

WATER PERMIT NO. 7273-3

Name of Applicant: Sanborn Central School District #55-5

Address: 40405 WHwy 34, Forestburg SD 57314 Phone:

Amount of Water Claimed: 0.28 cfs (120 AF annually) Total Acres: NA

Source of Water Supply: one well

Water to be used for: institutional use County: Sanborn

Type of Waste Disposal System:

Location: just south of Forestburg

PRIORITY Date Received: 1001202011 Application/License Fee: \$500

Corrected Application Received: Period of Annual Use: January 1 - December

Remarks: Permit No. 6472-3 authorized a Codell Aquifer well. Well completed into Niobrara Formation – license fee will be transferred to this permit

Diversion Point: SE ¼ NE ¼ Sec 2 –T106N-R61W

Land to be Irrigated:

Depth of Well: 180 feet deep

Well Driller: Pullman Well Drilling

Remarks:

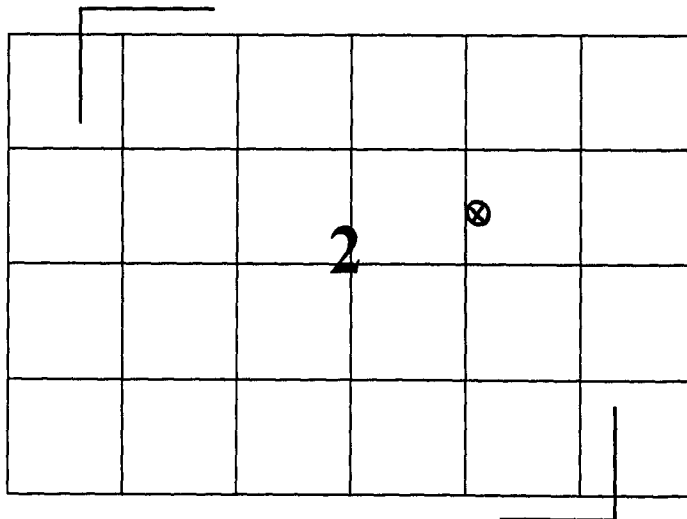
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 10-12-2011

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7273-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Sanborn Weekly Journal P.O. Box 218</u>
	<u>605-796-4221</u> <u>Woonsocket 57385</u>

RECEIVED
OCT 12 2011
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: (check one)

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

☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____

☐ Amendment/Correction to Permit No. _____

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

well was completed into the Niobrara Formation instead of the Codell Aquifer as authorized by Water Permit No. 6472-3

- Name of Applicant Sanborn Central #55-5 Phone 605-495-4183
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 40405 Hwy 34 Forestburg SD 57314
(Address) (City) (State) (Zip Code)
- Amount of water claimed 0.28 *CFS or 125 **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 well completed into the Niobrara Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Sanborn
SE 1/4 NE 1/4 Section 2, T106N, R61W
- County or counties where water will be used Sanborn
- Annual period during which water is to be used January 1 - December 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)

After obtaining Water Permit No. 6472-3 well was completed into the Niobrara Formation instead of the authorized Codell Aquifer. This necessitates obtaining this permit. Upon securing the permit, Water Permit No. 6472-3 can be cancelled.

STATE OF SOUTH DAKOTA)
County of Sanborn) 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, Linda Whitney, Superintendent, 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 Linda Whitney
Subscribed and sworn to before me this 23 day of September 20 11

Ayle M. Becker my commission expires 7-19-2016
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7273-3**

Date of first receipt of application October 12, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7273-3 to Sanborn Central School District #55-5, 40405 Hwy 34, Forestburg SD 57314 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7273-3 appropriates 0.28 cubic feet of water per second (120 acre-feet annually) from one well completed into the Niobrara Formation (180 feet deep) located in SE ¼ NE ¼ Section 2-T106N-R61W.
2. The water appropriated shall be used for the purpose of institutional 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. 7273-3 is January 30, 2012.
5. The date from which applicant may claim right is October 12, 2011.
6. One-fifth of the construction is to be completed on or before July 30, 2014.
7. All construction is to be completed on or before January 30, 2017.
8. Water is to be put to beneficial use on or before January 30, 2021.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

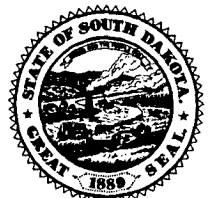
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Approval of Water Permit No. 7273-3 cancels Water Permit No. 6472-3.

WATER MANAGEMENT BOARD

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

MAY 02 2012

date



SURVEYOR'S AFFIDAVIT

PROJECT NO. 04-11836

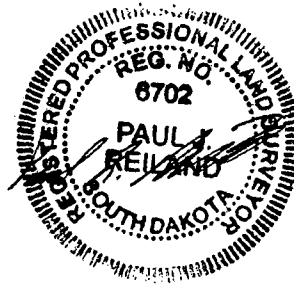
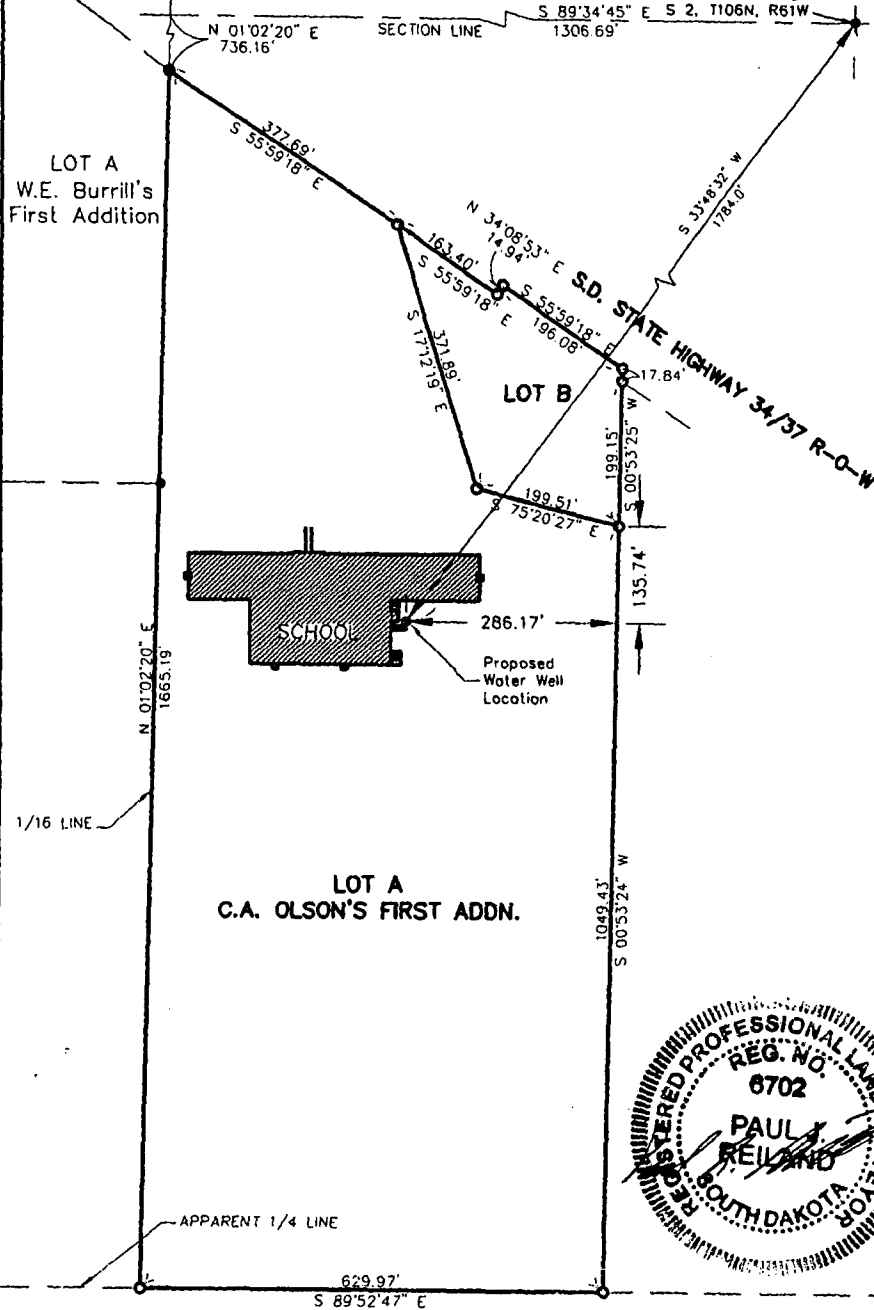


SCALE: 1" = 200'

LEGEND

- △ = SET 3" SURVEY SPIKE
- = SET 5/8" X 18" REBAR WITH CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊠ = SET NAIL

NE SECTION CORNER
E S 2, T106N, R61W



SPN & Associates
 Engineers, Planners and Surveyors
 620 North Lawler - P.O. Box 398 Mitchell, South Dakota 57301
 Phone: (605) 996-7761 Fax: (605) 996-0015

EXHIBIT "A"
 PAGE 2 OF 2

6472-3

BY: PAUL J. REILAND, R.L.S.
LAWLER - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

RECEIVED

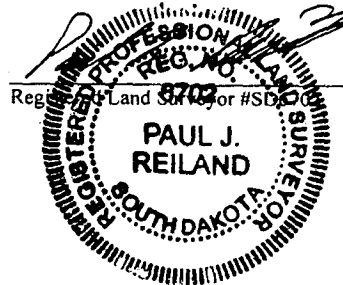
MAR 01 2004

WATER RIGHTS
PROGRAM

SURVEYOR'S AFFIDAVIT

I, Paul J. Reiland, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. I did survey, in general conformance with accepted standards of practice, THE PROPOSED WATER WELL LOCATION WITHIN LOT A OF C.A. OLSON'S FIRST ADDITION, A SUBDIVISION OF AN UNPLATTED PORTION OF THE EAST 1/2 OF THE NE 1/4 OF SECTION 2, T 106 N, R 61 W OF THE 5th P.M., SANBORN COUNTY, SOUTH DAKOTA. In my professional opinion and to the best of my knowledge, information and belief, this drawing correctly shows the location of the described property.

Dated this 19th day of February, 2004.



STATE OF SOUTH DAKOTA)

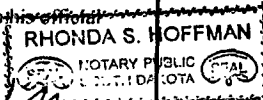
)SS

COUNTY OF DAVISON)

On this, the 19th day of February, 2004, before me, the undersigned Notary Public in and for said county and state, personally appeared Paul J. Reiland, well known to me to be the person described in and who executed the foregoing instrument and duly acknowledged that he executed the same in his official capacity as a Registered Land Surveyor for the purposes therein set forth.

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

Rhonda S. Hoffman
Notary Public, South Dakota
My Commission Expires: 11/22/07



SPN & Associates
Engineers, Planners and Surveyors
620 North Lawler - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

PROJECT NO. 04-11836

EXHIBIT "A"

PAGE 1 OF 2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/12, 20 11

RECEIVED OF Sanborn Central School Dist 55-5 40405 SD Hwy 34 Forestburg SD 57314

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

Fee for Application for Permit No. <u>7273-3</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. _____		
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	500 00

No. **05041**

By *Richard Erbe*
Chief Engineer

Schlaak, Karen

From: Whitney, Linda
Sent: Friday, September 23, 2011 2:04 PM
To: Gronlund, Eric
Cc: Schlaak, Karen
Subject: RE: Sanborn central

Thanks for the clarification! I am not familiar with the terminology so I need all the help that I can get.

Linda Whitney
Superintendent/HS Principal/School Counselor
Sanborn Central School District 55-5
40405 SD Hwy 34
Forestburg, SD 57314
Phone: 605-495-4183
Fax: 605-495-4185

From: Gronlund, Eric
Sent: Friday, September 23, 2011 1:56 PM
To: Whitney, Linda
Cc: Schlaak, Karen
Subject: RE: Water permit

Okay – just so we're clear the application still needs to define a diversion rate – 125 gpm or whatever number reflects the peak rate from the well. Original permit used that div. rate so that's why I focused on that number. In addition to the diversion rate, then print 120 acre feet in the right most blank under Item No. 2 of the application.

It is certainly okay to submit the application and fee after the next board meeting. It's my goal just to get it right so the school's water use has proper legal standing.

I've included Karen in this email so she'll know what's going on since she is the first person that will get the application once mailed.

Eric

From: Whitney, Linda
Sent: Friday, September 23, 2011 1:44 PM
To: Gronlund, Eric
Subject: RE: Water permit

Eric,

I know we don't use anywhere near that amount of water. I will change the diversion rate to 120 acre feet. Is it okay to submit the application and \$500 fee after our next board meeting so we can run the check through that meeting?

Linda Whitney
Superintendent/HS Principal/School Counselor
Sanborn Central School District 55-5
40405 SD Hwy 34
Forestburg, SD 57314

Phone: 605-495-4183
Fax: 605-495-4185

From: Gronlund, Eric
Sent: Friday, September 23, 2011 1:40 PM
To: Whitney, Linda
Subject: RE: Water permit

Thanks for the email.

First - check with whoever with Sanborn Central might know on whether the diversion rate of 0.28 cfs (125 gpm) on Item No. 2 of the application is about what the well produces. It is better to be a little high as opposed to being low. If for instance the well produces 150 gpm - change the partially completed application I sent accordingly.

You are correct that the application for 125 gpm is \$750. The licensing fee of \$200 submitting for the school's first permit in the wrong aquifer will carry over to this application.

However, I believe there is a way for the school to save itself \$250 in the application fee. The fee can be based on the diversion rate of 125 gpm which is where the \$750 filing fee comes from. The school can further limit itself to an annual volume of water of 120 acre feet annually which converts to 39 million gallons yearly. If Sanborn Central won't use more than 120 acre feet annually (which I very much doubt the school uses anywhere near this amount) by limiting to this volume, the school is eligible for the minimum application filing fee of \$500. To do so just write 120 acre feet in the far right location of Item No. 2 of the application.

Once reviewed, the application will need to be public noticed and the school will be responsible for that expense. We walk you through that process at the time the application is ready to be noticed. This payment will be between the school and the newspaper. I estimate that cost will be between \$50 - \$75.

Hopefully this is understandable. It is not my intent to confuse you but instead trying to save \$250 in filing fees.

Eric

From: Whitney, Linda
Sent: Friday, September 23, 2011 1:16 PM
To: Gronlund, Eric
Subject: Water permit

Eric,

We just got the application information to change the water source for our well for the school. Can we submit it after our next school board meeting on October 10? Is \$750 the correct amount that we will owe? Thanks!

Linda Whitney
Superintendent/HS Principal/School Counselor
Sanborn Central School District 55-5
40405 SD Hwy 34
Forestburg, SD 57314
Phone: 605-495-4183
Fax: 605-495-4185



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 22, 2011

Linda Whitney, Superintendent
Sanborn Central #55-5
40405 Hwy 24
Forestburg SD 57314

Superintendent Whitney:

Sanborn Central #55-5 holds Water Permit No. 6472-3 to supply water for the school. Obtained in 2004, this permit (copy enclosed) appropriates 0.28 cubic feet of water per second (125 gallons per minute) from a well to be completed into the Codell Aquifer.

Sanborn Central when applying for the water permit in 2004 intended to develop into the deeper Codell Sandstone. The determination on the water source was based on test drilling conducted by the school prior to submitting the application. It came to the Water Rights Program's attention that the actual production well drilled after the permit was obtained is completed into the shallower Niobrara Formation. The well completion report is attached.

The state of South Dakota reviews and issues permit based on the water source. The application is then public noticed for the quantity, location and water source. A new application identifying the proper water source as the Niobrara Formation will need to be filed, reviewed and public noticed to insure Sanborn Central water use has proper legal standing. Enclosed is a partially completed application form and instruction sheet.

This issue was found during a routine inquiry regarding the aquifer in this area that caused a staff person to look at the well completion report for this well and discovered it did not match the permitted water source. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund PE
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



**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. 7273-3, Sanborn Central #55-5**

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. 7273-3 Sanborn Central #55-5, Linda Whitney, Superintendent, 40405 Highway 34, Forestburg SD 57314.

The Chief Engineer is recommending APPROVAL of Application No. 7273-3 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. Approval of Water Permit No. 7273-3 cancels Water Permit No. 6472-3.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 22, 2011

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7273-3
SANBORN CENTRAL #55-5

Water Permit Application No. 7273-3 proposes to appropriate 120 acre-feet of water annually from the Niobrara Formation for institutional use. Water is to be diverted at a maximum diversion rate of 0.28 cubic feet per second from an existing well 180 foot deep, located in the SE¼ NE¼ Section 2, T106N-R61W.

AQUIFER: Niobrara Formation (NBRR)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Niobrara Formation is composed of thin-bedded chalk (unindurated limestone) and marl (calcareous claystone) that is interbedded with calcareous shale. In areas where the formation is thick, fractured and weathered, the "chalk" is a viable aquifer that is capable of supplying large-capacity wells. The Niobrara is the uppermost bedrock aquifer in the Sanborn County and underlies almost all of county (Hedges and others, 1982). The Niobrara is buried by the Pierre Shale or glacial drift, and the depth to the top of the formation ranges from 65 to 225 feet ("Lithologic Logs Database"). In Sanborn County, the Niobrara is as much as 80 feet thick, and averages about 40 feet (Steece, and Howells, 1965). Water contained in the Niobrara aquifer is under confined conditions in Sanborn County.

The South Dakota Water Well Completion Report submitted with this application for the well this application proposes to use identifies the Niobrara Formation from 107 to 180 feet below grade and reports a static water level of 42 feet below grade.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address water availability and existing rights issues only since beneficial use and public interest issues are typically determined by the Water Management Board.

WATER AVAILABILITY:

The probability of unappropriated water available for appropriation can be evaluated by considering SDCL 46-6-3.1 which requires that:

"No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge:

In Sanborn County, the Niobrara aquifer is recharged by subsurface inflow from Miner, Aurora and Jerauld Counties. The volume of the inflow from Miner County has not been estimated but the amount of inflow to Sanborn County from Jerauld and Aurora County can be estimated based

on the total eastern outflow estimated from those counties (i.e. 5,600 acre-ft/yr) (Hamilton, 1985). Since the 5,600 ac-ft/yr is the total eastern outflow from the counties and only a portion (18 of the 33 miles the flow calculation was based on) is to Sanborn County, the inflow to Sanborn County from the west would be approximately 3,054 ac-ft/yr. The Niobrara also receives some artificial recharge from the Greenhorn Limestone and the Dakota aquifer in Sanborn County. "Casings of hundreds of deep wells have corroded and permitted water from the Greenhorn and Dakota to flow into the Niobrara and Codell" (Steece, and Howells, 1965). The average annual recharge to the Niobrara aquifer has not been quantified

Discharge:

The direction of water movement in the Niobrara aquifer is toward the James River (Water Rights, 2011a). Although the Niobrara is not shown to outcrop along the river (Todd and Hall, 1904), (Todd and Hall, 1903), (Todd, 1904), (Todd, 1903) the aquifer may discharge naturally to glacial aquifers and alluvium along the James River. Discharge to shallower aquifers probably also occurs through leakage from poorly constructed/maintained wells.

The DENR-Water Rights Program has records of several domestic use wells completed into the Niobrara aquifer in this area (Water Rights, 2011c), and there are a total of 50 Water Rights/Permits appropriating water from the Niobrara aquifer in South Dakota. The six Water Rights appropriating water from the Niobrara aquifer in Sanborn County are shown in table one.

PERMIT NO	NAME	STATUS	USE	CFS
5594-3	GERALD V/JOAN M ELSTRAN	LC	COM	0.01
5624-3	SOUTH DAKOTA WHEAT GROWERS	LC	COM	0.055
5625-3	WHITE'S DRIVE IN	LC	COM	0.022
5872-3	FORESTBURG WELL CO	LC	MUN	0.06
5876-3	CITY OF WOONSOCKET	LC	MUN	0.78
5977-3	COUNTRY PUMPER	LC	COM	0.022
LC= Water Right; COM=Commercial, MUN= Municipal				

Table 1. Water Rights/Permits appropriating water from the Niobrara in Sanborn County

The total annual withdrawal represented by these appropriations is expected to be less than 150 ac-ft/yr. This estimate assumes the population served by Forestburg (73) and Woonsocket (655) uses 150 gallons per person per day and 35% of full time usage at the maximum diversion rate from the commercial water uses.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that "the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer".

The DENR-Water Rights Program monitors 59 observation wells completed into the Niobrara aquifer. Two of these observation wells are in Sanborn County and located within 10 miles of

the well this application proposes to use. Hydrographs for the wells are shown in figures 1 and 2.

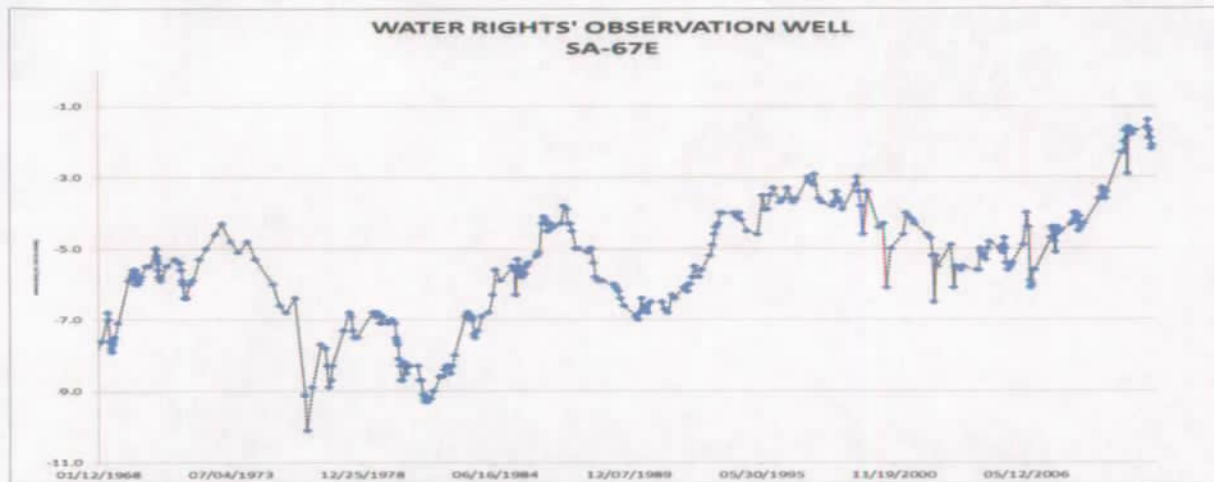


Figure 1. Hydrograph of DENR-Water Rights Observation Well located approximately four miles northwest of the well that is proposed to be used by 7273-3

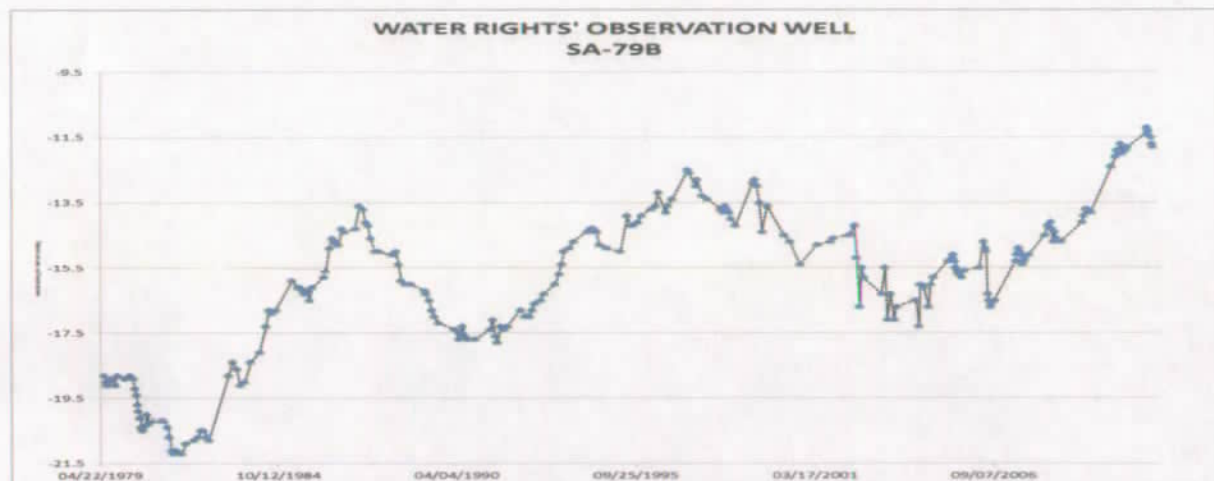


Figure 2. Hydrograph of DENR-Water Rights Observation Well located approximately ten miles west-northwest of the well that is proposed to be used by 7273-3

The hydrographs shown in figures 1 & 2 are representative for the Niobrara aquifer and document that the water levels of the Niobrara aquifer fluctuate a maximum of 8-10 feet. These water level fluctuations can be attributed to climatic conditions. The change in the amount of water in storage in the aquifer that is demonstrated in hydrographs is negligible considering the aquifer is under artesian conditions.

Historic water level information indicates that artesian pressures in the Niobrara aquifer declined rapidly and fairly significantly since the 1880's and 1890's when the aquifer was first developed. Records indicate "that many wells had initial flows of 100 to 300 gpm and pressures as high as 35 psi. In 1961, however, wells in the aquifer flowed only in the James River trench, Sand Creek and Morris Creek valleys..."(Steece and Howells, 1965). The observation well data indicates

the water levels of the Niobrara aquifer have equilibrated and that unappropriated water is available from the Niobrara aquifer and the aquifer can support additional diversions.

EXISTING WATER RIGHTS:

As stated earlier, there are a number of domestic use wells and six Water Rights appropriating water from the Niobrara aquifer in Sanborn County. The approximate location of the Water Rights are shown in Figure 3.

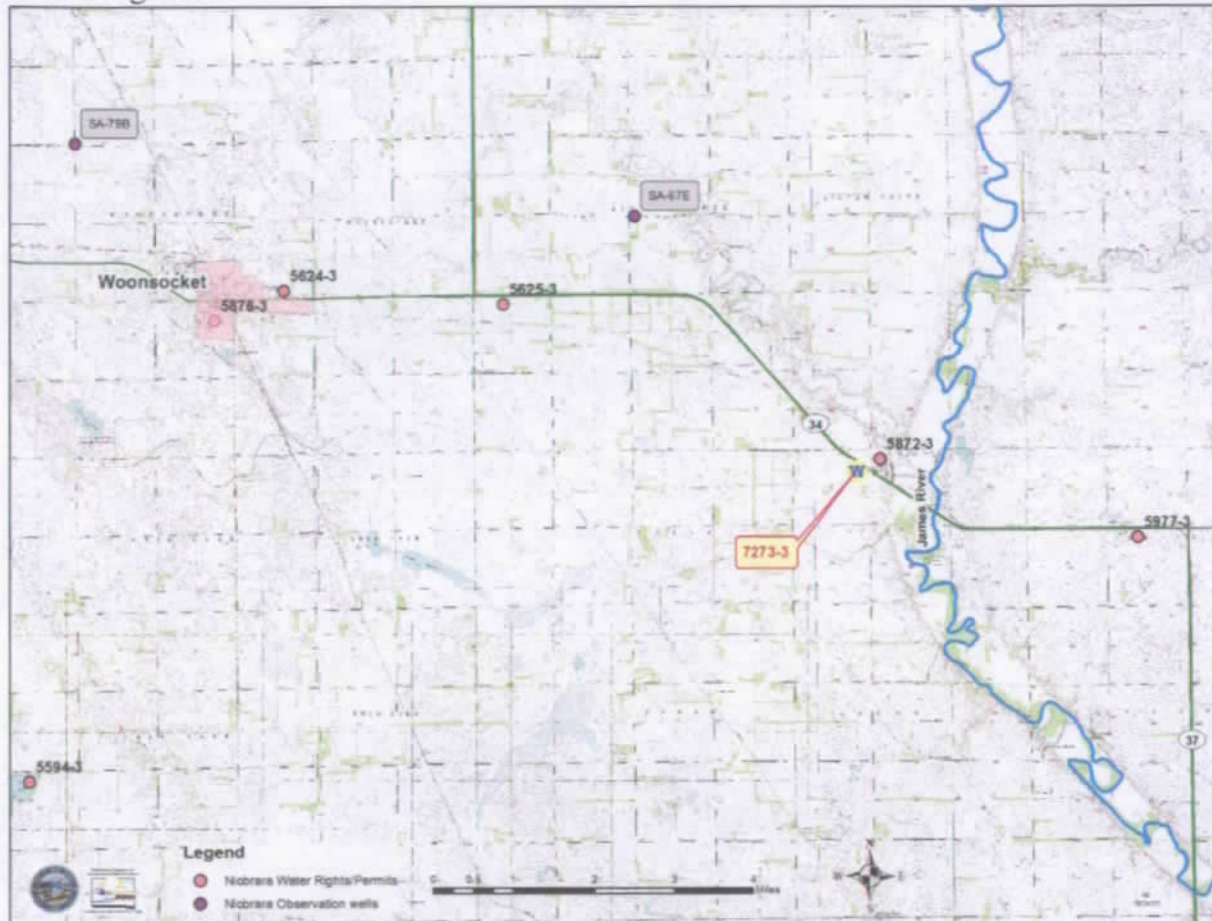


Figure 3. Location of the well that is to be used to supply Water Permit No. 7273-3, the location of DENR-Water Rights' Observation Wells and the location of existing Water Rights appropriating water from the Niobrara aquifer within approximately 12 miles of the well that is to be used to supply Water Permit No. 7273-3.

Since the Niobrara aquifer is under artesian conditions, drawdown from a pumped well may extend fairly far from a pumped well. Figure 4 shows the theoretical drawdown as a function of distance from a well pumping 120 ac-ft/yr when applying the estimated average transmissivity reported by Hamilton (1985) for the Niobrara aquifer in neighboring Aurora and Jerauld Counties (i.e. 4,000ft²/d) to the "Jacob's Straight-Line" method (Fetter, 1980).

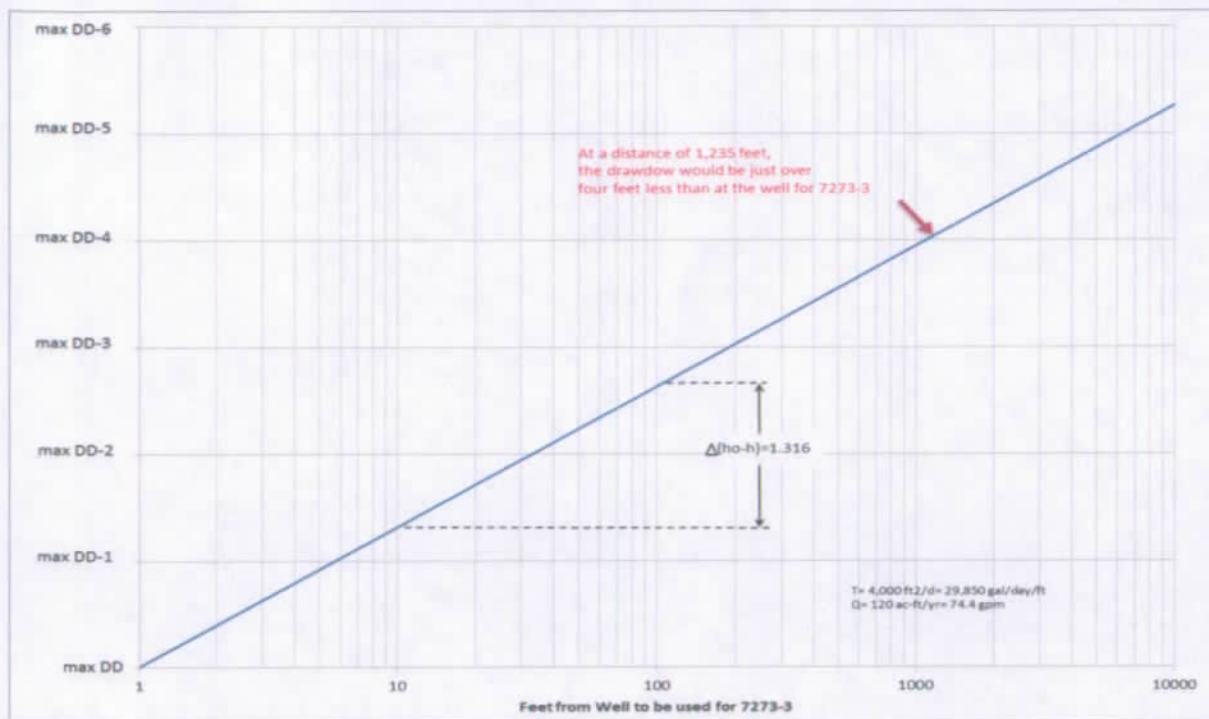


Figure 4. Distance-Drawdown Plot showing theoretical drawdown that would result from the withdrawal proposed by this application.

The actual drawdown that results from pumping the existing well that Application No. 7273-3 proposes to permit is unknown. The well that supplies Water Right No. 5872-3 is located approximately 1,235 feet from the well this application proposes to permit. From figure 4, it can be seen that at a distance of 1,235 feet, the drawdown created from the appropriation proposed by Application No. 7273-3 would only be about four feet less than at the production well.

Water Right No. 5872-3 and wells supplying water for domestic uses are protected from adverse impacts per Water Management Board rules 74:02:04 and 74:02:05, which were promulgated pursuant to SDCL 46-6-6.1. These rules provide for the regulation of large capacity wells to the degree necessary to maintain an adequate depth of water for a prior appropriator in wells that have the ability to produce water **independent of artesian pressure**. Simply put, the pump placement in a prior appropriator's well is not necessarily protected.

Owners of existing wells bear the responsibility of lowering the pump inlet in the well to the top of the aquifer, if necessary if water levels decline due to pumping. In this case, the Niobrara is under artesian conditions with 65 feet of head pressure at this well site. The complete loss of artesian head pressure in well that supplies Water Right No. 5872-3 is not a probable consequence of withdrawals from the well this application proposes to permit. Assuming the transmissivity of the Niobrara aquifer is 4,000 ft²/day (29,850 gallons per day per foot) at the Forestburg well, a mere 1.35 feet of aquifer would be required to satisfy the 40,320 gallons per day maximum appropriation of Water Right No. 5872-3 so even if the pump is lowered to the top of the aquifer, water should be available to satisfy the water right. Therefore, well interference resulting from approval of this application will not adversely affect existing water rights/permits.

It should be noted that the well that Application No. 7273-3 proposes to permit has been in place and presumably in use since 2004 with no reported controversy

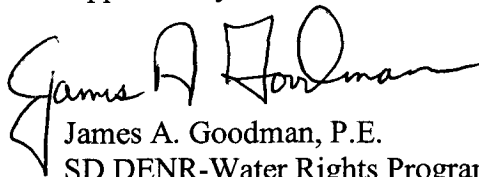
CONCLUSIONS:

1. Water Permit Application No. 7273-3 proposes to appropriate 120 acre-feet annually at a maximum diversion rate of 0.28 cubic feet per second.
2. There is a reasonable probability that unappropriated water is available for this appropriation.
3. The well that is to be used to supply this appropriation was constructed in 2004 and has presumably been in use since then. The DENR-Water Rights Program has not received any complaints regarding the operation of this well.
4. There is a reasonable probability that approval of this appropriation will not result in an adverse impact on existing water rights/permits or domestic users.



Ken Buhler
SD DENR-Water Rights Program

Approved by



James A. Goodman, P.E.
SD DENR-Water Rights Program

REFERENCES:

- Fetter, C.W., Applied Hydrogeology. Columbus, Ohio: Chales E. Merrill Publishing Co,1980, 488 pp.
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**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.

November 28, 2011

Sanborn Central #55-5
Linda Whitney – Supt
40405 Hwy 34
Forestburg SD 57314

Dear Ms. Whitney:

Water Permit Application No. 7273-3 for institutional 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 Sanborn Weekly Journal printed at Woonsocket SD (Ph # 605-796-4221). 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 28, 2011

Sanborn Weekly Journal
PO Box 218
Woonsocket SD 57385

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7273-3 to Appropriate Water to be published twice. Please publish the first notice on December 8, 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 Sanborn Central #55-5, c/o Linda Whitney, Supt., 40405 Hwy 34, Forestburg SD 57314 (Ph # 605-495-4183).

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. 7273-3

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

Date _____

We are in receipt of your letter of November 28, 2011 enclosing Notice to Appropriate Water by Application No. 7273-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 8, 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. 7273-3 to Appropriate Water

Notice is given that Sanborn Central School District #55-5, c/o Linda Whitney, Supt, 40405 Hwy 34, Forestburg SD 57314 has filed an application for a water permit to appropriate 0.28 cubic feet of water per second (120 acre-feet annually) from one well completed into the Niobrara Formation (180 feet deep) located in SE ¼ NE ¼ Section 2-T106N-R61W for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7273-3 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 December 26, 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 _____.

AFFIDAVIT OF PUBLICATION

State of South Dakota

SS

County of Sanborn

RECEIVED

DEC 30 2011

WATER RIGHTS
PROGRAM

Hillary Lutter of said county, being, first duly sworn, on oath, says: That she is the publisher of the Sanborn Weekly Journal, a weekly newspaper, published in the City of Woonsocket, in said County of Sanborn, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Sanborn and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of application No. 7913-3
to appropriate water

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

<u>Dec. 8</u>	, 20 <u>11</u>		, 20 _____
<u>Dec. 15</u>	, 20 <u>11</u>		, 20 _____
_____	, 20 _____		, 20 _____
_____	, 20 _____		, 20 _____

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or 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; that the fees charged for the publication thereof are: \$ 40.64.

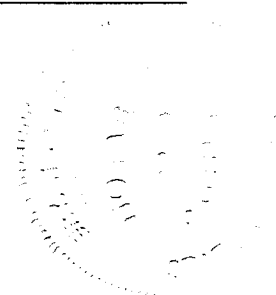
Signed: Hillary Lutter

Subscribed and sworn to before me this 29 day of Dec., 20 11.

Bryan [Signature]

Notary public in and for the County of Sanborn, South Dakota.

My commission expires December, 20 15.



**NOTICE OF
APPLICATION NO. 7273-3
TO APPROPRIATE WATER**

SE 1/4 NE 1/4

Notice is given that Sanborn Central School District #55-5, c/o Linda Whitney, Supt., 40405 Hwy. 34, Forestburg, SD 57314 has filed an application for a water permit to appropriate 0.28 cubic feet of water per second (120 acre-feet annually) from one well completed into the Niobrara Formation (180 feet deep) located in ~~SE 1/4~~ Section 2-T106N-R61W for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7273-3 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 December 26, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reason 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 \$39.00.

SJ15-2tb



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2012

Sanborn Central #55-5
Linda Whitney – Supt
40405 Hwy 34
Forestburg SD 57314

Dear Ms. Whitney:

The Notice of Application No. 7273-3 published December 8 and 15th contained an error in the legal description of the well location. The notice as published indicates the well location as the SE ¼ Section 2-T106N-R61W. The correct location is the SE ¼ NE ¼ Section 2-T106N-R61W. Enclosed is a copy of the affidavit and notice.

The notice needs to be readvertised to correct the error and to ensure your water permit is free from any legal entanglements due to insufficient public notice.

The notice has been sent to the Publisher of the Sanborn Weekly Journal printed at Woonsocket SD (Ph # 605-796-4221) to be published on January 12 and 19, 2012. Enclosed is a copy of the notice. Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gronlund".

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 2012

Sanborn Weekly Journal
PO Box 218
Woonsocket SD 57385

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7273-3 to Appropriate Water to be published twice. This notice was originally published in your paper December 8th and 15th. Upon receipt of the Affidavit of Publication, we found the notice contained an error in the legal description of the well location. Publication errors invalidate the notice. Therefore, the notice must be republished. Please republish the notice on January 12th and 19th.

The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 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. 7273-3

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

Date _____

We are in receipt of your letter of January 12, 2012 enclosing Notice to Appropriate Water by Application No. 7273-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

RECEIVED

FEB - 4 2012

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sanborn) SS

I, Hillary Lutter

certify that the attached printed Notice was
taken

from the Sanborn Weekly
Journal

printed and published in Woonsocket

County of Sanborn and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

January 12, 2012

January 19, 2012

Cost of Printing \$35.77

Hillary Lutter
(Signature)

owner/publisher
(Title)

2-2-12
(Date Signed)

NOTICE OF APPLICATION

NO. 7273-3

APPROPRIATE WATER

Notice is given that Sanborn Central School District #55-5 c/o Linda Whitney Superintendent, 40405 Hwy. 34, Forestburg, SD 57314 has filed an application for a water permit to appropriate 0.28 cubic feet of water per second (120 acre-feet annually) from one well completed into the Niobrara Formation (180 feet deep) located in SE1/4 NE1/4 Section 2-T100N-R51W for institutional use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7273-3 because 1) un-appropriated water is available, 2) existing rights will not be unlawfully

impaired, 3) it is 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 January 30, 2012.

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 \$40.00.

SJ20-20



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 02 2012

Sanborn Central School Dist. #55-5
Linda Whitney
40405 Hwy 34
Forestburg SD 57314

Dear Ms. Whitney:

Enclosed is Water Permit No. 7273-3 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