

WATER PERMIT NO. 7259-3

Name of Applicant: Old Apostolic Lutheran Church

Address: 33768 SD Hwy 28, Lake Norden SD 57248

Phone: 605 785-3847

Amount of Water Claimed: 1.0 cfs (120 AF)

Total Acres: na

Source of Water Supply: groundwater (4 wells)

Water to be used for: geothermal and fire protection

County: Hamlin

Type of Waste Disposal System:

Location: 1 mile west of Lake Norden

PRIORITY

Date Received: 7-5-2011

Application/License Fee: \$700

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 13-T113N-R54W

Land to be Irrigated: NA

Depth of Well: 60 feet deep

Well Driller: Wieber Well Drilling

Remarks:

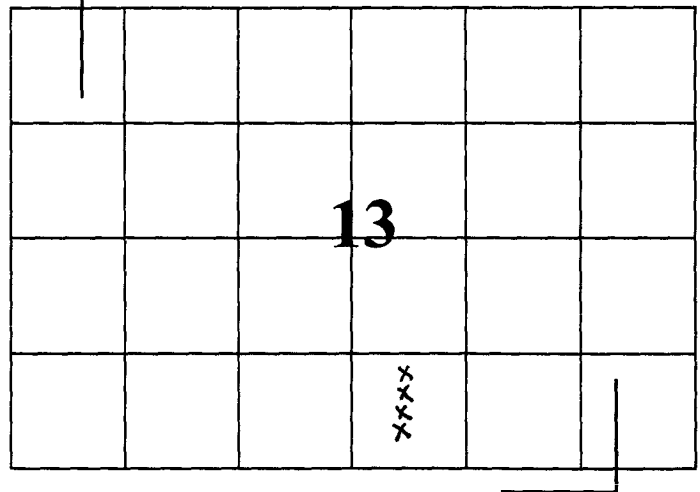
Type of Map: aerial

Prepared by: Damon Stormo, Hamlin Co FSA

Reviewed and the Number Assigned on: 7-5-2011

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

①

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JUL - 5 2011

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7259-3</u> (office use only)	Hydrologic Unit <u>10170201</u>
	Basin <u>Big Sioux River</u>	
	Newspaper <u>Hamlin Co. Herald P.O. Box 207</u>	
	<u>605' 783-3636</u>	<u>Hayti 52241</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 Fire Protection

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 OLD ~~NEW~~ Apostolic Lutheran Church Phone 605-785-3847
(check one) ☒ Owner ☐ Tenant/lessee CHURCH 605-520-2961
- Mailing Address 44168 SD Hwy 28 Lake Norden State SD 57248
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.0 *CFS or 450 max **GPM 120 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 3-5 WATER WELLS
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
TWD 113N Range 54W Sec 13
North central part of (SW 1/4 of SE 1/4) Section 13 County HAMLIN
- County or counties where water will be used HAMLIN
- Annual period during which water is to be used 12 MONTHS 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)

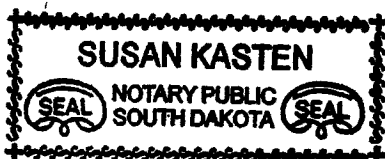
SEE ATTACHED PAPERS PAGE ③

STATE OF SOUTH DAKOTA)

County of Hamlin 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, _____, 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 Susan KastenSubscribed and sworn to before me this 23rd day of June 20 11

Susan Kasten
Notary Public signature
COMMISSION EXPIRES 6-25-15

**SOUTH DAKOTA
WATER PERMIT NO. 7259-3**

Date of first receipt of application July 5, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7259-3 to Old Apostolic Lutheran Church, 44768 SD Hwy 28, Lake Norden SD 57248 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. 7259-3 appropriates 1.0 cubic feet of water per second (120 acre-feet annually) from four wells completed into the Big Sioux:Brookings Aquifer (60 feet deep) located in SW 1/4 SE 1/4 Section 13-T113N-R54W.
2. The water appropriated shall be used for the purpose of geothermal heat and fire protection 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. 7259-3 is August 29, 2011.
5. The date from which applicant may claim right is July 5, 2011.
6. One-fifth of the construction is to be completed on or before February 28, 2014.
7. All construction is to be completed on or before August 29, 2016.
8. Water is to be put to beneficial use on or before August 29, 2020.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

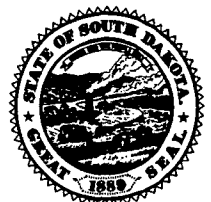
QUALIFICATIONS

1. The wells approved 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 wells authorized by Permit No. 7259-3 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.
3. Water Permit No. 7259-3 authorize a maximum total annual diversion of 120 acre feet of water.

WATER MANAGEMENT BOARD

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

SEP 19 2011
date



Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12" Depth 60'
- b) Casing Type PVC Diameter 8" Thickness CLASS 200
- c) Screen Type PVC Diameter 8" Thickness CLASS 200
- d) Gravel Pack Red Flint Length of Gravel Pack 14 Feet
- e) Depth to Top of Water Bearing Material 6'
- f) Depth to Water (ground surface to water level) 6'
- g) Distance to nearest existing domestic well;
On applicants property 250 On property owned by others SITE plan Attached

2. Wastewater Disposal System Information

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

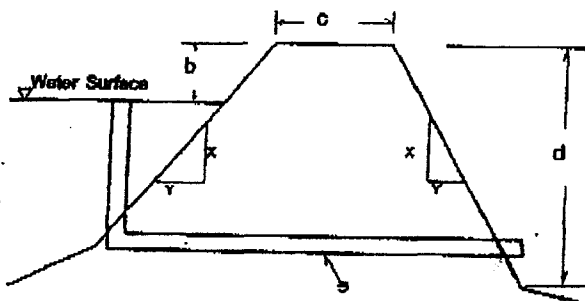
3. Dugout Information

- 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

of No:





United States Department of Agriculture
Farm Service Agency

PLSS: 13_113N_54W
Farm: 3697

Hamlin County

1:8,254

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

8-22-11
March 07, 2011
Damon Stormo
CED Hamlin FSA

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

Common Land Use
Non Cropland

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JUL - 5 2011

**WATER RIGHTS
PROGRAM**

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 7/5, 2011

RECEIVED OF Old Apostolic Lutheran Church Lake Norden SD 57248

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

Fee for Application for Permit No. <u>7259-3</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>7259-3</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. **04999**

By Halal Erskine
Chief Engineer

Gronlund, Eric

From: Kruse, Casey D NWO <Casey.D.Kruse@usace.army.mil>
Sent: Thursday, July 28, 2011 1:25 PM
To: Gronlund, Eric
Subject: Permit for well Old Apostolic Lutheran Church (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Eric: Good talking to you! Please change the POC on the permit application to me. I believe it is currently John Kopman. My email is casey.d.kruse@usace.army.mil. Best to contact me at the mobil number below. Thanks for your attention to this matter.

Casey D. Kruse
Chief, Threatened & Endangered Species Section
Omaha District-US Army Corps of Engineers
Office: 402-667-2580
Mobile: 402-290-8371

Classification: UNCLASSIFIED

Caveats: NONE

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JUN 24 2011

WATER RIGHTS
PROGRAM

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

June 22, 2011

Mr. Ken Buhler,

This letter is in regard to a well permit application that will be in the process for the Old Holy Apostolic Lutheran Church at Rural Lake Norden, South Dakota. John Kopman a church member asked me about well permitting of water wells in South Dakota. John's phone number is 605-785-3847.

Eric Grenlend from Natural Resource mailed me the permit applications. John Kopman and Jerry Wieber will be submitting you the information.

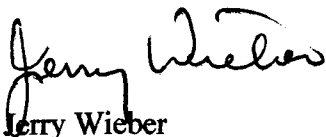
This letter is to request the permission to install a test production well at the site to determine well capacity of the formation. If the test well would turn out to be adequate, the well would be used for one of the production wells.

The final use for the water would be for the fire sprinkler system and the geothermal Cooling and heating system.

The permit application will be sent in with a complete explanation of the scope of the project. The sprinkler water is of course hoped to be never used, and the geo-thermal water would be subsurface discharged into the aquifer.

If you have questions about my request please call me on my cell phone . The number is 701-640-7861. The site location is on sec 13 twp 113N Range 54W in the SE quarter. This is not a new building site, the existing church is also on the property.

Sincerely,



Jerry Wieber
Wieber Well Drilling
Box 157
Lidgerwood, North Dakota 58053

Page (4)

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

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Sincerely,

Jerry Wieber
Wieber Well Drilling
Box 157
Lidgerwood, North Dakota 58053

page ③

The following is a description of the project that we are requesting a water Permit from the State of South Dakota, for the Old ~~Daily~~ Apostolic Lutheran Church in rural Lake Norden, South Dakota.

The church will be needing 450 gallon per minute capacity for the fire sprinkler system. The well field and pumping system will have a standby power generator and a well house enclosing the equipment controls and valves. The location of the well house building is still to be determined. This 450 GPM fire usage may never be needed.

Another use for a portion of this 450 gallon per minute system will be the geothermal Heating and cooling system. Expected geothermal use would be approximately 250-300 gpm at peak demand. All of the geothermal water would be subsurface discharged back into the aquifer.

Existing wells in the area show water sand from 6-60 feet deep. 50 to 60 feet is the expected depth of the production wells.

A water sample from the existing well shows 17 grain hardness with only a trace of iron. The church will also have Rural Water installed in the building

Attached you will find the following reports and information about the project.

- A. Enclosed is a signed engineering site plan report. Showing the proposed area where the well field will be installed and other pertinent information.
- B. A color satellite view of the existing church with the area marked where the new church is in the process of being built.
- C. The sewer and drain field proposed site plan and estimated gallons that may be used per month based on the metered usage at the existing church. This wastewater disposal system information will include tank sizes, number of tanks, Number of compartments per tank. Also the type of drain field system and length. All exact separation distances required by the South Dakota Well Code will be met by the waste water licensed sewer installer.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 24, 2011

Jerry Wieber
Wieber Well Drilling
Box 157
Lidgerwood, ND 58053

Dear Mr. Wieber:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well in the SE¼ Section 13, T113N-R54W, prior to approval of a water permit. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7259-3, Old Apostolic Lutheran Church**

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. 7259-3, Old Apostolic Lutheran Church, 44768 SD Hwy 28, Lake Norden SD 57248.

The Chief Engineer is recommending APPROVAL of Application No. 7259-3 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 wells approved 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 wells authorized by Permit No. 7259-3 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.
3. Water Permit No. 7259-3 authorize a maximum total annual diversion of 120 acre feet of water.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 3, 2011

NOTE: The Old Apostolic Lutheran Church will need to consult with the U.S. Environmental Protection Agency regarding the requirement to inject 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. 7259-3
for Old Apostolic Lutheran Church
July 8, 2011**

Application No. 7259-3 proposes to appropriate 450 gallons per minute (1.0 cfs) from four wells approximately 60 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13,-T113N-R54W. The water is to be used for geothermal heat and fire protection purposes in Hamlin County. The annual water use shall not exceed 120 acre-feet annually. The annual period during which water will be used is January 1 through December 31.

AQUIFER: Big Sioux Brookings

This report will address the availability of unappropriated water from the Brookings management unit of the Big Sioux aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Big Sioux Brookings aquifer is a buried outwash (sand and gravel) that is under predominantly water table conditions in the area of this application. The aquifer underlies 88,500 acres and contains an estimated 331,880 acre-feet of recoverable water in storage in Hamlin County (Hedges, 1982). The aquifer is hydraulically connected to area creeks and lakes and extends into Brookings County to the south and blends into the Big Sioux North aquifer to the north. Ground water movement is generally from northwest to southeast and toward Lake Norden in the area of this application (Kume, 1985).

Observation Well Data:

The Water Rights Program monitors two observation wells, HN-2005A and HN-2005B, located within two miles of this application location. These wells replace HN-76D which was destroyed in 2004. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2011). Hydrographs for these observation wells are included with this report.

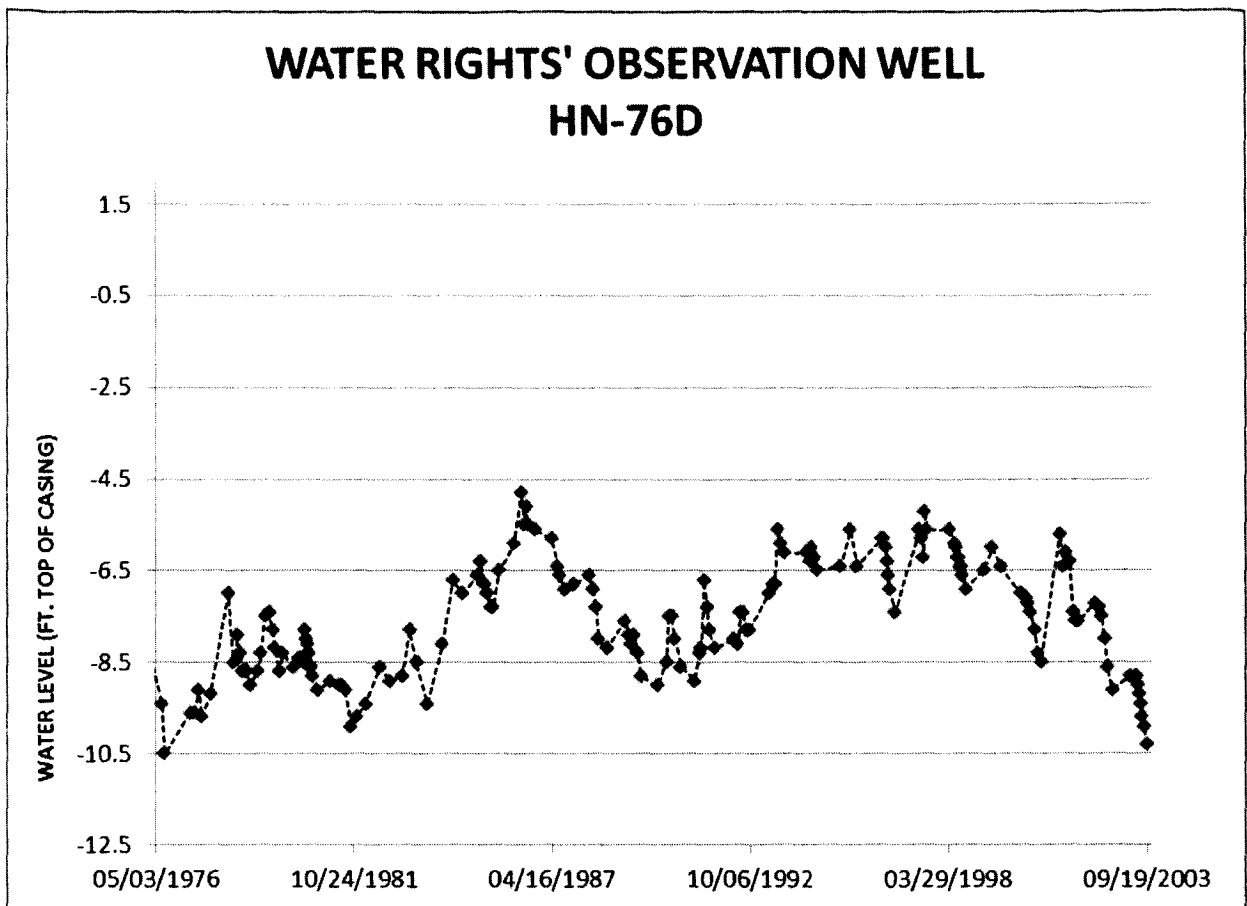


Figure 1. Hydrograph for Water Rights Observation Well HN-76D, completed into the Big Sioux Brookings Aquifer within two miles of 7259-3 (Water Rights, 2011)

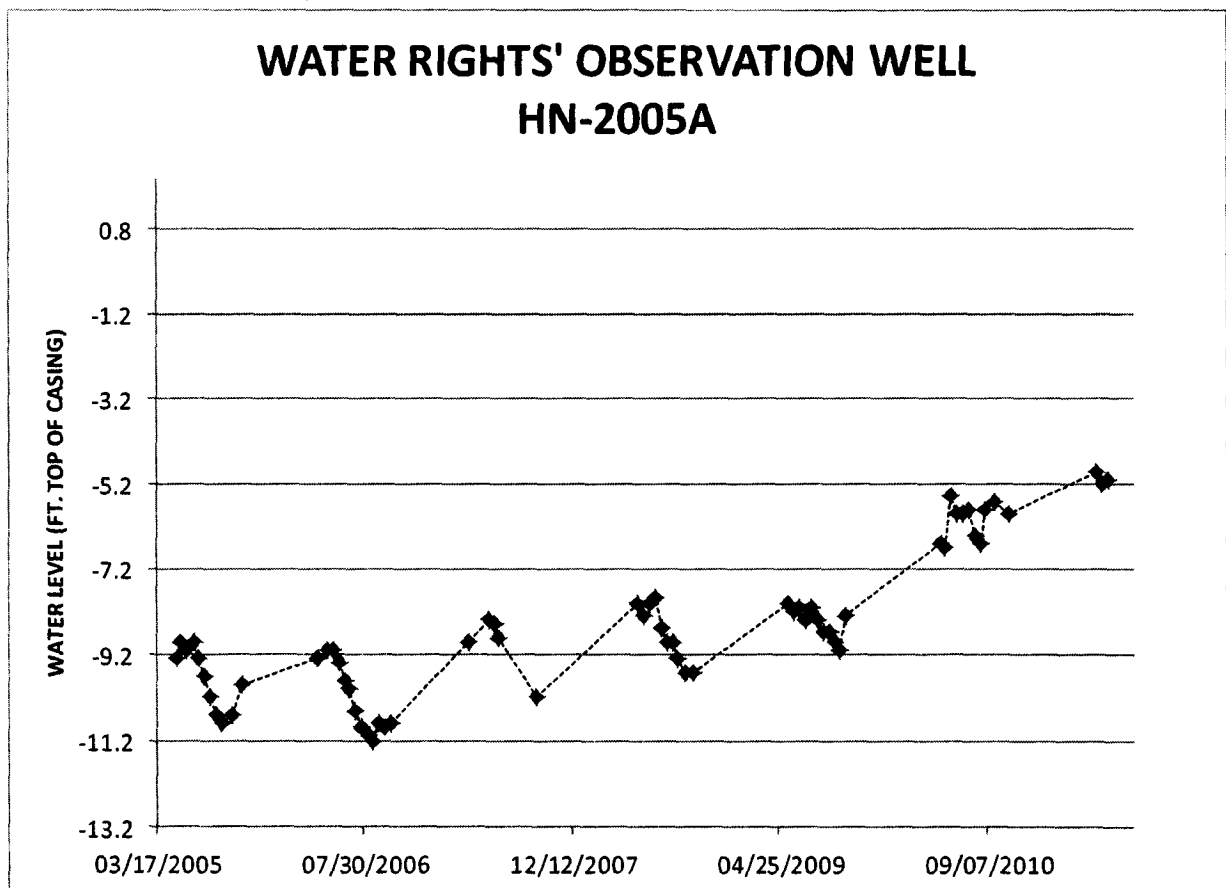


Figure 2. Hydrograph for Water Rights Observation Well HN-2005A, completed into the Big Sioux Brookings Aquifer within two miles of 7259-3 (Water Rights, 2011)

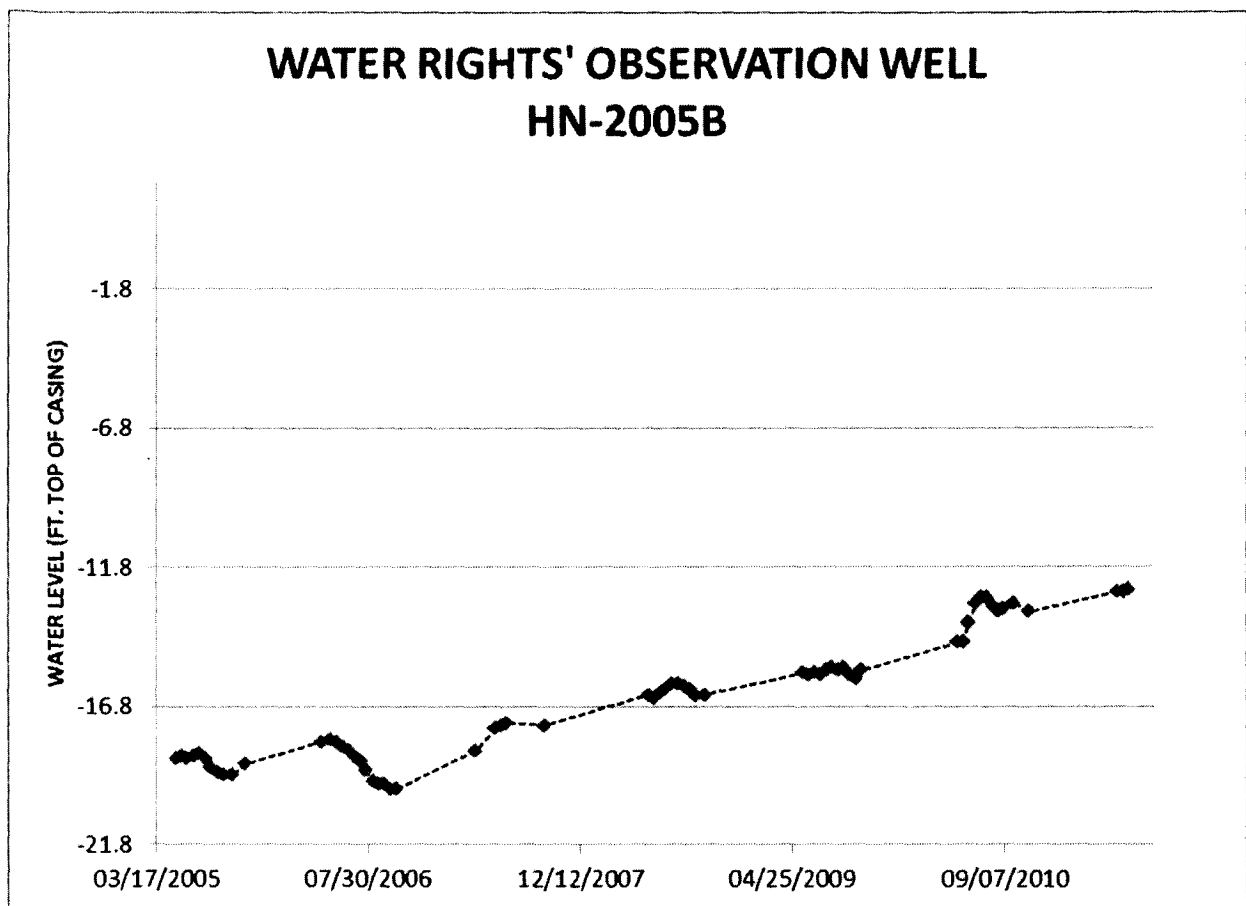


Figure 3. Hydrograph for Water Rights Observation Well HN-2005B, completed into the Big Sioux Brookings Aquifer within two miles of 7259-3 (Water Rights, 2011)

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Brookings management unit of the Big Sioux Aquifer date back to 1979.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped each year. The average number of appropriations is just over 165, with the average annual appropriation being nearly 70,000 acre-feet and the average annual pumpage reported at nearly 8,300 acre-feet.

IRRIGATION USE (ac-ft/yr) BS:B			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2010	172	62966.40	2713.39
2009	174	65098.40	9172.90
2008	166	62761.80	12505.85
2007	164	62374.80	12730.13
2006	161	61075.80	14325.04
2005	159	61435.80	11513.48
2004	156	60695.80	11809.91
2003	149	58970.80	11380.47
2002	149	59186.80	12410.94
2001	149	59312.80	8384.81
2000	153	60799.80	8933.72
1999	155	62181.30	7841.04
1998	157	63306.20	8109.71
1997	153	62281.70	5650.00
1996	154	62575.20	7220.95
1995	161	62961.20	3862.25
1994	160	64395.20	2854.62
1993	162	64963.70	1042.90
1992	162	64603.70	2331.60
1991	165	65534.97	7771.74
1990	175	71616.95	5862.92
1989	166	69391.27	13930.70
1988	167	74615.27	18521.40
1987	171	76624.07	10015.00
1986	179	80788.57	2854.70
1985	181	81385.57	4951.40
1984	188	84188.07	8177.60
1983	161	74854.57	8227.46
1982	155	77754.00	4551.86
1981	196	91361.00	9040.00
1980	187	87093.00	9837.00
1979	184	85701.00	6144.00
AVERAGE	165.34	68839.23	8271.23
MAXIMUM	196	91361.00	18521.40
MINIMUM	149	58970.80	1042.90

Table 1. Irrigation usage from the Brookings management unit of the Big Sioux aquifer (Water Rights, 2011).

There are two existing water permits/rights for irrigation located within one mile of this application. Water levels may fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Recharge:

The Big Sioux aquifer is recharged from several sources. Recharge occurring to the Big Sioux aquifer through infiltration of precipitation has been estimated to be 48,000 acre-feet per year (Kume, 1985).

Conclusions:

1. Water is available from the Brookings management unit of the Big Sioux aquifer.
2. The aquifer appears to be under water table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. 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.
4. These wells must be constructed in accordance with SD Well Construction Standards. The annual water use shall not exceed 120 acre-feet annually.



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

Kume, J., 1985, Water Resources of Deuel and Hamlin Counties, South Dakota, Water Resources Investigations Report 84-4069, USGS, Huron, SD 57350

Water Rights, 2011, Irrigation Summaries for the Big Sioux Brookings Aquifer 1979-2010, SD DENR, Division of Water Rights, Pierre, SD, 57501

Water Rights, 2011, Unpublished Observation Well Records for Hamlin County, SD DENR, Division of Water Rights, Pierre, SD, 57501

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SEP - 2 2011

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Archer

certify that the attached printed Notice was taken

from the Hamlin County

Herald Enterprise

printed and published in Haghi

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Aug. 10, 2011

Aug. 17, 2011

Cost of Printing \$ 40.39

LeeAnne Archer
(Signature)

Dwight
(Title)

8-30-2011
(Date Signed)

NOTICE OF APPLICATION NO. 7259-3 TO APPROPRIATE WATER

Notice is given that Old Apostolic Lutheran Church, 44768 SD Hwy 28, Lake Norden SD 57248 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second (120 acre-feet annually) from four wells completed into the Big Sioux-Brookings Aquifer (60 feet deep) located in SW 1/4 SE 1/4 Section 13-T113N-R54W for geothermal heat and fire protection purposes. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7259-3 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 August 29, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pinner, Secretary, Department of Environment and Natural Resources. Published Aug. 10 and 17, 2011, at total cost of \$40.39.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 4, 2011

Hamlin County Herald Enterprise
PO Box 207
Hayti SD 57241

ATTENTION: Legal Public Notice

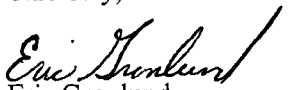
Enclosed is a Notice on Application No. 7259-3 to Appropriate Water to be published twice. Please publish the first notice on August 10, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Old Apostolic Lutheran Church, 44768 SD Hwy 28, Lake Norden SD 57248 (Ph # 605-785-3841).

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. 7259-3

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

Date _____

We are in receipt of your letter of August 4, 2011 enclosing Notice to Appropriate Water by Application No. 7259-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 4, 2011

Old Apostolic Lutheran Church
44768 SD Hwy 28
Lake Norden SD 57248

Dear Sir:

Water Permit Application No. 7259-3 for geothermal and fire protection 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 Hamlin County Herald Enterprise printed at Hayti SD (Ph # 605-783-3636). 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 August 10, 2011 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. 7259-3 to Appropriate Water

Notice is given that Old Apostolic Lutheran Church, 44768 SD Hwy 28, Lake Norden SD 57248 has filed an application for a water permit to appropriate 1.0 cubic feet of water per second (120 acre-feet annually) from four wells completed into the Big Sioux:Brookings Aquifer (60 feet deep) located in SW ¼ SE ¼ Section 13-T113N-R54W for geothermal heat and fire protection purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7259-3 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 August 29, 2011.

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
www.state.sd.us/denr

SEP 19 2011

Old Apostolic Lutheran Church
44768 SD Hwy 28
Lake Norden SD 57248

Dear Sir:

Enclosed is Water Permit No. 7259-3 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

SOUTH KOTA WATER WELL COMPLETION REPORT

07-92

Location Se 1/4 Sec 13 Twp 113 Rg 54 W
 County Hamlin

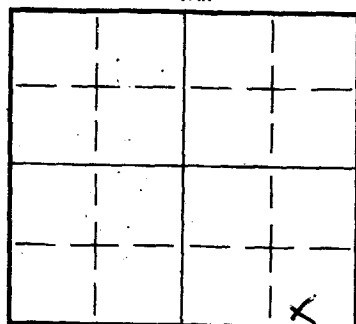
Please mark well location with an "X"

W

E

Well Completion Date

8-12-11



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 175 ft. from Septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

FORWARD ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200 LB/FT</u>	<u>8" IN</u>	<u>0 FT</u>	<u>20 FT</u>	<u>14 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Jyobon</u>	_____	_____ lb./gal	_____ ft.	_____ ft.
<u>onestep</u>	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure Full hole grouting
top to bottom @ 15'

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 8 IN Length 10 FEET

Material DUC EUREFIO

Slot Size 2070 Set From 20 Feet to 30 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: _____

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Pierzie By owner @ pump install

Well Owner: OLD ~~APOLITIC~~ LUTHERAN CHURCH

Business Name: _____

Address: SD Hwy 25
LAKE NORDEN SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>2</u>
<u>Sandy clays</u>	<u>2</u>	<u>7</u>
<u>Blue clay</u>	<u>7</u>	<u>20</u>
<u>COARSE SAND</u>	<u>20</u>	<u>30</u>

STATIC WATER LEVEL 7 Feet

If flowing: closed in pressure No - Flow 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: HIR

☐ Bailed _____

☒ Other _____

Pumping Level Below Land Surface

20 ft. After 1 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate BY OTHERS - OWNER GPM

REMARKS

This well was drilled under license # 480

And this report is true and accurate.

Drilling firm Weber Well Drilling

Signature of License Representative:

[Signature]

Signature of Well Owner or Equitable Property Holder:

Date: 1-1-2012

Pitless Unit and Pump Record

1. Well Owner:

Name OALC Date of Installation: 11-15-11
Address SD Hwy 28 Lakewood S.D. 57248

2. Location:

County Hamilton
SE 1/4, SE 1/4, SE 1/4 Section 013, Township 113, N., Range 54W West

3. Well Head Completion:

Pitless Unit brand name _____, diameter 8" in., type of joint Thd
depth of joint 7', inches above grade 12, other _____

4. Pump:

Type: submersible ☒, jet _____, cylinder _____, turbine _____, other _____
Manufacturer's name Gould
Model No. 100 H 07-4 HP 7 1/2 Volts 208 V
Pump setting (depth), 21', pumping rate 105 gpm.
Is well vented? yes ☒ no _____ Is there a measuring port? yes ☒ no ☒

5. Pressure tank (if installed) Yes _____ No ☒

Manufacturer's name _____ Model No. _____ Capacity _____ gallons.
above ground _____, below ground _____
Pressure rating of pipe between well and tank _____

6. Was well and other plumbing disinfected upon completion? Yes ☒ No _____

Installers Certification

This installation was installed under my jurisdiction and
this report is true to the best of my knowledge.

By Owner
INSTALLER OR FIRM NAME

ADDRESS

SIGNED BY [Signature]

RECEIVED

MAY 18 2012

WATER RIGHTS
PROGRAM

CERTIFICATE NO.

DATE 12-5-11

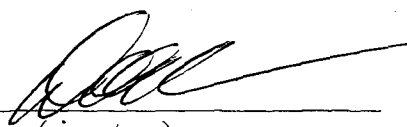
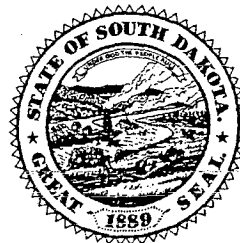
MAY 18 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5/15/12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: OAL Church
(name)44768 SD Hwy 28
(address)Lake Norden SD 57248
(city, state, zip) (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. 7259-3 states that the water use system is to be constructed byChurch (Owner) and water is to be put to beneficial use by 5-15-12
(date) (date)The water use system was completed on 5-15-12
(date)Applying the water to beneficial use was completed on 5-15-12
(date)

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


(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 23, 2012

7259-3

Old Apostolic Lutheran Church
44768 SD Hwy 28
Lake Norden SD 57258

Dear Sir:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that was sent in to let us know the water use system was completed.

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 completion of the project and the staff inspection has no bearing on the 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7259-3

I have this day, April 2, 2015, made a thorough examination of the water use system constructed by Old Apostolic Lutheran Church, 44768 SD Hwy 28, Lake Norden, SD 57248 of Permit No. 7259-3, bearing the priority of July 5, 2011 authorizing the diversion of 1.00 cu. ft. per second and/or the storage of 120 acre-feet of the waters of Big Sioux Brookings aquifer for geothermal and fire protection purposes, in Hamlin County.

Inspection contact & relationship to permit holder, if applicable: **Dale Kotman – (605) 881-0975**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wieber Well Drilling
- 2) No. of Wells 5
- 3) Depth(s) 28 to 32 feet
- 4) Well logs are available Yes

Casing:

- 1) Diameter 3 wells - 8 inches
- 2) Diameter 2 wells - 5 inches
- 3) Length 18 to 22 feet
- 4) Type all PVC

Screen:

- 1) Type all PVC
- 2) Length all 10 feet
- 3) Static water level all 7 feet

Motor/Pump:

- 1) Make unknown (all)
- 2) Size 7.5 hp motors in three 8 inch wells
- 3) Size 3 hp motors in two 5 inch wells
- 4) Capacity at high pressure (fire protection) 450 GPM
- 5) Capacity at low pressure (geothermal) 200 GPM at maximum

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

Water is distributed through a custom-built geothermal heating/cooling system and fire protection system. Water from geothermal system is discharged to a 12 inch tile drain.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes. The permit is limited to 120 acre-feet annually. To reach this volume, the geothermal system would need to run 38% of the time at full demand. Given the type of facility and hours needed for full heating/cooling demand, the annual usage seems reasonable.
- 2) Exceptions to compliance are: none

D. Condition and Location:

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

8 inch well: 580 feet north and 2,105 feet west from SE corner section 13-T113N-R54 W (SW1/4 SE1/4, Long. -97.25742, Lat. 44.58836)

5 inch well: 688 feet north and 2,055 feet west from SE corner section 13-T113N-R54 W (SW1/4 SE1/4, Long. -97.25722, Lat. 44.58865)

8 inch well: 705 feet north and 1,960 feet west from SE corner section 13-T113N-R54 W (SW1/4 SE1/4, Long. -97.25685, Lat. 44.5887)

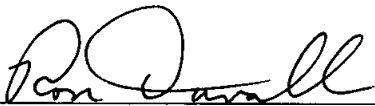
8 inch well: 764 feet north and 1,847 feet west from SE corner section 13-T113N-R54 W (SW1/4 SE1/4, Long. -97.25642, Lat. 44.58885)

5 inch well: 812 feet north and 1,755 feet west from SE corner section 13-T113N-R54 W (SW1/4 SE1/4, Long. -97.25607, Lat. 44.58898)

2. The works are capable of diverting and conveying to the place of use 1.00 cu. ft. per second of water and using 120 acre-feet of water annually for geothermal and fire protection purposes.
3. All structures, wells and lands on map Yes

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

No other water permits/rights are associated with this project.



Ron Duvall
Water Rights Permitting Administrator
DENR, Water Rights Program

Date report completed: May 20, 2015

Scale: 1 inch = 436 feet

610

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, WR Permitting Administrator
Water Rights Program

Diversion point(s) located using a Garmin eTrex 10 GPS.

Date: May 20, 2015

Water Right No. 7259-3

Approval of Additional Diversion Point

NAME: Old Apostolic Lutheran Church

ADDRESS: 44768 SD Hwy 28, Lake Norden, SD 57248

DATE: May 20, 2015 **COUNTY:** Hamlin **TELEPHONE:** (605) 785-3841

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

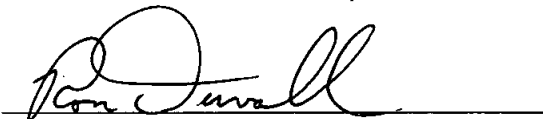
Water Permit No. 7259-3 was issued for 4 wells but 5 wells are in use for geothermal heating/cooling and for fire protection. The fifth well is in the same aquifer (Big Sioux Brookings) and total water usage does not exceed the amount permitted under No. 7259-3. Each of the five wells used by the church are spaced about 100 feet apart.

- **Review of Existing Diversions**

There are 2 domestic wells in the same section and 5 other domestic wells in the sections adjoining section 13-T113N-R54W. In addition, there is an irrigation well in section 12, 1 mile to the north, with a priority date of February 28, 1975. All of the domestic wells with the exception of one located in section 13 predate the existence of the wells covered by No. 7259-3. The nearest domestic well is probably about 900 feet from the nearest of the 5 church wells based on the domestic well location marked on the well completion report. There has been no reported interference between the church wells and other wells. Since the aquifer is under water table conditions, the cone of influence is not expected to extend a great distance from the production wells nor interfere with low capacity domestic wells. If any interference does occur it would be expected between the 5 production wells which are spaced about 100 feet apart from one another.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion points be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 28 2015

7259-3

Old Apostolic Lutheran Church
44768 SD Hwy 28
Lake Norden SD 57248

Dear Sir:

Enclosed is Water License No. 7259-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 7259-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7259-3

(1) Old Apostolic Lutheran Church, 44768 SD Hwy 28, Lake Norden SD 57248 made Application No. 7259-3, July 5, 2011 for a water permit to divert 1.00 cubic feet of water per second with 120 acre feet of water annually from ground water (4 wells, Big Sioux Brookings Aquifer), Hamlin County, South Dakota for geothermal and fire protection purposes. Permit No. 7259-3, with a priority date of July 5, 2011 was approved August 29, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 29, 2016 and for the application to beneficial use of said water on or before August 29, 2020.

The Permit holder submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on May 18, 2012. The *"Notice"* stated the water use system was completed and the water placed to beneficial use on May 15, 2012.

Water Permit No. 7259-3 was approved for four wells to be used for geothermal heating and cooling and for fire protection. An inspection of the water use system found a fifth well had been constructed. The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the additional diversion point does not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.00 cubic feet of water per second for beneficial use.

The location of the diversion points are:

- 580 feet N and 2,105 feet W of the SE corner section 13-T113N-R54W (SW1/4 SE1/4 Long. -97.25742, Lat. 44.58836)
- 688 feet N and 2,055 feet W of the SE corner section 13-T113N-R54W (SW1/4 SE1/4 Long. -97.25722, Lat. 44.58865)
- 705 feet N and 1,960 feet W of the SE corner section 13-T113N-R54W (SW1/4 SE1/4 Long. -97.25685, Lat. 44.5887)
- 764 feet N and 1,847 feet W of the SE corner section 13-T113N-R54W (SW1/4 SE1/4 Long. -97.25642, Lat. 44.58885)
- 812 feet N and 1,755 feet W of the SE corner section 13-T113N-R54W (SW1/4 SE1/4 Long. -97.25607, Lat. 44.58898)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Old Apostolic Lutheran Church, 44768 SD Hwy 28, Lake Norden SD 57248 the holder and/or owner of Water Right No. 7259-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from ground water (5 wells, Big Sioux Brookings Aquifer) with a priority date of July 5, 2011 from the location specified in (2) of this license for geothermal and fire protection purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7259-3 and subject to the following qualifications:

- The wells 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 wells authorized by Permit No. 7259-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. *All wells were drilled by Wieber Well Drilling in 2011. Copies of the logs are on file with the Water Rights Program.*
- Water Right No. 7259-3 authorizes a maximum total annual diversion of 120 acre feet of water.



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

MAY 28 2015

date

