

No. 1660-2Map No. 1423-2 Water Division No. 2 WHITE RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

FUTURE USE
APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant City of Burke
Postoffice address Box 312 Burke, State South Dakota
If a corporation show date and place of incorporation Municipality since 1906
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Burke Future Use
4. Amount of water claimed (cubic feet per second) 2.14 cfs
5. Source of water supply groundwater
6. Location of point of diversion ~~REDACTED~~ S $\frac{1}{2}$ Section 26, Section 35, T97N, R72W

- County Gregory
7. Annual period or periods during which water is to be used all year
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) municipal
9. For irrigation use, Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system N/A years. Additional time required to complete application of water to the proposed beneficial use N/A years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Burke Gazette
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

wells

B. Works proposed to transport water to place of use.

subsurface water mains

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

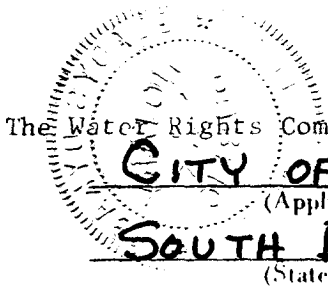
) ss.

County of Gregory
Richard N. Bailey

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Richard N. BaileySubscribed and sworn to before me this 25th day of April, 1979Notary Public Charles Dykes

WATER RIGHT APPLICATION APPROVAL



The Water Rights Commission hereby approves Water Right Application No. 1660-2
CITY OF BURKE (Applicant) Box 312, BURKE (Post Office Address)
SOUTH DAKOTA 57523 (State) With the following modifications.

"FUTURE USE" PERMIT

At such times as definite plans are made, specific applications for all or any part of the water granted under this withdrawal must be submitted prior to construction of facilities.

This Future Use Permit No. 1660-2 is approved with the stipulation that this Permit to appropriate water is subject to review by the Water Rights Commission as to accomplishment thereunder, upon expiration of Seven (7) years.

This permit is approved limiting the land area to the S $\frac{1}{2}$, Section 26 and Section 35, T97N, R72W.

Date of first receipt of application FEBRUARY 1, 19 77
 Date of return to applicant for correction, amendments or changes required _____, 19 _____
 Date of receipt of corrected application _____, 19 _____
 Approved MAY 25, 19 79, Recorded in Book 20 Page 322

WATER RIGHT PERMIT NO. 1660-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1660-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 1, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOT APPLICABLE
3. The whole of said work is to be completed on or before NOT APPLICABLE
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOT APPLICABLE
5. The water appropriated shall be used for the purpose of MUNICIPAL USE - FUTURE USE

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.14 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial~~ USED FOR MUNICIPAL PURPOSES ~~and if for the irrigation purpose said appropriation must be limited to not more than 2 cubic feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water~~ actually and beneficially applied for irrigation on or before _____, 19 _____ said water to be used during the following described annual periods:

WILL
BE

Witness my hand this 1ST day of JUNE, 19 79

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

*Test drilling will
determine exact well location at
a later date.*

Richard W. Bailey

Signature of Applicant

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Richard N. Bailey
Signature of Applicant

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1660-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gregory) ss.

I, C. J. Fahrenbacher hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the The Burke Gazette

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of _____ Burke

County of Gregory and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Wednesday, May 2, 1979

Wednesday, May 9, 1979

C. J. Fahrenbacher
(Signature)

Publisher

(Title)

May 2, 1979

(Date Signed)



NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota
April 26, 1979

Notice is hereby given that the City of Burke, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 16-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, 46-6-3, 46-6-3, 1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21 thru 52:01:01:24, for a future use permit to appropriate for beneficial use 2.14 cubic feet of water per second of time from groundwater through the Burke Future Use, the point (s) of diversion of which are to be located in Section 23; S½ N½ & S½, Section 26 and Section 35, Twp. 97N, Range 72W. Said water to be used for providing future use water supplies for the City of Burke.

This Application No. 1660-2 will be considered by the Water Rights Commission at Howard Johnson's Motel, 211 Lacrosse, Rapid City, S.D. 57701 upon the 24th day of May, 1979 at 10 A.M. The commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund
Water Rights Specialist

May 2-9

(59)

Publish first publication, on or before May 2, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 26, 1979Notice is hereby given that the City of Burke ~~whose post office~~

~~address is~~ _____, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 41-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21 thru

future use
52:01:01:24, for a ~~/~~permit to appropriate for beneficial use 2.14 cubic feet of water per second of time from ~~XXX~~ groundwater through the Burke Future Use

_____, the point(s) of diversion of which ~~XX~~(are) to be located in ~~XXX~~

Section 23; St N4 & St, Section 26 and

~~of~~ Section 35, Twp. 97N, Range 72W. Said water to be used for ~~the purpose of~~ providing irrigation on portions of the following described land:

future use water supplies for the City of Burke.

This Application No. 1660-2 will be considered by the Water Rights Commission at Howard Johnson's Motel,
211 Lacrosse, Rapid City, SD 57701 upon the 24th day of May, 1979

at 10 A.M. The commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund,
Water Rights Specialist

BW:plh

cc: **City of Burke, Box 312, Burke, SD 57523**FORM 6 - Notice of Intent to Appropriate Water
(Future Use - Groundwater)



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-~~3151~~ 3352

June 13, 1979

Joe Kirwin
Gregory, SD 57533
1486-2

City of Gregory
Gregory, SD 57533
1622-2

Elmer K. Horn
Burke, SD 57523
1510-2

City of Burke
Burke, SD 57523
✓1660-2 & 1661-2

Gentlemen:

The Water Rights Commission requested that proposed Findings of Fact, Conclusions of Law and a proposed Decision concerning approval of Permits No. 1486-2, 1510-2, 1622-2, 1660-2, and 1661-2 be prepared. At this time, we do not know when the next meeting will be scheduled since the Governor's Reorganization abolished the Water Rights Commission with a new Water Management Board to be appointed effective July 1, 1979. Following the appointment of the new Board, a meeting date will be set and Findings, Conclusions and a Decision will be considered at that time.

Assistant Attorneys General will prepare the requested documents; however, each of you may prepare or have your attorney prepare proposed Findings, Conclusions, and Decision if you wish. We will notify you when the next meeting is scheduled.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

cc: John Smith, Assistant Attorney General
Clark Horn
Tom Fischer
Larry Hanson
Richard Bailey
Dave Leibel
Henry Sattler
Ivan Vosika
Jack Gunvordahl, Attorney

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION	)	
OF THE CITY OF BURKE FOR PERMIT	)	FINAL DECISION
TO APPROPRIATE FOR FUTURE USE	)	
NO. 1660-2	)	

This matter was brought on for hearing before the Water Rights Commission on May 25, 1979, on the application of the City of Burke for Permit to Appropriate for Future Use No. 1660-2.

The applicant, City of Burke, appeared through Richard Bailey and its attorney, Jack Gunvordahl, and the Department of Natural Resource Development appeared through the Chief Engineer of the Water Rights Commission, John Hatch, and its attorneys, John J. Smith and John P. Guhin, assistant attorneys general. Having served the proposed decision upon the parties and having provided an opportunity to each party to file Findings of Fact and Conclusions of Law, to file exceptions, and to file briefs and to present oral argument to the Board, and the Board having fully considered all such submissions, the Board hereby makes it final decision consisting of the following:

FINDINGS OF FACT

1. Application No. 1660-2 was received by the Water Rights Commission on February 1, 1977. The application proposes the appropriation for future use of 2.14 c.f.s. of groundwater from Section 23, the S $\frac{1}{2}$ of the N $\frac{1}{2}$ and the S $\frac{1}{2}$ of Section 26, and Section ^{3, 33}25, all in Township 97 North, Range 72 West, Gregory County, South Dakota, for municipal use.
2. Application No. 1660-2 was duly advertised for hearing at the May 24-25, 1979 commission meeting.
3. The amount of water that the permit seeks to reserve for future use will be needed by the applicant to meet its anticipated demands.
4. A portion of the lands upon which the applicant seeks a

permit to appropriate for future use, to wit: the S½ of N½ of Section 26, Township 97 North, Range 72 West, is partially covered by and located in close proximity to a prior permit to appropriate No. 1510-2. Section 23 and the S½ of the N½ of Section 26, Township 97 North, Range 72 West will not be needed by the applicant to obtain the water requested in Application No. 1660-2.

5. The formation from which the applicant proposes to appropriate water for future use is a water table aquifer consisting of a fine to medium sand containing varying amounts of clay. The thickness of the saturated material of the aquifer and the clay within the water bearing sand varies very rapidly throughout the area. In areas where the sand is of medium grain size, is clean, and has a saturated thickness of 30 feet or more, high capacity wells could be operated which would probably produce a maximum of 100-125 gallons per minute.

6. Farmers in the area obtain their water supplies for domestic and irrigation purposes from the same formation as would any wells developed by the applicant under its future use permit. Because of the low transmissivity of the water bearing material in the area, any wells actually developed by the applicant could be located so that the cones of depression should not interfere with existing uses.

7. The Division of Water Rights presently has two observation wells, GY77A and GY77B, in the vicinity of the applicant's proposed wells. Over the 1½ years since the observation wells were installed, the wells have shown seasonal fluctuation no more than three feet. The water levels in the two observation wells will provide a means of monitoring any decline or fluctuation in aquifer water levels that could result from any future diversions by the applicant.

8. Unappropriated water is available for appropriation by the applicant for future use.

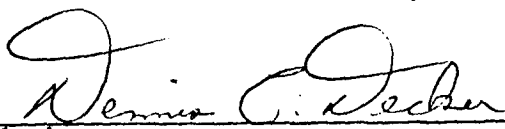
9. The applicant's appropriation for future use is in the public interest.

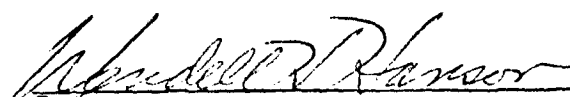
Wherefore, the Board makes the following:

CONCLUSIONS OF LAW

1. All notices required by law have been duly given.
2. The Board has jurisdiction over the subject matter of this proceeding.
3. Water is available for appropriation by the applicant in the areas specified in application No. 1660-2 with the exception of Section 23 and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 26, Township 97 North, Range 72 West, Gregory County, South Dakota.
4. The applicant's appropriation for water for future use in the amount of 2.14 c.f.s. is in the public interest.
5. The Board hereby ORDERS that Permit to Appropriate Water for Future Use No. 1660-2 be issued to the City of Burke with the lands described as Section 23 and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 26, Township 97 North, Range 72 West, Gregory County, deleted therefrom, with the condition that at such times as definite plans are made, specific applications to appropriate for all or any part of the water granted under this permit must be submitted prior to construction of facilities, and with the further condition that the permit to appropriate water for future use be subject to review by the Water Management Board upon the expiration of seven (7) years from this date.

Dated this 13th day of August, 1979.


Chairman


Secretary

GREGORY COUNTY
WATER RIGHT APPLICATIONS
(T97N R72W)
May 4, 1979

INTRODUCTIONS:

The study area reviewed for this report is located in T97N, R72W and W: T97N, R71W in an area from Gregory SD to Burke SD. Observation well data for wells GY77A, GY77B, and GY78A and three Geological Survey reports provided the basic data for preparation of this report.

The three Geological Survey reports are entitled; Special Report 18, Water Supply for the City of Burke, by Cleo Christensen dated 1962; Special Report 49, Ground-Water Investigation for the City of Gregory by Assad Barari, dated November 1969; and Ground-Water Study for the City of Gregory, by Carl Cripe and Assad Barari, dated September 1977.

The water right applications under consideration at this time are as follows:

No.	Applicant	Use	Priority Date
1486-2	Joe Kirwan	Irrigation	January 3, 1977
1510-2	Elmer Horn	Irrigation	January 7, 1977
1622-2	City of Gregory	Future Use	January 13, 1977
1660-2	City of Burke	Future Use	February 1, 1977
1561-2	City of Burke	Municipal	April 7, 1977 & August 11, 1977

DISCUSSION:

Logs are available for 159 auger test holes and 37 rotary test holes which were drilled for the special studies. The logs indicate the primary water bearing formation consists of a fine to medium sand containing varying amounts of clay under water table conditions. The thickness of saturated material and the clay within the sand varies very rapidly making it impractical to draw a potentiometric map (see graphs 1 & 2).

In areas where the sand is of medium grain sized, clean (less clay), and has a significant (more than 30 feet) saturated thickness, a high capacity well can be installed. The wells will probably produce a maximum of 100 to 125 gpm again depending on saturated thickness and characteristics of the formation.

The Division of Water Rights presently has three observation wells in the study area. Two (GY77A and GY77B) are in the vicinity of the irrigation applications and one (GY78A) is located south of Burke.

Well	Location	Depth	Water Level	
			Lowest	Highest
GY77A	SE 1/4 27 T97N R72W	57 ft	8.5 ft	11.5 ft
GY77B	SE 1/4 21 T97N R72W	53 ft	17.0 ft	19.5 ft
GY78A	NE 1/4 6 T96N R71W	125 ft	56.6 ft	58.0 ft

Hydrographs have not been developed for the wells because of the limited length of time data was available (approximately one and a half years). The fluctuations are seasonal in nature with high water measurements in spring and low measurements during the summer. The wells are located where they will provide a check on high

CONCLUSIONS:

Water is available for appropriation, but due to the rapidly varying formation and the lack of information concerning transmissivity and storage coefficient an accurate value for transient storage cannot presently be determined.

The observation wells do exist to provide information concerning water levels.

High capacity wells should not be expected to produce more than 125 gpm.

RECOMMENDATIONS:1486-2, Joe Kirwan

Project proposes to irrigate 300 acres in the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 34, T97N, R72W from two wells located in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T97N, R72W with a withdrawal rate of 4.3 cubic feet per second. The staff recommends approval of 1486-2 with the following clause:

The irrigation well approved under this permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

1510-2, Elmer K. Horn

Project proposes to irrigate 475 acres located in the NE $\frac{1}{4}$; SE $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$; NE $\frac{1}{4}$; SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 27, T97N, R72W from three wells and a dugout located in the NW $\frac{1}{4}$ Section 26, T97N, R72W; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 27, T97N, R72W and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 27, T97N, R72W with a withdrawal rate of 6.6 cfs. The staff recommends approval of 1510-2 with the following clause:

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

1622-2, City of Gregory

Application is for 1.5 cfs in a future use area with the following descriptions: NW $\frac{1}{4}$ Section 8; S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 5; S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 6; NE $\frac{1}{4}$ Section 7; SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16; SE $\frac{1}{4}$ Section 17; SE $\frac{1}{4}$ Section 21; SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27; N $\frac{1}{2}$ N $\frac{1}{2}$ Section 26; all in T97N, R72W. But as part of this request is for lands covered under application 1510-2, the staff recommends approval of the application with the following land descriptions being deleted N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 27 and N $\frac{1}{2}$ N $\frac{1}{2}$ Section 26, T97N, R72W, also with the condition that before any construction can proceed, a water right permit must be obtained for each project.

1660-2, City of Burke

Application is for 2.14 cfs in a future use area with the following land descriptions: Section 23, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ Section 26, Section 35, T97N, R72W. The staff recommends that the Commission approve this application but limit the land area to the S $\frac{1}{2}$ Section 26 and Section 35, T97N, R72W, also before any construction can commence a water right must be obtained for a specific project.

1661-2, City of Burke

Application is for municipal use of groundwater from SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T97N, R71W and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T97N, R72W with a combined diversion rate of 0.56 cfs. The staff recommends approval of 1661-2 with the following conditions:

The wells approved under this permit will be located near domestic wells and irrigation 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 irrigation wells having prior water rights.

Respectfully submitted to the Water Rights Commission for consideration at the May 1979 meeting.

Gale N. Selken

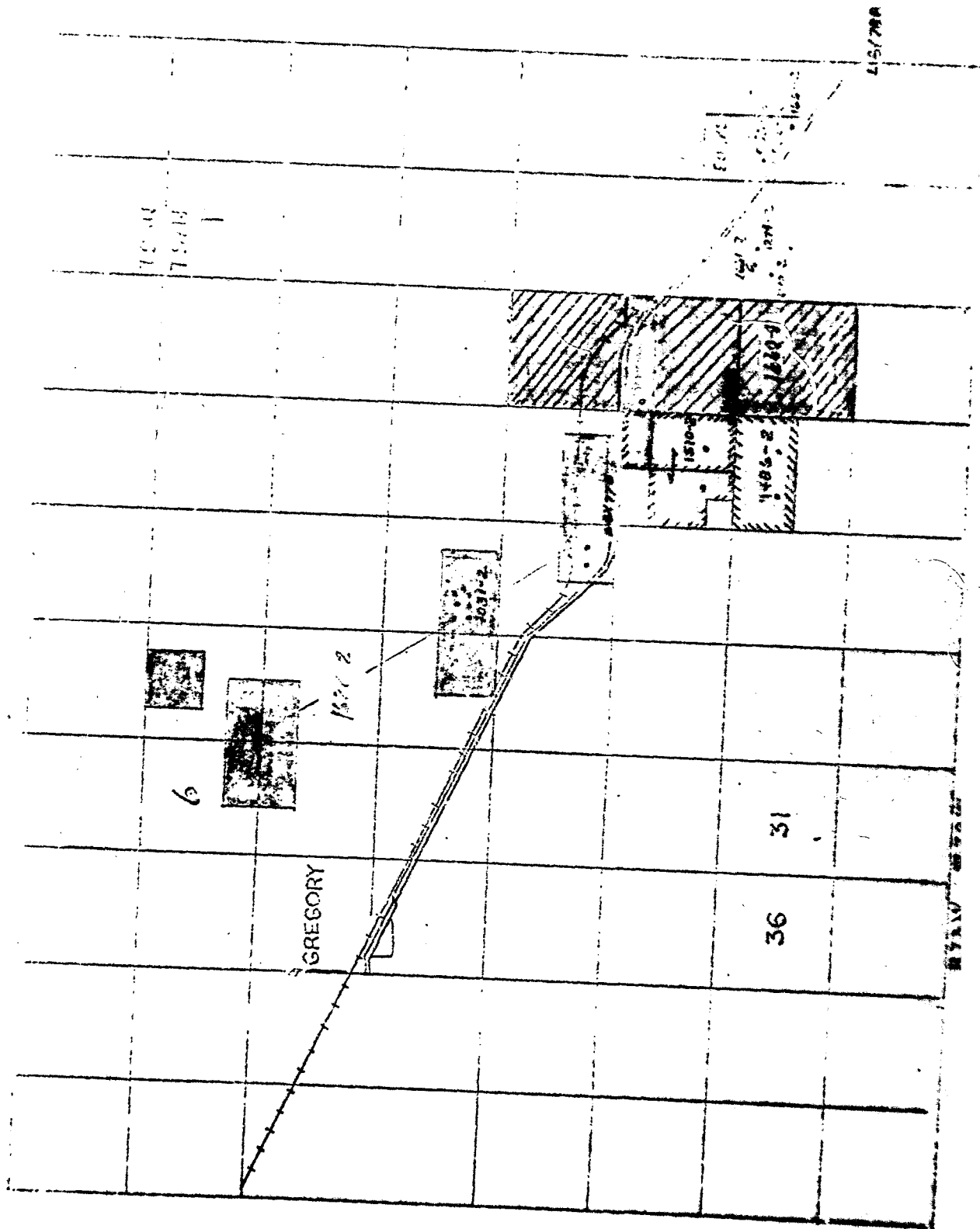
GALE N. SELKEN, Hydrologist
Water Rights Commission

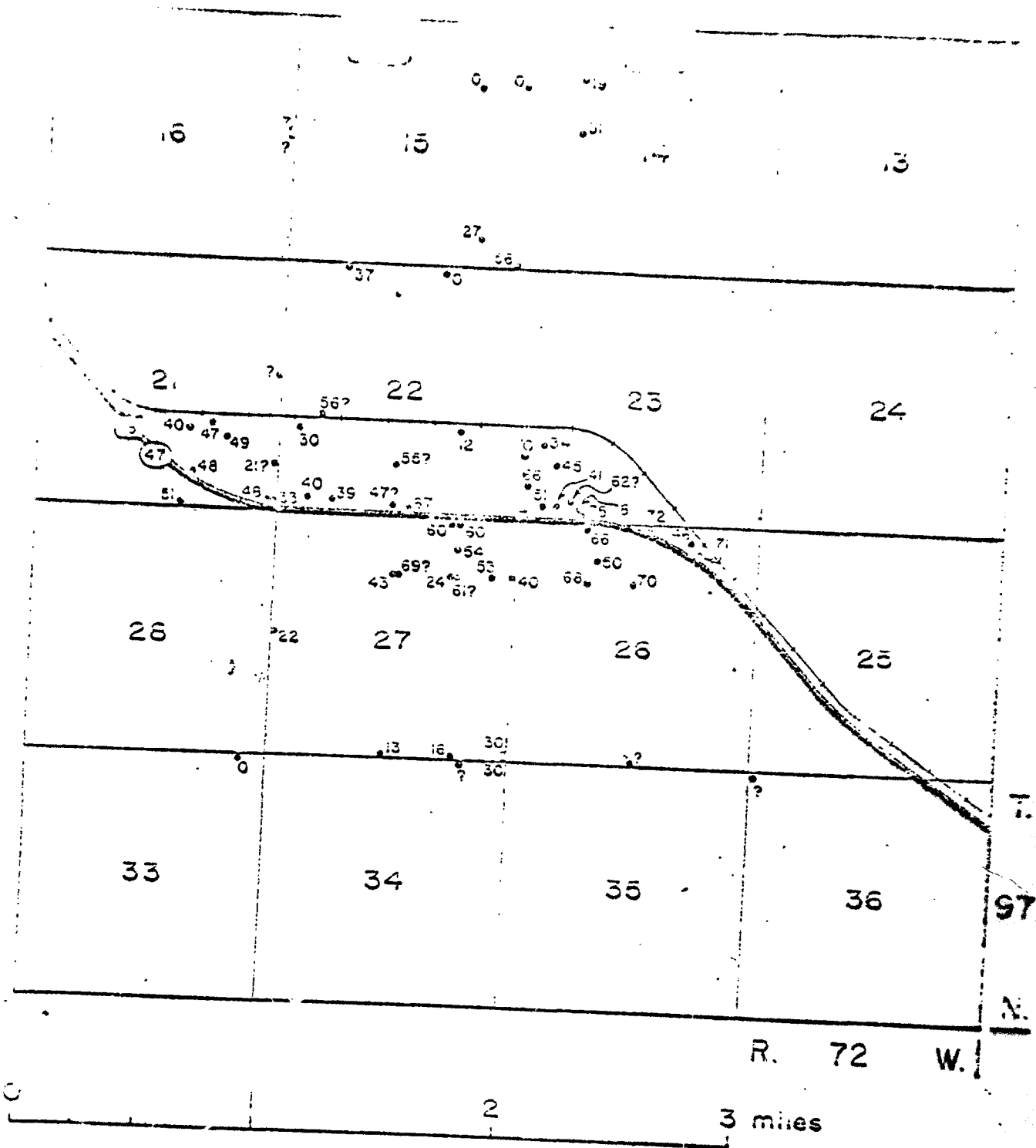
STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Swore to, before me, this 23rd day of May, 1979.

Lois L. Ries
Notary Public

LOIS L. RIES, Notary Public
My Commission Expires
February 3, 1983





56. Test hole - number indicates thickness of saturated sand, in feet.

Figure 3 Map showing approximate thickness of saturated sand in the Cheyenne area



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 13, 1987

J.L. Lillibridge, Mayor
City of Burke
PO Box 250
Burke SD 57523

Dear Mayor Lillibridge:

I am writing in regard to Future Use Water Permit No. 1660-2 held by the City of Burke. A copy of Permit No. 1660-2 is enclosed for your information.

Future Use Permit No. 1660-2 will be scheduled for review on May 6, 1987 by the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the time and place. The purpose of this review is to determine if a reasonable need exists for maintaining the permit. A fee will be charged if Permit No. 1660-2 remains in effect after May 6, 1987. The fee assessed if Permit No. 1660-2 remains in effect will be \$50.00.

Please advise in writing within 30 days of the city's intentions regarding Future Use Permit No. 1660-2. Let us know if you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

cc: Rod Hartog, Finance Officer

City of Burke
BURKE, SOUTH DAKOTA 57523

OFFICE OF THE MAYOR

February 18, 1987

John Hatch, Chief Engineer
Water Rights Division
523 East Capitol
Pierre, S.D. 57501

Dear Mr Hatch:

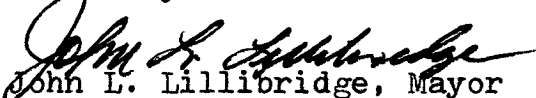
In response to your letter dated February 13, 1987 in regards to Future Water Use Permit No 1660-2 held by the City of Burke.

It is the intent of the City of Burke to maintain this permit as we feel that it is necessary because of future need for additional water supplies for the city consumers.

Enclosed find City check in the amount of \$50.00 for fee to maintain Future Water Use Permit No 1660-2 after May 6, 1987.

Please advise if there are any other qualifications the city has to meet to maintain this permit.

Sincerely Yours:


John L. Lillibridge, Mayor
Box 250
Burke, S.D. 57523

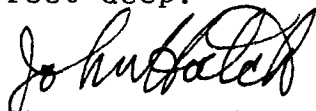


RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1660-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 1660-2, City of Burke, Box 250, Burke SD.

The Chief Engineer is recommending that Future Use Permit No. 1660-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1660-2, 2) the City of Burke has demonstrated a reasonable need for the water reserved by Permit No. 1660-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit is approved for groundwater from the Ogallala Formation. Wells will be less than 150 feet deep.


JOHN HATCH, Chief Engineer
March 31, 1987

Instruction to Newspaper-Publish first publication of the following Notice on or before April 8, 1987 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, Box 250, Burke SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved May 25, 1979 to reserve 2.14 cfs (1549 acre feet) from the Ogallala groundwater formation for diversion from the S 1/2 Section 26; Section 35; all in T97N, R72W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1660-2 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by April 24, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gregory) ss.

I, C. J. Fahrenbacher hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Burke Gazette

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Burke

County of Gregory and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Wednesday, April 8, 1987

Wednesday, April 15, 1987

C. J. Fahrenbacher
(Signature)

Publisher
(Title)

4-8-87
(Date Signed)

Cost of Printing: \$36.59

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date.

The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by April 24, 1987.

April 8-15

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1660-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, Box 250, Burke SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved May 25, 1979 to reserve 2.14 cfs (1549 acre feet) from the Ogallala groundwater formation for diversion from the S 1/2 Section 26; Section 35; all in T97N, R72W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1660-2 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410746

Pierre, February 19, 1987

RECEIVED OF City of Burke, Box 250, Burke, SD 57523
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. 1660-2 after period of seven years.	50	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water Right No. _____		
Fee for Permit Transfer Form _____		
Fee for Permit Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 18, 1987

NOTICE

J.L. Lillibridge, Mayor
City of Burke
PO Box 250
Burke SD 57523

Dear Mayor Lillibridge:

This letter is in response to action taken by the Water Management Board at the May 6, 1987 hearing regarding review of Future Use Water Permit No. 1660-2. The Board allowed the permit to remain in effect and amended Permit No. 1660-2 by adding the qualifications on the enclosed "Attachment". The "attachment" should be placed with the permit. Future Use Permit No. 1660-2 is again subject to review in seven years.

The fee of \$50.00 for maintaining the effectiveness of Future Use Permit No. 1660-2 has been paid.

Please contact us if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

cc: Rod Hartog, Finance Officer

AMENDMENT TO FUTURE USE PERMIT NO. 1660-2

CITY OF BURKE

Pursuant to the May 6, 1987 Water Management Board hearing, Future Use Permit No. 1660-2 was allowed to remain in effect and amended by adding the following qualifications:

1. This Permit approved for groundwater from the Ogallala Formation. Wells will be less than 150 feet deep.



1660-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 3, 1994

City of Burke
Raymond Roggow, Mayor
PO Box 250
Burke SD 57523-0250

Dear Mayor Roggow:

I am writing in regard to the seven year review of Future Use Water Permit No. 1660-2 from groundwater which is held by the City of Burke. Currently, our records show that 2.14 cubic feet of water per second remain in reserve under this future use permit which was issued in 1979.

Permit No. 1660-2 will be scheduled for review by the Water Management Board this spring or summer pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 1660-2.

Please respond in writing by February 15, 1994, regarding the City's intention for the future use permit. If the City does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years. If pumping records are not available, please indicate the maximum diversion rate, from the city's current well(s) in gallons per minute.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Jerry Jones, Finance Officer

City of Burke
BURKE, SOUTH DAKOTA 57523

OFFICE OF THE MAYOR



February 10, 1994

Karen Schlaak
Natural Resources Analyst
Department of Environment and Natural Resources
Joe Foss Building
523 East Capital
Pierre, SD 57501

Dear Karen:

The City of Burke would like to retain the future use permit #1660.2 that is for 2.14 cubic feet of water per second.

The City has 5 wells that we use at the present time. Well #2 pumps 22 GPM, well #3 pumps 42 GPM and both of these wells are high in nitrate. Well #4 pumps 82 GPM, well #7 pumps 72 GPM and well #8 pumps 92 GPM.

The long range plan of the City is to eliminate well #2 and well #3 and drill a new well. Also if there is any growth in the City, we would need a new well anyway. The pumping records for the last three years are listed below. The last three years have been above normal rainfall.

1993 pumped 41,741,109 Gal.	peak usage 9-13-93 420,030 Gal.
1992 pumped 47,945,040 Gal.	peak usage 8-31-92 498,400 Gal.
1991 pumped 64,596,330 Gal.	peak usage 6-27-91 526,000 Gal.

Sincerely:

Richard Bailey

Richard Bailey
Supt. of Utilities
P.O.Box 312
Burke, SD 57523



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 22, 1994

Richard Bailey, Supt. of Utilities
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Bailey:

I am writing in regard to the seven year review of Future Use Water Permit No. 1660-2 from the Ogallala Formation which is held by the City of Burke. We have received your February 10, 1994 letter requesting the retention of this permit. A copy of the draft recommendation is enclosed for your review.

As a part of the review of future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the city's flexibility when placing reserved water to beneficial use. We have used a 60% pumping rate in making this conversion from a diversion rate to acre-feet annually. In addition, in cases where the 60% converted figure is greater than double the maximum annual water usage submitted by the city, our recommendation reflects Water Management Board Rule 74:02:01:24.01. This rule states that future use permits may be limited to two times the amount actually put to beneficial use.

If you believe the recommended amount to remain in reserve does not adequately meet your city's future development needs, please provide additional justification for a greater amount. This draft recommendation is to provide you the opportunity to comment on our recommendation prior, to publishing the notice of hearing.

If we do not receive comments from you by May 10, 1994, we will schedule the publication of the notice of hearing with the recommendation as enclosed. The review of this permit will then be scheduled for the July 6 & 7, 1994 Water Management Board meeting.

Please contact me, if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1660-2, CITY OF BURKE

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1660-2, City of Burke, PO Box 250, Burke SD 57523-0250.

The Chief Engineer is recommending that Future Use Permit No. 1660-2 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1660-2, 2) the City of Burke has demonstrated a reasonable need for the water reserved by Permit No. 1660-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 1660-2 reserve for future use a total of 396 acre-feet annually. The diversion rate of 2.14 cfs is deleted from Permit No. 1660-2.

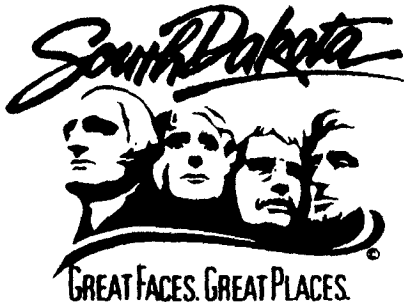
And that maintaining the effectiveness of Future Use Permit No. 1660-2 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Burke.



JOHN HATCH, Chief Engineer
May 16, 1994

NOTE: The maximum annual acre-feet of full-time pumping represented by 2.14 cubic feet of water per second (cfs) reserved by No. 1660-2 is 1,549 acre-feet. Assuming that the total amount pumped annually would equal 60% of 1,549 acre-feet, then expected developed pumping of water reserved under Permit No. 1660-2 would be about 930 acre-feet per year.

The maximum annual water usage of record by the City of Burke was 198 acre-feet in 1991. Doubling this annual use (396 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 2.14 cfs (1,549 acre-feet under Permit No. 1660-2). Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 1660-2 should be allowed to remain in effect for 396 acre-feet as outlined in the above qualifications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 17, 1994

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

Richard Bailey, Supt. of Utilities
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Bailey:

Future Use Permit No. 1660-2 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Burke Gazette printed at Burke (Phone # 775-2612). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 17, 1994

Burke Gazette
Box 259
Burke SD 57523-0359

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1660-2 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

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 City of Burke, PO Box 250, Burke SD 57523-0250.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to to
Review Future Use Water Permit No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on May 25, 1994 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, PO Box 250, Burke SD 57523-0250 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved May 25, 1979 to reserve 2.14 cubic feet of water per second (1549 acre-feet) from the Ogallala Formation located in the S 1/2 Section 26; Section 35; all in T97N-R72W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 at the Ramkota Inn Best Western, Gallery D, 920 W Sioux, Pierre SD on June 28, 1994 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is Water Rights Division, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gregory) ss.

I, C. J. Fahrenbacher hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Burke Gazette

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Burke

County of Gregory and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Wednesday, April 8, 1987

Wednesday, April 15, 1987



(Signature)

Publisher

(Title)

4-8-87

(Date Signed)

Cost of Printing: \$36.59

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 1660-2

Notice is hereby given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, Box 250, Burke SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved May 25, 1979 to reserve 2.14 cfs (1549 acre feet) from the Ogallala groundwater formation for diversion from the S 1/2 Section 26; Section 35; all in T97N, R72W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1660-2 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by April 24, 1987.
April 8-15 (97)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 8, 1993

Richard Bailey, Supt. of Utilities
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Bailey:

I am writing to advise you that the legal notice of hearing on Review of Future Use Permit No. 1660-2 published in the Burke Gazette is not correct. The date to file a request for a delay was published incorrectly (end of last sentence of notice). The correct date is June 20, 1994. The newspaper was called on May 26, 1994 to have the error corrected on the second publication; however, the date was still incorrect on the June 1, 1994 publication.

As a result of the error, the hearing before the Water Management Board on June 28, 1994 will not be held. The legal notice will need to be readvertised for the August 31 & September 1, 1994 Water Management Board meeting. The readvertisement is needed to ensure the future use review is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice will be sent to you and the newspaper at a later date.

If you have questions, please contact Eric Gronlund at 773-3352.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

cc: Burke Gazette



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 21, 1994

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

Richard Bailey, Supt. of Utilities
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Bailey:

The notice of hearing on Review of Future Use Permit No. 1660-2 has been sent to the Publisher of the Burke Gazette printed at Burke (Phone # 775-2612). As you are aware, the Notice needs to be readvertised because the date to file a request for a delay was published incorrectly on May 25 and June 1, 1994. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 21, 1994

Burke Gazette
Box 259
Burke SD 57523-0359

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1660-2 to be published twice. Please publish the first notice on July 27, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The APPLICANT is City of Burke, PO Box 250, Burke SD 57523-0250.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to to
Review Future Use Water Permit No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on July 27, 1994 with 2nd publication 7 days later.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, PO Box 250, Burke SD 57523-0250 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This Notice was originally published in the Burke Gazette on May 25 and June 1, 1994 and contained an error in the date to file a request for delay.

This permit was approved May 25, 1979 to reserve 2.14 cubic feet of water per second (1549 acre-feet) from the Ogallala Formation located in the S 1/2 Section 26; Section 35; all in T97N-R72W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 at the Floyd Matthew Training Center, 523 E Capitol, Pierre SD on August 31, 1994 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by August 19, 1994. The Chief Engineer's address is Water Rights Division, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by August 19, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by August 19, 1994. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Affidavit Of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GREGORY

ss.

C. J. FAHRENBACHER of said county being first duly sworn, oath says that he is the publisher of THE BURKE GAZETTE, a weekly newspaper printed and published in Burke said county and has full and personal knowledge of all matters stated; that said newspaper is a legal newspaper bona-fide circulation of at least two hundred copies were published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned and is printed wholly or in part in an office maintained in said county of publication; that the

WATER PERMIT

a printed copy of which, taken from the paper in which it was printed, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least

one week for 2 successive weeks, on the 27th day of July, 1994, week on which said newspaper was regularly published

Wednesday, July 27, 1994

Wednesday, August 3, 1994

that the full amount of the fees for the publication of this notice is \$ 51.62

Subscribed and sworn to before me this 3 day of August, 1994

Jeanette Frank
Notary Public
County of Gregory, South Dakota

My Commission
Expires 2-10-2000



address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605- 773-3352 by August 19, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by August 19, 1994. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.
July 27-Aug. 1

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, PO Box 250, Burke SD 57523-0250 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This Notice was originally published in the Burke Gazette on May 25 and June 1, 1994 and contained an error in the date to file a request for delay.

This permit was approved May 25, 1979 to reserve 2.14 cubic feet of water per second (1549 acre-feet) from the Ogallala Formation located in the S 1/2 Section 26; Section 35; all in T97N-R72W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 at the Floyd Matthew Training Center, 523 E Capitol, Pierre SD on August 31, 1994 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by August 19, 1994. The Chief Engineer's address is Water Rights Division, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 7, 1994

NOTICE

Richard Bailey, Supt. of Utilities
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Bailey:

I am writing in response to action taken by the Water Management Board at the hearing on August 31, 1994 to review Future Use Permit No. 1660-2. The Board allowed the permit to remain in effect and amended Permit No. 1660-2 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 1660-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1660-2 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 1660-2

CITY OF BURKE

Pursuant to the August 31, 1994 Water Management Board hearing, Future Use Permit No. 1660-2 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1660-2 reserve for future use a total of 396 acre-feet annually. The diversion rate of 2.14 cfs is deleted from Permit No. 1660-2.

CERTIFICATION

I hereby certify that on September 8, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 7, 1994, regarding action taken by the Water Management Board at the hearing on August 31, 1994, to review Future Use Permit No. 1660-2, along with a copy of the Amendment to this Future Use Permit, addressed as stated below:

Richard Bailey, Supt. of Utilities, City of Burke, P.O. Box 312,
Burke, SD 57523.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of September, 1994



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1660-2
414298

Pierre, _____, October 12, 19 94

RECEIVED OF City of Burke, PO Box 250, Burke, SD 57523

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>1660-2</u> after period of seven years.	27	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	27 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 27, 2001

George Kenzy
City of Burke
PO Box 250
Burke SD 57523-0250

Dear Mayor Kenzy:

I am writing in regard to the seven year review of Future Use Water Permit No. 1660-2 from groundwater (Ogallala Formation) which is held by the City of Burke. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the city. Currently, our records show that 396 acre-feet remain in reserve under this future use permit that was issued in 1979 and last reviewed in 1994.

Please respond in writing by August 1, 2001, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1660-2 will then be public noticed and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

c: Jerry Jones, Finance Officer

Wade Broome - Supt of Utilities

841 County Road
P.O. Box 312
Burke, SD 57523-0312
Phone 775-2692
Fax 775-3014



July 27, 2001

Karen Schlaak
Environmental Scientist
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Karen:

I am writing in regard to the review of Future Use Water Permit No. 1660-2. We would like to retain this permit for another seven years. The city is planning on joining Tripp County Water Users District in the near future but we are unsure when and if this will go through. In order to insure an adequate water supply to the citizens of the City of Burke, we would like to have the Future Use Water Permit to stay in effect for the City of Burke.

We are including pumping records for the years 1998, 1999 and 2000. We were informed that all that is needed are the annual totals.

If you have other question or concerns, please contact Wade Broome at 605-775-2692.

Sincerely:

Wade Broome
Supt of Utilities

City of Burke

Finance Office
PO Box 250
Burke, SD 57523-0250

Phone 605-775-2913

Fax 605-775-3014

**City of Burke
Total Water Pumped**

1998	47,270,100 gallons
1999	48,153,200 gallons
2000	51,886,100 gallons



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1660-2, City of Burke SD**

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 Future Use Water Permit No. 1660-2, City of Burke, PO Box 250, Burke SD 57523-0250.

The Chief Engineer is recommending that Future Use Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1660-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1660-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1660-2 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
August 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2001

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

Wade Broome, Supt. of Utilities
City of Burke
PO Box 312
Burke SD 57523-0312

Dear Mr. Broome:

Future Use Permit No. 1660-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Burke Gazette printed at Burke SD (Phone #605 775-2612). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 1, 2001

Burke Gazette
Box 359
Burke SD 57523-0359

Dear Sir:

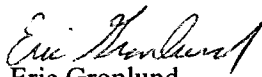
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1660-2 to be published twice. Please publish the first notice on August 8, 2001 with the second publication 7 days later.

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 the City of Burke, PO Box 250, Burke SD.

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-----

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of August 1, 2001 enclosing Notice of Hearing to Review Future Use Water Permit No. 1660-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on August 8, 2001 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, PO Box 250, Burke SD 57523-0250 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved 1979 currently reserves 396 acre feet from groundwater (Ogallala Formation) for municipal use. The future use area is the S ½ Section 26 and Section 35-T97N-R72W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at 10:00 am, September 5, 2001 at the Conference Room, Kelly Inn, 1607 E. Highway 50, Yankton SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by August 27, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by August 27, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by August 27, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Gregory) SS

I, C. J. Fahrenbacher

certify that the attached printed Notice was taken

from the Burke Gazette

printed and published in Burke South Dakota

County of Gregory and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 8

August 15

Cost of Printing 61.68

C. J. Fahrenbacher
(Signature)

Publisher
(Title)

8-15-01
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, PO Box 250, Burke SD 57523-0250 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved 1979 currently reserves 396 acre feet from groundwater (Ogallala Formation) for municipal use. The future use area is the S1/2 Section 26 and Section 35-T97N-R72W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 551-2 at 10:00 am, September 5, 2001 at the Conference Room, Kelly Inn, 1607 E. Highway 50, Yankton, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by August 27, 2001. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E Capitol Ave, Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use

permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by August 27, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by August 27, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Aug.8-15





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 2001

NOTICE

Wade Broome, Supt. of Utilities
City of Burke
PO Box 312
Burke SD 57523-0312

Dear Mr. Broome:

I am writing in response to action taken by the Water Management Board at the hearing on September 5, 2001 to review Future Use Permit No. 1660-2. The Board allowed the permit to remain in effect for 396 acre-feet of water annually. Future Use Permit No. 1660-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1660-2 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

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

c: Jerry Jones, Finance Officer

CERTIFICATION

I hereby certify that on September 17, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 17, 2001 regarding Notice to review Future Use Permit No's. 1660-2 & 551-2 addressed as stated below:

1660-2

Wade Broome, Supt. of Utilities
City of Burke
PO Box 312
Burke, SD 57523

Jerry Jones, Finance Officer
City of Burke
PO Box 250
Burke, SD 57523-0250

551-2

Tom Farnsworth, City Administrator
City of Winner
PO Box 691
Winner, SD 57580-0691



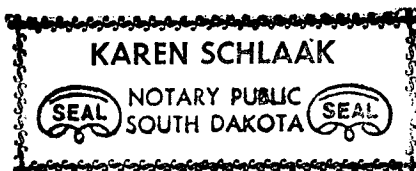
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of September, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT
Water Rights Program

South Dakota Department of Environment and Natural Resources

416934

Pierre, October 11, 20 01

RECEIVED OF City of Burke, PO Box 250, Burke, SD 57823
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. 1669022 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 Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

27 50

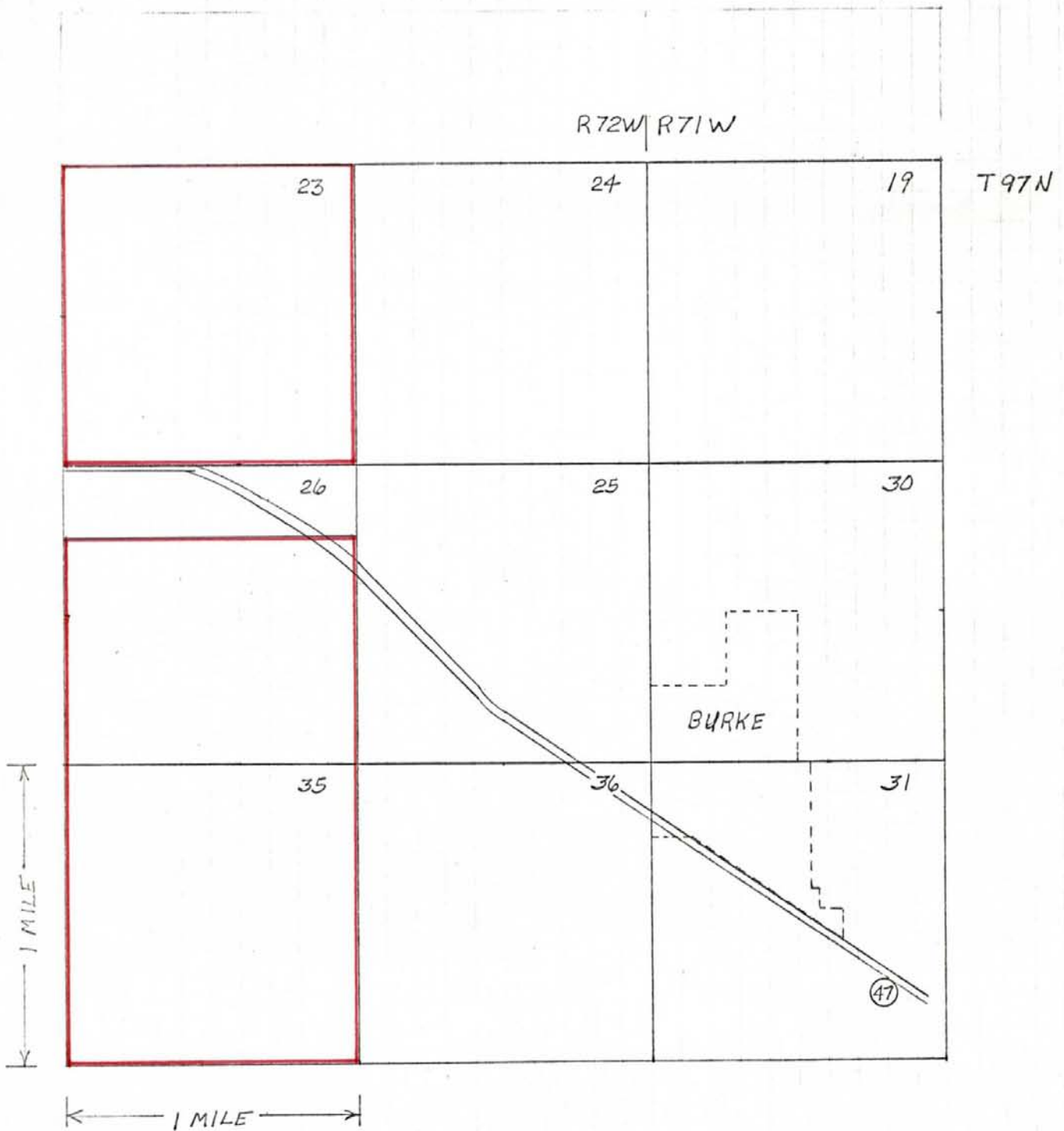
27 50

By

Darland Erluke

Chief Engineer

gm



Future Use Area Outlined in red

City of Burke
 Drawn 26 April 78
 Gale N Selken
 Gale N Selken

MAP # ~~1423-2~~

APPL. # 1660-2

MAP. No ~~1423-2~~ APPL. 1660-2



1660-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 2008

Wade Broome, Supt of Utilities
City of Burke
PO Box 250
Burke SD 57523

Dear Mr. Broome:

I am writing in regard to the seven year review of Future Use Water Permit No. 1660-2 from groundwater (Ogallala Formation) which is held by the City of Burke. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 360 acre-feet remain in reserve under this future use permit that was issued in 1979 and last reviewed in 2001.

Please respond in writing by May 1, 2008, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1660-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

April 30, 2008

Karen Schlaak, Environmental Scientist
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RECEIVED

MAY - 1 2008

WATER RIGHTS
PROGRAM

Dear Karen:

The City of Burke would like to retain the future use permit #1660-2 that is for 360 acre-feet of water.

The City has 4 wells that are usable and we are connected to the Tripp County Water Users District. Well #2 and well #3 have not been pumped since joining TCWUD in 2004 as they are low volume wells and are also high in nitrate, but could be used in an emergency situation. We may occasionally pump well #4 and well #8 in the hot summer months if demand is high but will continue to use TCWUD water as much as possible. Well capacities are as follows. Well #2: 25 GPM, Well #3: 45 GPM, Well #4: 95 GPM, Well #8: 90 GPM. We also receive about 150 GPM from TCWUD. Since 2005 we have pumped well #4 & #8 very little mostly for maintenance purposes.

Our bulk water purchases from TCWUD since 2005 are as follows.

2005: 37,846,000

2006: 34,232,000

2007: 27,970,000

If you have any questions please give me a call.

Sincerely,



Wade Broome
Supt. of Utilities
City of Burke
PO box 312
Burke, South Dakota 57523
Ph: 605 775-2692
Fax: 605 775-3014
email: burkesupt@goldminvest.net



**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 FUTURE USE WATER PERMIT
NO. 1660-2, City of Burke SD**

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 Future Use Water Permit No. 1660-2, City of Burke, PO Box 250, Burke SD 57523.

The Chief Engineer is recommending that Future Use Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1660-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1660-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1660-2 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
May 14, 2008



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 14, 2008

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

Wade Broome, Supt of Utilities
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Broome:

Future Use Permit No. 1660-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Burke Gazette printed at Burke SD (Phone #605 775-2612). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Finance Officer, City of Burke, PO Box 250, Burke SD 57523

Instruction to Newspaper-Publish first publication of the following Notice on May 21, 2008 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, PO Box 250, Burke SD 57523 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved 1979 currently reserves 396 acre feet from groundwater (Ogallala Formation) located in the S ½ Section 26 and Section 35; all in T97N-R72W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 23, 2008. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 23, 2008. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 23, 2008. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 14, 2008

Burke Gazette
PO Box 359
Burke SD 57523

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1660-2 to be published twice. Please publish the first notice on May 21, 2008 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 the City of Burke, PO Box 250, Burke SD.

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-----

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of May 14, 2008 enclosing Notice of Hearing to Review Future Use Water Permit No. 1660-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

RECEIVED

JUN - 2 2008

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Gregory) SS

I, C.J. Fahrenbacher

certify that the attached printed Notice was
taken

from the Burke Gazette

printed and published in Burke, SD

County of Gregory and

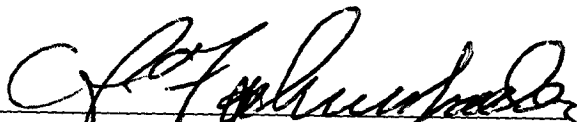
state of South Dakota. The notice was
published

in the newspaper on the following two dates:

5-21-08

5-28-08

Cost of Printing \$80.64


(Signature)

Owner
(Title)

5-30-08
(Date Signed)

Commission Expires
October 17, 2009

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, PO Box 250, Burke SD 57523 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved 1979 currently reserves 396 acre feet from groundwater (Ogallala Formation) located in the S 1/2 Section 26 and Section 35; all in T97N-R72W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 at 10:00 a.m., July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 23, 2008. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future

support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38, 1; Board Rules ARSD 74:02:01:23.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 23, 2008. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 23, 2008. Steven M Pirner, Secretary, Department of Environment and Natural Resources. 41-2tc



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 2008

NOTICE

Wade Broome, Supt of Utilities
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Broome:

I am writing in response to action taken by the Water Management Board at the hearing on July 2, 2008 to review Future Use Permit No. 1660-2. The Board allowed the permit to remain in effect for 396 acre-feet of water annually. Future Use Permit No. 1660-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1660-2 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on July 7, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 7, 2008 regarding maintaining effectiveness of Future use addressed as stated below:

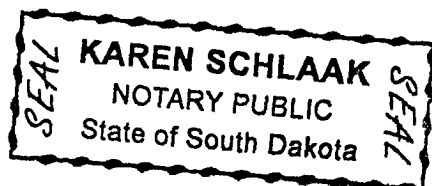
Steven W Meyer, City of Volga, PO Box 217, Volga SD 57071 6259-3
Larry G Schacht, Town of Pickstown, PO Box 107, Pickstown SD 57367 5113-3
Wade J Blasius, Aurora Brule RWS, PO Box 140, Kimball SD 57355 4456-3
Martin Jarrett, Big Sioux Comm. Water System, 23343 479th Ave, Egan SD 57024 3984A-3
Curt Hohn, WEB Water Dev. Assn. Inc., PO Box 51, Aberdeen SD 57402 3429-3
Wade Broome, City of Burke, PO Box 312, Burke SD 57523 1660-2
Doug Pochop, City of Gregory, PO Box 436, Gregory SD 57533 1622-2
Dennis Schroeder, City of Winner, PO Box 691, Winner SD 57580 551-2


Gail Jacobson
Secretary
Water Rights

[illegible]

Sworn to, before me, this 7th day of July, 2008.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/11, 2008

RECEIVED OF City of Burke PO Box 250 Burke SD 57523

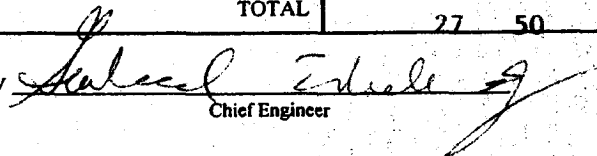
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1660-2</u> after period of seven years.	27.	50
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	27	50

No.

03711

By


Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 12, 2015

Wade Broome, Supt. of Utilities
City of Burke
PO Box 250
Burke SD 57523

Dear Mr. Broome:

I am writing in regard to the seven year review of Future Use Water Permit No. 1660-2 from groundwater (Ogallala Formation) held by the City of Burke. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 396 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2008.

Please respond in writing by April 15, 2015 regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1660-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 396 acre-feet remain in reserve, the fee will be \$95.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

April 14, 2015

Karen Schlaak, Environmental Scientist
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Karen:

The City of Burke would like to retain the future use permit #1660-2 that is for 396 acre-feet of water.

The City has 4 wells that are usable and we are connected to the Tripp County Water Users District. Well #2 and well #3 have not been pumped since joining TCWUD in 2004 as they are low volume wells and are also high in nitrate, but could be used in an emergency situation. We may occasionally pump well #4 and well #8 in the hot summer months if demand is high but will continue to use TCWUD water as much as possible. Well capacities are as follows. Well #2: 25 GPM, Well #3: 45 GPM, Well #4: 95 GPM, Well #8: 90 GPM. We also receive about 150 GPM from TCWUD. Since 2005 we have pumped well #4 & #8 very little mostly for maintenance purposes. We would like to retain the future use permit #1660-2 in case TCWUD is not able to supply the City of Burke with enough water.

Our bulk water purchases from TCWUD since 2012 are as follows.

2012: 33,385,400

2013: 32,974,000

2014: 47,091,500

If you have any questions please give me a call.

Sincerely,

Wade Broome
Supt. of Utilities
City of Burke
PO box 312
Burke, South Dakota 57523
Ph: 605 775-2692
Fax: 605 775-3014
email: burkesupt@goldenwest.net



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1660-2, City of Burke SD

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 Future Use Water Permit No. 1660-2, City of Burke, PO Box 312, Burke SD 57523.

The Chief Engineer is recommending that Future Use Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1660-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1660-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1660-2 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
May 28, 2015

RECEIVED

JUN 12 2015

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Gregory)

I, C.J. Fahrenbacher

certify that the attached printed Notice was
taken

from the Burke Gazette

printed and published in Burke, SD

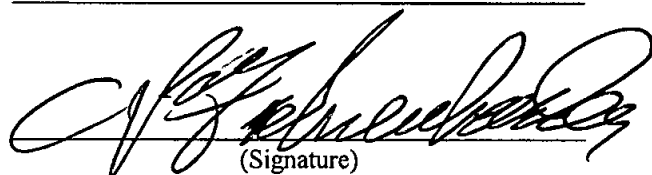
County of Gregory and

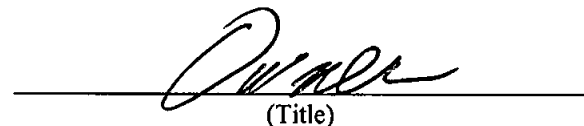
state of South Dakota. The notice was
published

in the newspaper on the following date:

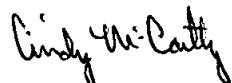
6/10/15

Cost of Printing 42.56


(Signature)


(Title)

6-10-15
(Date Signed)



Commission Expires
October 17, 2015

and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the
approximate cost of \$42.56.

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 1660-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, c/o Wade Broome, Supt of Utilities, PO Box 312, Burke SD 57523 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved 1979 currently reserves 396 acre feet from groundwater (Ogallala Formation) located in the S 1/2 Section 26 and Section 35; all in T97N-R72W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 at 10:00 am on July 8, 2015, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 1660-2.**

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, c/o Wade Broome, Supt of Utilities, PO Box 312, Burke SD 57523 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved 1979 currently reserves 396 acre feet from groundwater (Ogallala Formation) located in the S 1/2 Section 26 and Section 35; all in T97N-R72W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 at 10:00 am on July 8, 2015, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above.

The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel. Legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$91.51

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/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 Davison 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, order or advertisement, 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 1 issue(s), to wit:

Wednesday, June 10, 2015

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; 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: \$91.51

Signed: Penny Hohbach

Subscribed and sworn to before me this 10th day of June, 2015.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

DEB TOWNSEND
Notary Public
SEAL
South Dakota

Instruction to Newspaper-Publish the following Notice on June 10, 2015. The permit owner 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 HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, c/o Wade Broome, Supt of Utilities, PO Box 312, Burke SD 57523 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved 1979 currently reserves 396 acre feet from groundwater (Ogallala Formation) located in the S 1/2 Section 26 and Section 35; all in T97N-R72W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 at 10:00 am on July 8, 2015, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Burke Gazette
PO Box 359
Burke SD 57523

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1660-2 to be published on June 10, 2015. 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

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Burke, c/o Wade Broome, Supt of Utilities, PO Box 312, Burke SD 57523.

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

Daily Republic
PO Box 1288
Mitchell SD 57301

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1660-2 to be published on June 10, 2015. 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

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Burke, c/o Wade Broome, Supt of Utilities, PO Box 312, Burke SD 57523.

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 29, 2015

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

City of Burke
Wade Broome, Supt of Utilities
PO Box 312
Burke SD 57523

Dear Mr. Broome:

Future Use Permit No. 1660-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the Burke Gazette and the Mitchell Daily Republic. For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 10, 2015. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 13, 2015

NOTICE OF ENTRY OF ORDER

City Of Burke
Wade Broome, Supt Of Utilities
PO Box 312
Burke SD 57523

Dear Mr. Broome:

I am writing in response to action taken by the Water Management Board at the hearing on July 8, 2015 to review Future Use Permit No. 1660-2. The Board allowed the permit to remain in effect for 396 acre-feet of water annually. Future Use Permit No. 1660-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1660-2 is \$95.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on July 13, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 13, 2015 regarding Future Use Permits addressed as stated below:

Permit No. 3429-3 - WEB Water Dev Assn, c/o Steve Harper, PO Box 51, Aberdeen SD 57402

Permit No. 6259-3 – City of Volga, c/o A W Bremseth, PO Box 217, Volga SD 57071

Permit No. 551-2 – City of Winner, c/o D Ayers, PO Box 691, Winner SD 57580

Permit No. 1622-2 – City of Gregory, c/o Al Cerny, PO Box 436, Gregory SD 57533

Permit No. 1660-2 – City of Burke, c/o Wade Broom, PO Box 312, Burke SD 57523



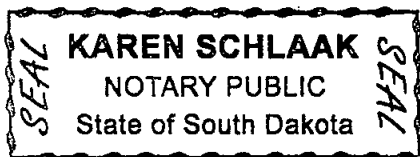
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13 day of July, 20 15.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/13, 20 15

RECEIVED OF City of Burke PO Box 250 Burke SD 57583

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	95	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1660-2</u> 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. _____	95	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	95	00

No. 07472

By James Goodman
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 17, 2022

City of Burke
Wade Broome, Supt of Utilities
PO Box 312
Burke SD 57523

Dear Mr. Broome:

I am writing in regard to the seven year review of Future Use Water Permit No. 1660-2 from the Ogallala Formation held by the City of Burke. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 396 acre-feet remain in reserve under this future use permit that was issued in 1979 and last reviewed in 2015.

Please respond in writing by April 15, 2022, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1660-2 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 396 acre-feet remain in reserve, the fee will be \$95.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Karen Schlaak

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

RECEIVED

MAR 24 2022

WATER RIGHTS
PROGRAM

March 21, 2022

Karen Schlaak, Environmental Scientist
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Karen:

The City of Burke would like to retain the future use permit #1660-2 that is for 396 acre-feet of water.

The City has 4 wells that are usable and we are connected to the Tripp County Water Users District Well #2 and well #3 have not been pumped since joining TCWUD in 2004 as they are low volume wells and are also high in nitrate, but could be used in an emergency situation. We occasionally pump well #4 and well #8 in the hot summer months if demand is high but will continue to use TCWUD water as much as possible. Well capacities are as follows. Well #2: 25 GPM, Well #3: 45 GPM, Well #4: 95 GPM, Well #8: 90 GPM. We also receive about 150 GPM from TCWUD. Since 2005 we have pumped well #4 & #8 very little mostly for maintenance purposes and for a large Main Street fire. We would like to retain the future use permit #1660-2 in case TCWUD is not able to supply the City of Burke with enough water.

Our bulk water purchases from TCWUD since 2015 are as follows.

2015: 44,403,000

2016: 40,754,000

2017: 40,890,000

2018: 30,017,000

2019: 26,217,000

2020: 33,229,000

2021: 35,678,000

If you have any questions please give me a call.

Sincerely,



Wade Broome
Supt. of Utilities
City of Burke
PO box 312
Burke, South Dakota 57523
Ph: 605 775-2692
Fax: 605 775-3014
email: burkesupt@goldenwest.net



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1660-2, City of Burke SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 1660-2, City of Burke, Wade Broome, Supt. of Utilities, PO Box 312, Burke SD 57523.

The Chief Engineer is recommending that Future Use Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1660-2, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1660-2, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1660-2 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
May 16, 2022



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 16, 2022

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPERS RIGHT AWAY.

City of Burke
Wade Broome, Supt of Utilities
PO Box 312
Burke SD 57523

Dear Mr. Broome:

Future Use Permit No. 1660-2 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used and the nearest daily paper. Notice of this review has been sent to the Burke Gazette, Burke SD (605 775-2612) and the Plainsman, Huron SD (605 353-7414). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on May 25, 2022. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Affidavit Of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GREGORY

ss.

CHLOE KENZY of said county being first duly sworn, on oath says that she is the publisher of THE BURKE GAZETTE, a weekly newspaper printed and published in Burke said County of Gregory and has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

City of Burke-Notice of Hearing-Usewater Permit

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

1 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:
5/25/22

that the full amount of the fees for the publication of the annexed notice

is \$ 61.22

Chloe Kenzy

Subscribed and sworn to before me this 25th day of

May, 2022

Commission Expires
October 30, 2027

Notary Public
County of Gregory, South Dakota

RECEIVED

JUN 2 2 2022

OFFICE OF
WATER

NOTICE OF HEARING TO REVIEW FUTURE USEWATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, Wade Brune, Supt. Of Utilities, PO Box 312, Burke SD 57523 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved in 1979 and currently reserves 396 acre-feet from the Opallala Aquifer located in the S 1/4 Section 26 and Section 33, all in T97N-R72W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at dwr.sd.gov/public or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 on July 6, 2022, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9

for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at dwr.sd.gov/public or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01.25:01 thru 74:02:01.25:03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. There and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 30 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at dwr.sd.gov/public or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2022.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessi-

ble place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 6, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$61.22

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

RECEIVED

MAY 27 2022

OFFICE OF
WATER

Legal Notice Number: 1443

I, Cadee Schelske, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: City of Burke- Wade Broome – Water No. 1443 was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 5/25/2022. That the full amount of the fee charged for the publishing \$ 65.23 insures to the benefit of the publisher of said newspaper; 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 whom so ever.

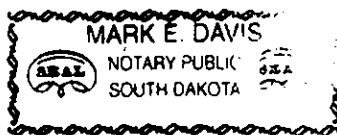
Cadee Schelske

Subscribed and sworn to me before this date 5/25/22.

Mark E. Davis

Notary Public, South Dakota

My Term Expires 12/27/2024



F. P. 05-25-22
**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 1660-2**

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, Wade Broome, Supt. of Utilities, PO Box 312, Burke SD 57523 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved in 1979 and currently reserves 396 acre-feet from the Ogallala Aquifer located in the S 1/2 Section 26 and Section 35; all in T97N-R72W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 **REMAIN IN EFFECT** for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant

to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2022.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 6, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

No. 1443 (adv.)
Published one time at the total approximate cost of \$85.23.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 8:03 AM
To: cindy - Burke Gazette (burkegaz@gwtc.net)
Subject: 1660-2, City of Burke
Attachments: 1660-2FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

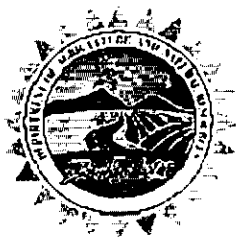
Attached is a notice to be published on May 25, 2022.

City of Burke, Wade Broome, Supt of Utilities, PO Box 312, Burke SD 57523 (605 775-2692) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
DANR - Water Rights Program
(605) 773 3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 8:04 AM
To: 'rccrandall@plainsman.com'
Subject: 1660-2, City of Burke
Attachments: 1660-2FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 25, 2022.

City of Burke, Wade Broome, Supt of Utilities, PO Box 312, Burke SD 57523 (605 775-2692) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 8:08 AM
To: burkesupt@goldenwest.net
Subject: Future Use Permit No. 1660-2
Attachments: 3451.pdf

Attached is a copy of the chief engineer recommendation and information regarding the public notice for the future use permit review. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Instruction to Newspaper - Publish the following Notice on May 25, 2022. The City of Burke is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1660-2

Notice is given that the Water Management Board will review Future Use Permit No. 1660-2 held by the City of Burke, Wade Broome, Supt. of Utilities, PO Box 312, Burke SD 57523 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1660-2. This permit was approved in 1979 and currently reserves 396 acre-feet from the Ogallala Aquifer located in the S 1/2 Section 26 and Section 35; all in T97N-R72W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1660-2 REMAIN in EFFECT for 396 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1660-2 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 1660-2 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by

calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2022.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Agriculture and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 6, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____ .



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 7, 2022

NOTICE OF ENTRY OF ORDER

City of Burke
Wade Broome, Supt of Utilities
PO Box 312
Burke SD 57523

Dear Mr. Broome:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2022, to review Future Use Permit No. 1660-2. The Board allowed the permit to remain in effect for 396 acre-feet of water annually. Future Use Permit No. 1660-2 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1660-2 is \$95.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on July 7, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 7, 2022 involving action taken by the Water Management Board hearing on July 7, 2022:

City of Winner, Troy Kruger, Public Works Director, PO Box 691, Winner SD 57580

City of Gregory, Alex Hamilton, City Administrator/Finance Officer, PO Box 436, Gregory SD 57533

WEB Water Development Association Inc., Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57401

Big Sioux Community Water System Inc., Jodi Johanson, General Manager, 23343 479th Ave., Egan SD 57024

Aurora-Brule Rural Water System, Wade Blasius, Manager, PO Box 140, Kimball SD 57355-0140

City of Volga, Michael Schulte, City Administrator, PO Box 217, Volga SD 57071

City of Burke, Wade Broome, Supt. Of Utilities, PO Box 312, Burke SD 57523

Vickie Maberry
Vickie Maberry

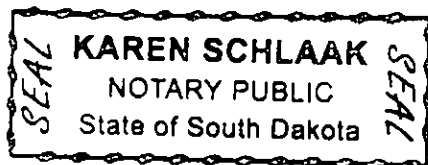
Vickie Maberry
Senior Secretary-Water Rights

[illegible]

Sworn to, before me, this 7th day of July, 2022

Karin Schlaack

Karen Schlaak Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 15, 2022

RECEIVED OF City of Burke PO Box 250 Burke SD 57523

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>1660-2</u> after period of seven years.	<u>\$95.00</u>
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. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$95.00</u>

By Eric Gronlund
Chief Engineer

Em