles Mix

Type of Waste Disposal System: lagoon

Location: east edge of Wagner

PRIORITY

Date Received: 6-2-2010

Application/License Fee: \$700

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: for use at S & K Repair and Wash LLC

Diversion Point: NW ¼ NE ¼ Sec 3-T95N-R63W

Land to be Irrigated: NA

Depth of Well: 840 feet

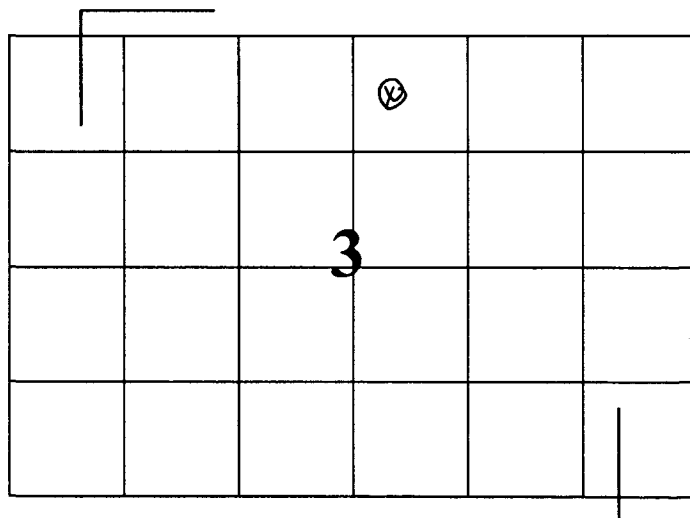
Well Driller:

Remarks:

Type of Map: aerial

Prepared by: George Sheurard, Dist

Conservationist



Reviewed and the Number Assigned on: 6-1-10

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

JUN 02 2010

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7204-3</u>	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Wagner Post P.O. Box 187</u> <u>605-384-5616</u> <u>Wagner 57380</u>	

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 Steven Fousek Phone 605 991 5475
 (check one) ☐ Owner ☐ Tenant/lessee
 Mailing Address 29972 396th Ave Wagner SD 57380
 (Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.133 *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 Charles Mix
NW1/4 NE1/4 of Section 3 T95N R63W of the 5th PM

5. County or counties where water will be used Charles Mix

6. Annual period during which water is to be used Yearly 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)

water will be used for Geothermal Heat then used
for a truck wash and discharged to a lagoon
S+K truck Repair and Wash LLC

STATE OF SOUTH DAKOTA)
 County of Charles Mix) SS

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

I, Steven Fousek, 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 Steven FousekSubscribed and sworn to before me this 1st day of June, 20 10

Notary Public signature

Marcia R. Honomichi, Notary Public
 My commission expires Feb. 22, 2013

**SOUTH DAKOTA
WATER PERMIT NO. 7204-3**

Date of first receipt of application June 2, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7204-3 to Steven Fousek, 29972 396th Ave, Wagner SD 57380 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. 7204-3 appropriates 0.133 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 840 feet deep) located in NW ¼ NE ¼ Section 3-T95N-R63W.
2. The water appropriated shall be used for the purpose of geothermal heat and commercial use at S & K Repair and Wash LLC 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. 7204-3 is July 19, 2010.
5. The date from which applicant may claim right is June 2, 2010.
6. One-fifth of the construction is to be completed on or before January 19, 2013.
7. All construction is to be completed on or before July 19, 2015.
8. Water is to be put to beneficial use on or before July 19, 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 the 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. 7204-3 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 28 2010
date



Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 8.75, 6.25 Depth 0-200, 200-840
- b) Casing Type PVC Diameter 5" 2" Thickness SDR17, SCL80
- c) Screen Type PVC Diameter 2.5" Thickness SCL80
- d) Gravel Pack Silica Sand Length of Gravel Pack 100'
- e) Depth to Top of Water Bearing Material 740'
- f) Depth to Water (ground surface to water level) flow + 70' head est
- g) Distance to nearest existing domestic well:
- On applicant's 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 _____

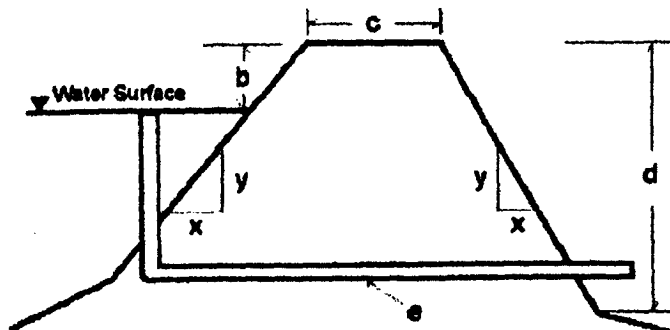
3. Dugout Information

- 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 (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

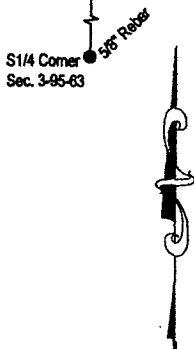
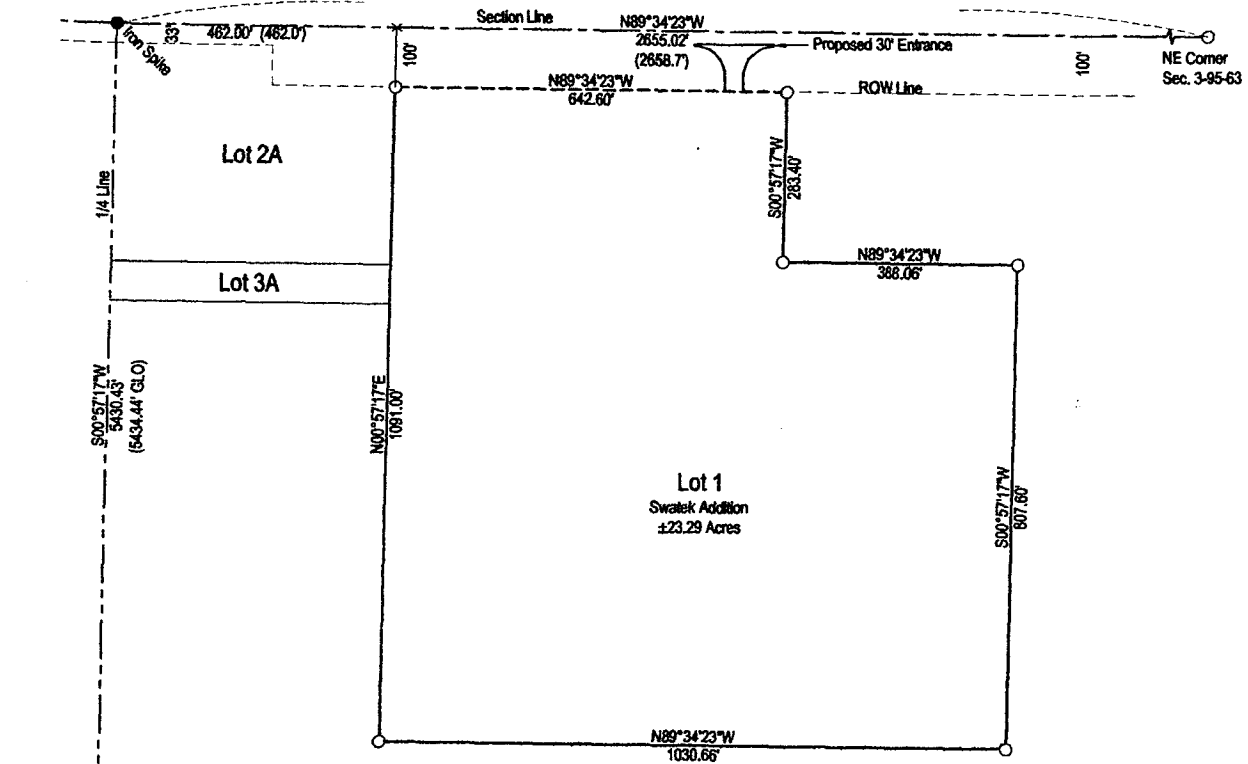
An aerial photograph of a rural landscape. A river flows from the top right towards the bottom left. The land is divided into various colored fields, mostly in shades of brown, tan, and dark brown. In the upper left, there is a cluster of small, light-colored buildings, possibly a farm or small town. A black 'X' marks a specific location in the upper right quadrant.

X Well Location

George Sheppard
George Sheppard
District Conservationist
Lodi Andor Field Office

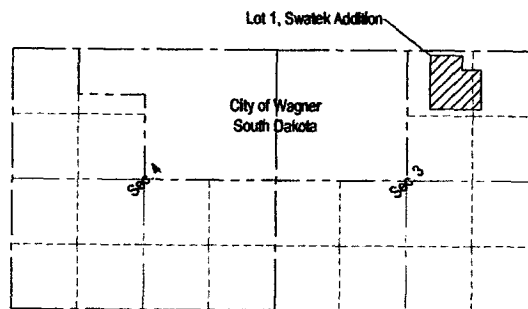
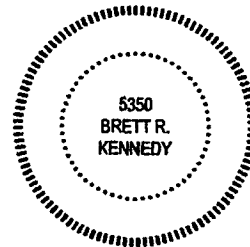
Section 3-95-63

A PLAT OF LOT 1 OF SWATEK ADDITION LYING IN THE NORTH HALF OF THE
NORTHEAST QUARTER (N1/2 NE1/4) OF SECTION 3, T 95 N,
R 63 W OF THE 5TH P.M., CHARLES MIX, SOUTH DAKOTA.



LEGEND

- Set 5/8" x 18" Rebar w/Cap
Stamped "KENNEDY LS 5350"
- Found Corner As Noted
- × Computed Corner
- (1190.75') Record Distance

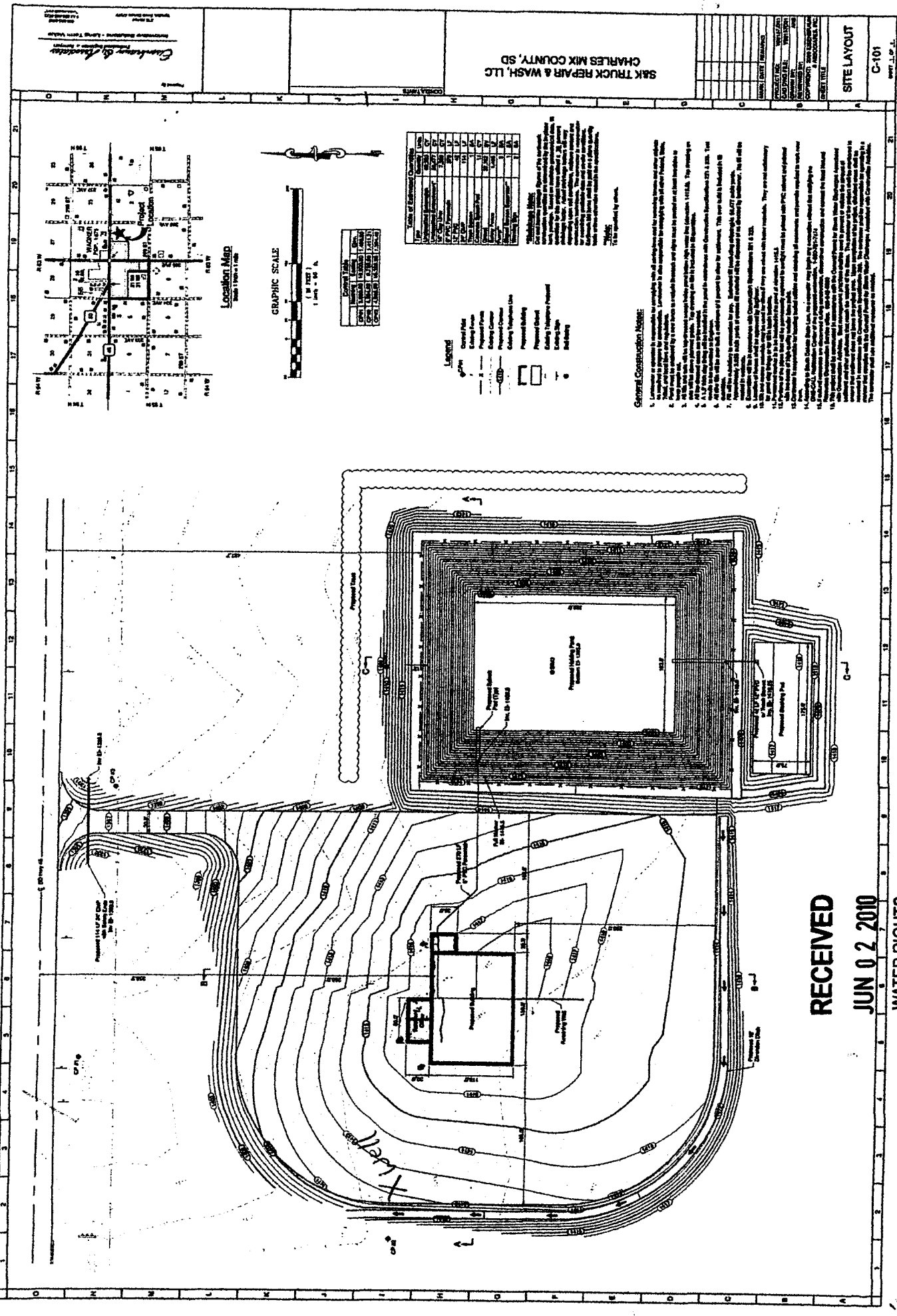


LOCATION MAP
Not to Scale

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JUN 02 2010
WATER RIGHTS PROGRAM

Prepared By
Eisenbraun & Associates
Professional Engineers & Surveyors
Innovative Solutions - Long Term Value
215 Walker
Vankar, South Dakota 57079
605-465-4000
FAX 605-465-0523
www.eisenbraun.com

Sheet 2 of 2
JF# Y9157.D01
CC: Ian S. Vik
DWG: Chris A. Gadeken, C.S.T.
CK BY: Brett R. Kennedy, L.S.



Charles & Associates
Professional Engineers & Surveyors
1000 South Main Street, Suite 200
Sioux Falls, SD 57105
Phone: 605.336.1234
Fax: 605.336.1235
www.charlesandassociates.com

SAK TRUCK REPAIR & WASH, LLC
CHARLES MIX COUNTY, SD

NO.	DATE	REVISIONS
1	06/02/2010	ISSUED FOR PERMIT
2	06/02/2010	REVISED PER COMMENTS
3	06/02/2010	REVISED PER COMMENTS
4	06/02/2010	REVISED PER COMMENTS
5	06/02/2010	REVISED PER COMMENTS
6	06/02/2010	REVISED PER COMMENTS
7	06/02/2010	REVISED PER COMMENTS
8	06/02/2010	REVISED PER COMMENTS
9	06/02/2010	REVISED PER COMMENTS
10	06/02/2010	REVISED PER COMMENTS

SITE LAYOUT
C-101
SHEET 1 OF 1

Table of Estimated Quantities	
ITEM	QUANTITY
1. Gravel Pad	1,000 sq. yds.
2. Proposed Building	1,000 sq. ft.
3. Proposed Parking	1,000 sq. ft.
4. Proposed Easement	1,000 sq. ft.
5. Proposed Foundation	1,000 sq. ft.
6. Proposed Walls	1,000 sq. ft.
7. Proposed Roof	1,000 sq. ft.
8. Proposed Utilities	1,000 sq. ft.
9. Proposed Landscaping	1,000 sq. ft.
10. Proposed Fencing	1,000 sq. ft.

General Construction Memo:

1. Construction is to be completed within the specified time frame and shall conform to all applicable codes and regulations. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

2. The contractor shall be responsible for maintaining access to all existing utilities and structures on the site. Any relocation or modification of utilities shall be done in accordance with the applicable codes and regulations.

3. The contractor shall be responsible for protecting all existing structures and utilities on the site. Any damage to existing structures or utilities shall be repaired or replaced at the contractor's expense.

4. The contractor shall be responsible for maintaining the site in a safe and secure condition at all times. All workers shall be properly trained and equipped for the work.

5. The contractor shall be responsible for maintaining the site in a clean and orderly condition at all times. All debris and waste shall be properly disposed of in accordance with the applicable codes and regulations.

6. The contractor shall be responsible for maintaining the site in a safe and secure condition at all times. All workers shall be properly trained and equipped for the work.

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10. The contractor shall be responsible for maintaining the site in a safe and secure condition at all times. All workers shall be properly trained and equipped for the work.

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JUN 02 2010
WATER RIGHTS
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/2, 20 10

RECEIVED OF S & K Truck Repair & Wash LLC 29972 396th Ave Wagner SD 57380

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

Fee for Application for Permit No. <u>7204-3</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>7204-3</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. **04567**

By *David E. Schelle*
Chief Engineer

Steven Fousek

S+K Truck Repair and wash LLC

Mailing Address

29972 396th Ave

Wagner SD 57380

Business Address

39569 SD Hwy 46

Wagner SD 57380

Phone 605 491 5475



**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. 7204-3, Steven Fousek**

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. 7204-3, Steven Fousek, 29972 396th Avenue, Wagner SD 57380.

The Chief Engineer is recommending APPROVAL of Application No. 7204-3 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 the 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. 7204-3 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
June 17, 2010

**Report on Water Permit Application No. 7204-3
for Steven Fousek
June 2, 2010**

Application No. 7204-3 proposes to appropriate 60 gallons per minute (0.133 cfs) from one well approximately 840 feet deep located in the NW ¼ NE ¼ of Section 3, T95N R63W in Charles Mix County. The water is to be used for geothermal heat and commercial use at a truck wash. The annual period during which water will be used is January 1 through December 31. The application indicates that after being used in the truck wash, the water will then be discharged to a holding pond.

AQUIFER: Dakota Aquifer

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

WATER AVAILABILITY

Aquifer Characteristics:

The Dakota aquifer is a bedrock aquifer consisting of sandstones and shales and is under confined conditions at this site. The aquifer underlies 1,134 square miles and contains an estimated 14.15 million acre feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Nebraska to the south, into Brule and Douglas Counties to the north, into Gregory and Lyman Counties to the west and into Bon Homme County to the east. Schoon described the Dakota Formation as the first relatively continuous sandstone below the Greenhorn Limestone and extends downward to the top of the Skull Creek Shale in western and central South Dakota. Where the Skull Creek is absent the Dakota overlies Precambrian rocks and, to a minor extent, rocks of the Inyan Kara Group or older sandstone (Schoon, 1971).

No test well report was included with this application.

Observation Well Data:

There are no observation wells in the Dakota Formation aquifer in the immediate area of this application. The nearest Dakota observation well is approximately thirty three miles east of this location in Hutchinson County. The hydrograph for this well is provided with this report.

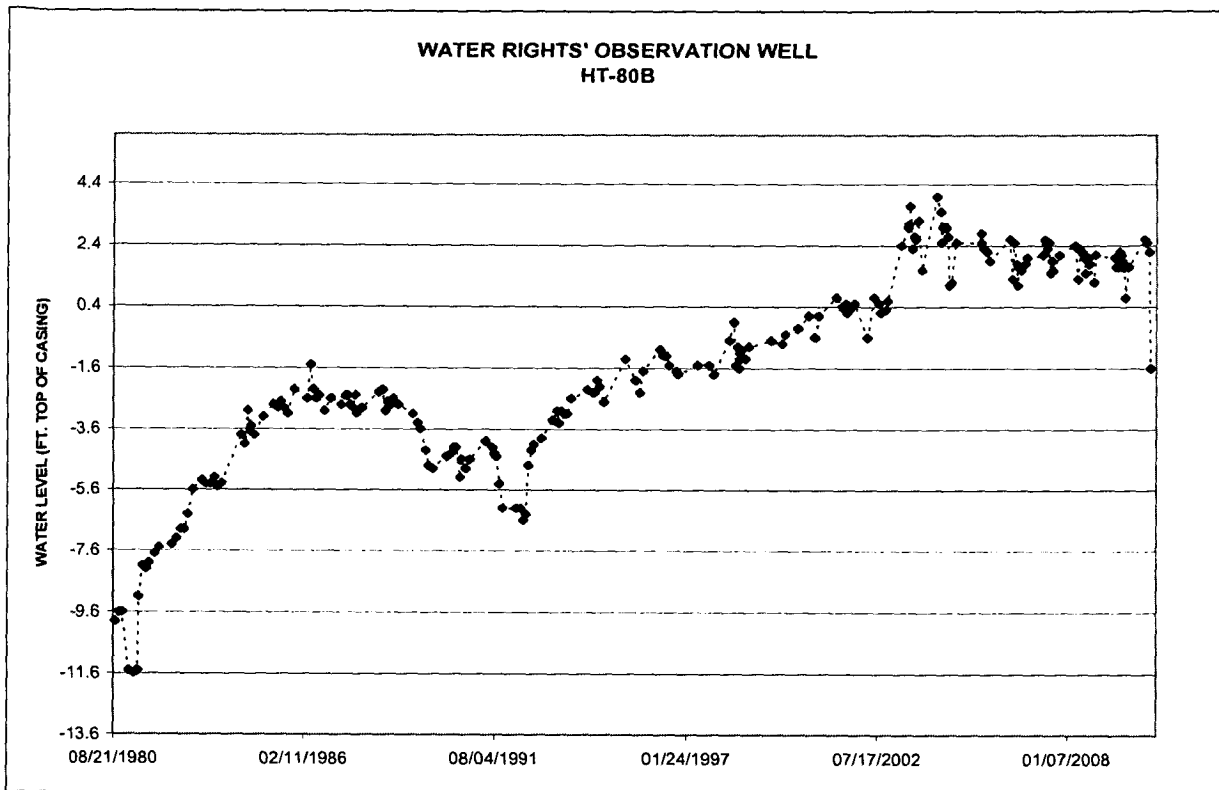


Figure 1. Hydrograph for Water Rights Observation Well HT-80B, completed into the Dakota Aquifer within thirty three miles of 7204-3

In general, the hydrograph shows an increasing water level since the well was completed, however head pressure in the Dakota Aquifer has been declining primarily due to the large number of uncontrolled flowing wells and improperly built or abandoned wells which allow water to flow to waste.

Review of Existing Water Permits/Rights/Water Use:

There is one permit in the Dakota Formation, located approximately one and a half miles west of this application location. Interference is not a concern since these are relatively low yield wells and pumping at this rate and distance should not create significant drawdown. The nearest permit, located less than a quarter of a mile north of this application location, is in a different aquifer.

Conclusions:

1. Water is available from Dakota Formation aquifer. The aquifer is under confined conditions at this location. Drawdown may result from pumping. Interference is not expected to be a problem.
2. If the well 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.
3. This well must be constructed in accordance with SD Well Construction Standards.

4. Plans and specifications for this facility have been submitted and were approved by the Surface Water Quality Program on January 25, 2010.
5. Dakota Formation head pressure has been declining primarily due to the large number of uncontrolled flowing wells and improperly built or abandoned wells which allow water to flow to waste.



Hayes Haas
Natural Resources Engineer

Bibliography:

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

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SD DWNR, SDGS, Vermillion, SD, 57069

Water Rights, 2010, Unpublished Observation Well Records for Hutchinson County, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

JUL 21 2010

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF CHARLES MIX)

Kim Johnson, of said County and State being first duly sworn on her oath says: That *The Wagner Post* is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Kim Johnson, and has been such newspaper during the time herein mentioned; and that I, Kim Johnson, the undersigned, am office manager of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks.

1st publication made on 30 day of June, 2010

2nd publication made on 7 day of July, 2010

3rd publication made on ____ day of ____, 2010

4th publication made on ____ day of ____, 2010

5th publication made on ____ day of ____, 2010

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

\$ 41.34

Kim Johnson

Subscribed and sworn before me this 19 day

of July, 2010

Quica Weffling
Notary Public

My commission expires 4/12/2012

THE WAGNER POST

Public Notice

NOTICE OF APPLICATION NO 7204-3 TO APPROPRIATE WATER

Notice is given that Steven Fousek, 29972 396th Ave, Wagner, SD 57380 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 840 feet deep) located in NW1/4 NE1/4 Section 3-T95N-R63W. The water will be used for geothermal heat and commercial use at S & K Repair and Wash LLC.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of application No. 7204-3 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 consenting 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 July 19, 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 \$41.35

First, June 30, July 7, 2010



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 18, 2010

Wagner Post
PO Box 187
Wagner SD 57380

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7204-3 to Appropriate Water to be published twice. Please publish the first notice on June 30, 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 Steven Fousek, 29972 396th Ave., Wagner SD 57380 (Ph # 605-491-5475).

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. 7204-3

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

Date _____

We are in receipt of your letter of June 18, 2010 enclosing Notice to Appropriate Water by Application No. 7204-3 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.

June 18, 2010

Steven Fousek
29972 396th Ave
Wagner SD 57380

Dear Mr. Fousek:

Water Permit Application No. 7204-3 for geothermal & commercial 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 Wagner Post printed at Wagner SD (Ph # 605-384-5616). 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 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
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 June 30, 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.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7204-3 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 July 19, 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 28 2010

Steven Fousek
29972 396th Ave
Wagner SD 57380

Dear Mr. Fousek:

Enclosed is Water Permit No. 7204-3 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,

A handwritten signature in black ink that reads 'Garland Erbele'.

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

enclosures

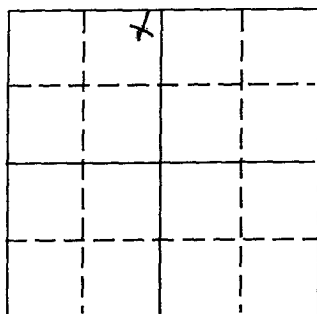
7204-3

11-02

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NE 1/4 NW 1/4 Sec 3 Twp 95N Rg 63WWell Owner: Steve FousckCounty Chas Mix

North



Please mark well location with an "X"

Well completion Date

2-23-122-23-12

1 Mile

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

1200 ft. from Lagoon (Identify source)

PROPOSED USE:

☐ 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
250 LB/FT	5 IN	0 FT	200 FT	8 3/4 IN
80 LB/FT	2 IN	200 FT	700 FT	6 1/4 IN
80 LB/FT	7 1/2 IN	700 FT	780 FT	6 1/4 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Port Hard	80	15.1 Lb/gal	0 Ft	320 Ft
Bentonite	32	9.2 Lb/gal	3.20 Ft	650 Ft

Describe grouting procedure Pressure turn tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 2 5/8 Inches Length 80 FeetMaterial PVC Sch 80Slot Size 1025 Set From 200 Feet to 780 FeetOther information Sand 650 - 780

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?

Lab sample sent to for water quality analysis

State

Business Name:

Address1:

Address2:

City, State, Zip:

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay - Gravel	0	300
Pierre	300	324
Nobara	324	431
Carlisle	431	500
Greenhorn	500	546
Graneros	546	610
Dakota	610	780

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

36

PSI

GPM flow 60through 2

Inch pipe

Controlled by ☒ Valve☒ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

Yes

WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After

Hrs. pumped

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

Permitted well

7204-3

This well was drilled under license #

213

And this report is true and accurate.

Drilling firm:

Northwestern Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

Please return WHITE COPY to: DENR Water Rights, 523 E. Capitol Ave., Pierre SD 57501