

1598-3

1. Considered 9-24, 1968
2. Name of Applicant CITY OF BROOKINGS
3. Post Office Address BE
4. Amount of water claimed 18
5. Source of water supply GROUND WATER
6. Water to be used for MUNICIPAL (FUTURE USE)

Acres to be irrigated _____

7. Water to be diverted and used in BROOKINGS county
about 2 1/2 35 miles _____ of BROOKINGS

8. Proof of Publication

Received 101

Not Received _____

9. Application

Approved _____

Subject to _____

Not Approved _____

Action deferred _____

10. Remarks:

No. 1598-3

Water Division No. 3 Big Sioux River District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

RECEIVED
JUN 1 1917
STATE ENGINEER
SOUTH DAKOTA

APPLICATION FOR PERMIT FOR FUTURE USE To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant CITY OF BROOKINGS
Postoffice address BROOKINGS, County BROOKINGS, State SOUTH DAKOTA

I. If a corporation MUNICIPAL

(a) Name of same CITY OF BROOKINGS

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work CITY WELLS

3. Amount of water claimed 18 cubic feet per second or 8 Million Gallons per day

4. Source of water supply Ground Water Aquifer

5. Location of point of diversion W 1/2 of Section 4 and E 1/2 of Section 5, T 109 N,
R 49 W; W 1/2 Sec. 28, SE 1/4 Sec. 29 on _____ bank _____ Brookings County.
(See Plat Attached)

6. Annual period or periods during which water is to be used Year Around

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____

(a) Number of acres to be irrigated _____ acres

(b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) All municipal uses. It will be

necessary to construct additional wells within the near future to supply water needed for
City consumption and growth.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____ Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP No 1155-3

3. Estimated cost of work: (a) Head Gates, \$ (b) Pumping plant, \$ (c) Fluming, \$ (d) Canal-earth, \$ (e) Other structures \$ Rock, \$ Total, \$

9. Description of diversion work: I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works. (a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-FOOT CAPACITY

(c)* Head gate: Width feet; height feet; Material (d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work years. 11. Time required for complete application of water to the proposed beneficial use years. 12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA ss. County of BROOKINGS

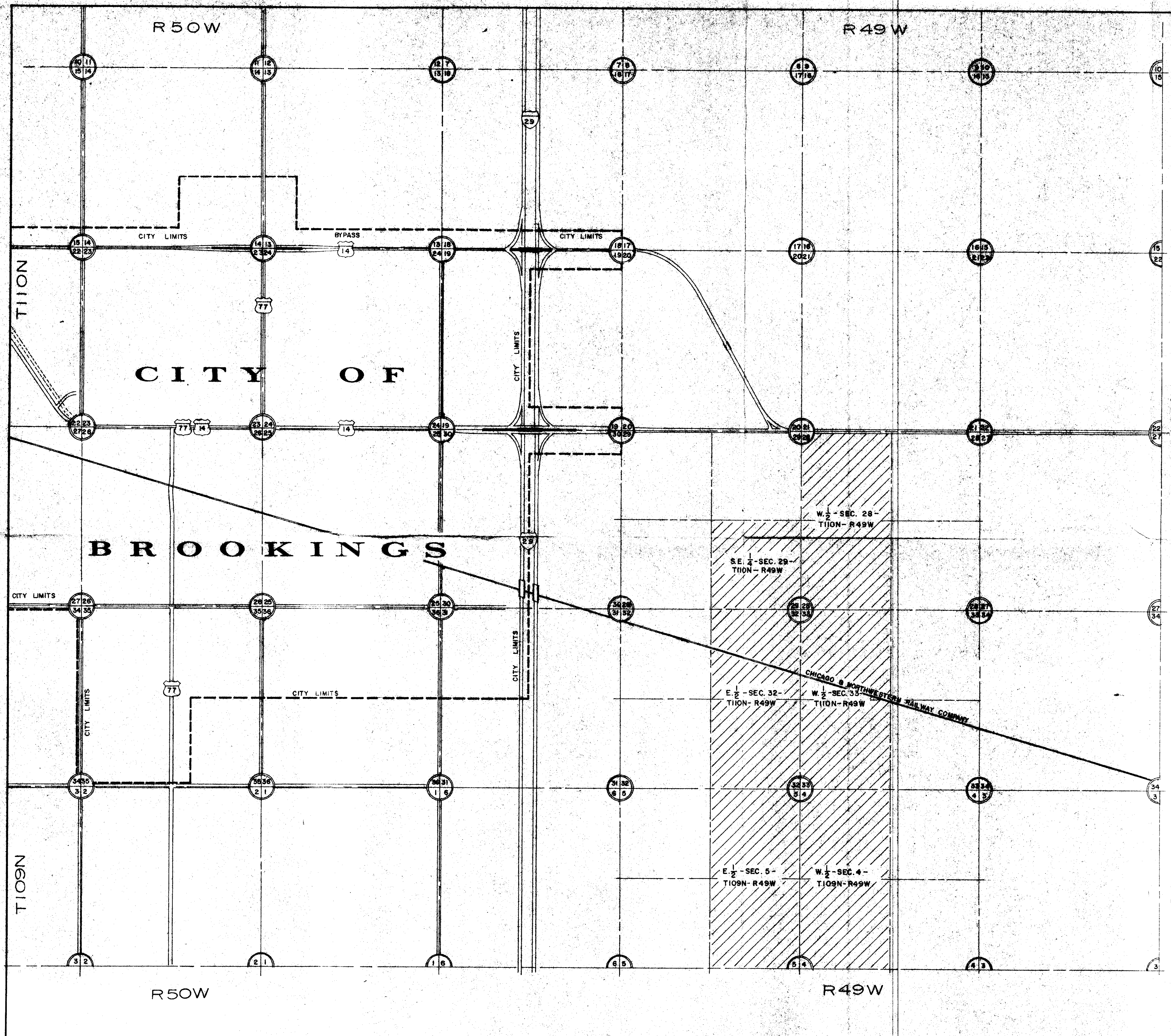
I, Forest Eric, Mayor of the City of Brookings, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Forest Eric, Mayor

Subscribed and sworn to, before me this 27th day of August, 1928

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS SS

I, CALVIN VAUDREY, A REGISTERED LAND SURVEYOR WITHIN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE CITY OF BROOKINGS, I DID SURVEY THE TRACTS OF LAND WITHIN THE UNDERSHOWN BOUNDARIES FOR WHICH APPLICATION FOR A FUTURE WATER RIGHT TO WITHDRAW UNDERGROUND WATERS FROM UNDER THESE TRACTS FOR MUNICIPAL PURPOSES AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 25TH DAY OF JUNE, A.D. 1968.

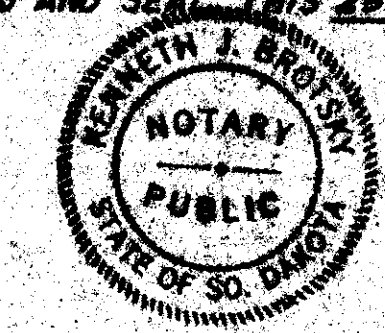
Calvin Vaudrey
REGISTERED LAND SURVEYOR

ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS SS

ON THIS DAY BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED CALVIN VAUDREY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 25TH DAY OF JUNE, 1968.



Kenneth J. Brodsky
NOTARY PUBLIC
MY COMMISSION EXPIRES
January 4, 1971

REV.	DATE	DESCRIPTION	MADE APPR.
J. T. BANNER & ASSOCIATES, INC. CONSULTING ENGINEERS BROOKINGS, SOUTH DAKOTA			
WATER RIGHTS MAP			
Appl. 1598-3			
DRAWN: D.G.K.	APPROVED:		
DESIGNED:	DATE		
CHECKED: C.V.	APPROVED: <i>Calvin Vaudrey</i>		
DATE: 25 JUN 1968	DATE 26/6/1968	FOR J. T. BANNER & ASSOC. INC.	
SCALE: 4" = 1 MILE		DRAWING NUMBER	
SHEET 1 OF 1		6019	

Remarks by State Water Resources Commission:

THIS IS A PERMIT TO WITHDRAW WATER FOR FUTURE
USE, AND SPECIFIC APPLICATIONS FOR ALL OR ANY PART
OF THIS APPROPRIATION MUST BE SUBMITTED AT SUCH
TIME AS THE WORKS ARE TO BE CONSTRUCTED.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, OCTOBER 1, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 28TH day of JUNE, 1968

State Water Resources Commission

By:

Durton J. Lee
for Chief Engineer, Executive Officer

Number of permit 1598-3

Date of first receipt of application JUNE 28, 1968

Date of return to applicant for correction, amendments or changes required as follows: ---, 19---

Date of receipt of corrected application ---, 19---

Date from which applicant may claim right JUNE 28, 1968

Approved SEPTEMBER 24, 1968 Recorded in Book 10 Page 264

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed ~~on or before~~
WITHDRAWAL FOR FUTURE USE, SPECIFIC APPLICATIONS WILL BE SUBMITTED
WHEN THE WORKS ARE TO BE CONSTRUCTED

2nd. The whole of said work is to be completed on or before SAME, 19---

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

SAME, 19---

4th. The water appropriated shall be used for the purpose of MUNICIPAL USE

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 18.00
cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works,
nor the least amount of water that experience may hereafter indicate as necessary for ~~the production of crops~~
~~in the exercise of the best husbandry; and further, said appropriation must 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 is actually~~
USED FOR MUNICIPAL PURPOSES

and beneficially ~~applied for irrigation~~ on or before SAME, 19---; said water to be used
during the following described annual period:

CONTINUOUS

Witness my hand this 1ST day of OCTOBER, 1968

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued ---, 19---

Water License Issued ---, 19---

on or before
(First Publication) August 29, 1968

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 12, 1968

Notice is hereby given that the City of Brookings ~~XXXXXX~~

~~XXXXXX~~ S. Dak., has made an application in accordance with

future

the provisions of the water laws of South Dakota for a permit to appropriate for ~~XXXXXX~~ use 10.00

cubic feet of water per second of time from the ~~XXXXXX~~ ground water through the

area

the ~~XXXXXX~~ of diversion of which is to be ~~XXXXXX~~ the W $\frac{1}{2}$
Section 4 and E $\frac{1}{2}$ Section 5, T109N, R49W and E $\frac{1}{2}$ Section 32, W $\frac{1}{2}$ Section 33,
~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~
W $\frac{1}{2}$ Section 28 and SE $\frac{1}{4}$ Section 29, T110N, R49W.

~~XXXXXX~~ Said water to be used for the purpose of providing ~~XXXXXX~~

~~XXXXXX~~

supplier for future development by the City of Brookings

and for ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 24th day of September, 1968, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~

cc: City of Brookings

Burton F. Jones
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Brookings } ss.

Thomas G. Reynolds being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Brookings Register 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 Brookings County of Brookings and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 17, 1968

August 24, 1968

August 31, 1968

September 7, 1968

in each and every issue of the full number thereof, the first publication being made on the 17th day of August 1968 and the last publication on the 7th day of September 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Publisher the printer and publisher of the said newspaper.

Thomas G. Reynolds

Subscribed and sworn to before me this 7th day of September A. D. 1968

Don Mitchell

Notary Public Brookings County, S. D.

No. 397 — Aug 17, 24, 31 Sept. 7
APPROPRIATION OF WATER
 Office of State Water Resources Commission, Pierre, S. D., August 12, 1968

Notice is hereby given that the City of Brookings, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for future use 18.00 cubic feet of water per second of time from ground water through the area of diversion of which is to be the W $\frac{1}{2}$ Section 4 and E $\frac{1}{2}$ Section 5, T109N, R49W and E $\frac{1}{2}$ Section 12, W $\frac{1}{2}$ Section 33, W $\frac{1}{2}$ Section 28 and SE $\frac{1}{4}$ Section 29, T110N, R49W.

Said water to be used for the purpose of providing supplies for future development by the City of Brookings.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 24th day of September, 1968, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
 By: **BURTON F. JONES**
 Water Rights Specialist

RECEIVED
 OCT 1 1968

STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

CITY OF BROOKINGS

216-3	3.85 CFS
674-3	1.89 "
675-3	1.56 "
1117-3	1.44 "
1296-3	2.00 "
	10.74 CFS

217-3 2.25 CFS REMAINING
IN FUTURE USE

1598-3 REQUESTS 18.00 CFS
FOR FUTURE USE

22
81

F.U PERMIT N ^o 1548-3	18.00
PERMIT N ^o 3979	<u>6.69</u>
REMAINING	11.31

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

August 8, 1983

NOTICE

To : Roger Prunty, Mayor, City of Brookings
From : John Hatch, Chief Engineer, Water Rights Division *James W. Hentzen*
Subject : Review of Future Use Water Permit No. 1598-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 1598-3, City of Brookings will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, October 5, 1983 at 2:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 1598-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 1598-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 1598-3 was approved September 24, 1968 with a priority date of June 28, 1968, for 18.0 cubic feet per second (cfs) from the following area: Sec. 5-T109N-R94W and Sections 28, 29, 32, 33-T110N-R49W with the following qualifications:

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

Our records show that permits to place 6.69 cfs of water reserved by Permit No. 1598-3 to beneficial use have been approved with 11.31 cfs remaining. Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 1598-3 for no development and/or no planned future development,
- 3) Amend or clarify Permit No. 1598-3 with the following qualifications:
 - a) Permit No. 1598-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
 - b) This permit is approved for groundwater from the Big Sioux-South Aurora Aquifer.

* At the end of seven years, the permit will again be reviewed and if it is extended you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 1598-3 in effect. The projected 10% fee in seven years based upon the existing permit cfs will be \$289.00.

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 Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

cc: Boyce Smith, Finance Officer

 **Department of
Water & Natural Resources**
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

August 24, 1983

NOTICE

TO: Roger Prunty, Mayor, City of Brookings
FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*
SUBJECT: Change of Hearing Date for Review of Future Use Permits
No. 217-3 and 1598-3

The October 5, 1983 hearings before the Water Management Board to review Future Use Water Permits No. 217-3 and 1598-3 are being changed because of a conflict with the Municipal League Meeting that starts October 5, 1983. The Water Management Board will now review Future Use Permits No. 217-3 and 1598-3 at 1:30 pm, November 30, 1983, Joe Foss Building, Pierre, South Dakota. The hearing will be conducted pursuant to the notice dated August 8, 1983.

cc: Boyce Smith, Finance Officer

The meeting will be in Room 216 of the Joe Foss Building.

**South Dakota Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

January 11, 1983

RE: Future Use Permits
No. 217-3 & 1598-3

Roger Prunty, Mayor
City of Brookings
PO Box 270
Brookings SD 57006

Dear Mayor Prunty:

This letter is in regard to the motion passed by the Water Management Board November 30, 1983 after review of Brookings Future Use Water Permits No. 217-3 & 1598-3. The Board continued Permits No. 217-3 & 1598-3 and amended the Permits to add the qualifications on the enclosed attachments which should be placed with your Permits. Future Use Permits No. 217-3 & 1598-3 will be subject to review after seven years.

If you have any questions, please feel free to contact us.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

cc: Boyce Smith, Finance Officer
Jim Nass

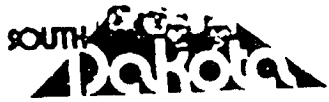
Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 1598-3

CITY OF BROOKINGS

Future Use Permit No. 1598-3 was continued by action of the Water Management Board November 30, 1983 and amended to add the following qualifications:

- a) Permit No. 1598-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater from the Big Sioux-South Aurora Aquifer.



Department of Water & Natural Resources

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

September 12, 1990

Gail Robertson, Mayor
City of Brookings
PO Box 270
Brookings SD 57006

Dear Mayor Robertson:

I am writing in regard to the seven year review of Future Use Water Permit No. 217-3 for groundwater (Big Sioux-South Medary Creek Aquifer) and Permit No. 1598-3 for groundwater (Big Sioux-South Aurora Aquifer) which are held by the City of Brookings. Currently, our records show that 2.25 and 11.31 cubic feet of water per second remain in reserve under Future Use Permit Nos. 217-3 and 1598-3, respectively.

Permit Nos. 217-3 and 1598-3 will be scheduled for review by the Water Management Board on December 5 & 6, 1990 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 permits. A fee will be charged if the Board allows the permits 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 the Permits. The fee could be as much as \$52.50 for Permit No. 217-3 and \$187.50 for Permit No. 1598-3, if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by October 12, 1990, regarding the City's intentions for the future use permits. If the City does plan to retain the permits, then your response should outline a reasonable need for retaining the future use permits, an annual pumping records for the past three years and an estimate of future needs.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Gregg Jongeling, City Engineer



October 2, 1990

Water Management Board
Water Rights Division
S. D. Department of Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

RE: Review of Future Use Permit Numbers 217-3 & 1598-3

Board Members:

The City of Brookings operates two (2) water treatment systems that pump to two distinct distribution systems each of which has a different operating pressure (ie. approximately 10 psi. or 24 feet of pressure differential between the two systems). These two treatment systems obtain their water from separate aquifers that are associated with the above referenced Future Use Permits.

The City's original Water Treatment Plant, that was constructed in 1935. is located on the North side of the community and operates its well field in the Big Sioux-South Medary Creek Aquifer under Water Permit No. 217-3. The City presently has 2.25 cfs. remaining to be appropriated from Permit No. 217-3.

In 1968 the City constructed an additional Water Treatment System on the East side of the City and developed an additional well field in the Big Sioux-South Aurora Aquifer under Water Permit No. 1598-3. The City has 11.31 cfs. remaining to be appropriated from that permit.

History has proven that Brookings is a growing community and all signs indicate that it will continue to grow and prosper (see attached documents). In the past 10 years our community has increased in population by 1,302 people bringing our total population to 16,253. In that same time period our average (yearly) daily pumping rate has gone from 1.596 MGD to 1.945 MGD which depicts an annual growth rate of 2 % per year. Also in that same time period we had 1,005 single family housing units constructed.

In recent years the City has also entered into an agreement with Brookings-Deuel Rural Water System to sell them water which they use to serve approximately 115 customers who live outside the City limits on the South side of the community. Also, in 1971, we will be constructing a water line from Brookings to the City of Aurora and furnishing them with water so that community will be relieved of it's high nitrates problem. With the known construction of the Wal-Mart Store, the major expansion of the 3-M Company, the construction of a new Industry to this community

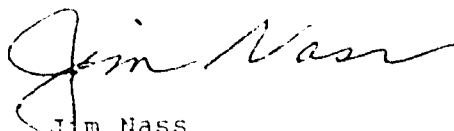
and possibly one additional one in 1991, we know there will be an immediate increase in demand for our water production services.

Because of the City's past and projected growth pattern the Brookings Municipal Utilities Board which governs the administration and operation of the Utility systems, has dictated that the Utility Staff aggressively plan for and construct the physical plant that is necessary to provide the Utility services required to accommodate the growth of the community.

Therefore, the City of Brookings, in the future, does intend to apply for permits to appropriate the remaining volumes of water held under Future Use Permits 217-3 and 1589-3. In fact our plan is to make an application to appropriate a portion of the amount remaining in Permit No. 1598-3 in the year 1991 or 1992.

For the reasons previously stated in this letter, the City of Brookings Municipal Utilities Board requests that Future Use Permit Nos. 217-3 and 1598-3 be held in the City's name for their original intended function.

Thank You,

A handwritten signature in cursive script, appearing to read "Jim Nass".

Jim Nass
Utilities Engineer for
Brookings Municipal Utilities

1598-3



POPULATION PROJECTIONS

The following comments will depict the past population census records for the City of Brookings as well as what can be projected for the foreseeable future.

YEAR	POPULATION (Census)	% INCREASE (Per Year)	PROJECTED POPULATION (1 % per year)
1890	1,518		
1900	2,346	5.45	
1910	2,971	2.66	
1920	3,924	3.21	
1930	4,376	1.15	
1940	5,346	2.22	
1950	7,764	4.52	
1960	10,558	3.60	
1970	13,717	2.99	
1980	14,951	0.90	
1990	16,253	0.90	
2000		1.00	17,955
2010		1.00	19,835
2020		1.00	21,910
2030		1.00	24,200

1960 to 1990 Average Yearly Increase= 1.80 %

1970 to 1990 Average Yearly Increase= 0.09 %

1980 to 1990 Average Yearly Increase= 0.09 %

Use one (1) per-cent for projections:



HISTORICAL AND PROJECTED WATER PUMPED

The following comments will depict the past "yearly" volumes of water pumped to the consumers of the City of Brookings. Also a projection of the future volumes is displayed.

YEAR	HISTORICAL (Millions) (Gallons)	% INCREASE	FUTURE (Millions) (Gallons)
1970	414.826		
1971	453.712	9.37	
1972	429.686	-5.59	
1973	493.281	8.72	
1974	538.792	9.23	
1975	543.276	0.83	
1976	688.378	26.71	
1977	581.055	-16.47	
1978	585.222	0.72	
1979	582.797	- 0.42	
1980	620.760	6.51	
1981	627.780	1.13	
1982	602.186	- 4.25	
1983	620.345	3.02	
1984	595.499	- 4.17	
1985	617.882	3.76	
1986	571.641	- 8.09	
1987	649.794	13.67	
1988	737.384	13.48	
1989	709.559	- 3.92	
1990	649.500 (Estimate)		
1991		1.00	655.995



1992	1.00	662.555
1993	1.00	669.180
1994	1.00	675.872
1995	1.00	682.631
1996	1.00	689.475
1997	1.00	696.351
1998	1.00	703.315
1999	1.00	710.348
2000	1.00	717.451



SINGLE FAMILY HOUSING UNITS

The following comments depict the amounts of single family units that have been constructed in the City of Brookings from 1979 to 1989. This does not include any Commercial or Industrial construction activity.

YEAR	MOBILE HOMES	ONE FAMILY	TWO FAMILY BLD'S UNITS		MULTI BLD'S UNITS	
1979	0	35	0	0	12	132
1980	1	37	0	0	6	81
1981	2	31	3	6	5	46
1982	1	31	0	0	4	21
1983	2	47	0	0	8	110
1984	1	18	0	0	11	172
1985	1	9	0	0	2	12
1986	1	16	2	4	0	0
1987	1	13	3	6	10	103
1988	0	14	1	2	3	49
TOTAL	10	251	18		726	

GRAND TOTAL (1979--1989)=1,005 Family Units

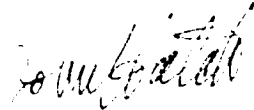
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1598-3, City of Brookings

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. 1598-3, City of Brookings SD.

The Chief Engineer is recommending that Future Use Permit No. 1598-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1598-3, 2) the City of Brookings has demonstrated a reasonable need for the water reserved by Permit No. 1598-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 1598-3 reserves for future use 4,526 acre-feet annually. The diversion rate of 11.31 cfs is deleted from Permit No. 1598-3.

And that maintaining the effectiveness of Future Use Permit No. 1598-3 is subject to payment of the \$112.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Brookings.



JOHN HATCH, Chief Engineer
October 30, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 11.31 cubic feet of water per second (cfs) reserved by No. 1598-3 is 8188 acre-feet. Assuming that the total amount pumped annually would equal 60% of 8188 acre-feet, then expected developed pumping of water reserved under Permit No. 1598-3 would be about 4,913 acre-feet per year.

The water usage in 1988 by the City of Brookings was 2,263 acre-feet. Doubling this annual use (4526 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 11.31 cfs (4,913 acre-feet) under Permit No. 1598-3. 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. 1598-3 should be allowed to remain in effect for 4,526 acre-feet as outlined in the above qualification.

Instruction to Newspaper-Publish first publication of this notice on or before November 1, 1990 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING to Review Future Use Water Permit Nos. 217-3 and 1598-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 and 1598-3 held by the City of Brookings, PO Box 270, Brookings SD 57006 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

Permit No. 217-3 was approved September 17, 1956 to reserve 7.7 cubic feet of water per second (cfs) from the Big Sioux-South Medary Creek Aquifer located in the N1/2 Section 13, T110N, R50W for municipal purposes. Water Permit/Right Nos. 674-3, 675-3, and 1296-3 put a total of 3.99 cfs to beneficial use reserved by No. 217-3 leaving 3.71 cfs held in reserve.

Permit No. 1598-3 was approved September 24, 1958 to reserve 18.0 cfs from the Big Sioux-South Aurora Aquifer located in the W 1/2 Section 4, E 1/2 Section 5; all in T109N, R49W; E 1/2 Section 32, W 1/2 Section 33, W 1/2 Section 28, SE 1/4 Section 29; all in T110N, R49W for municipal purposes. Water Right No. 3979-3 put 6.69 cfs to beneficial use reserved by No. 1598-3 leaving 11.31 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 217-3 REMAIN in EFFECT for 1612 acre-feet annually and Permit No. 1598-3 REMAIN in EFFECT for 4,526 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed uses will be beneficial uses and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 217-3 and 1598-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 8:45 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 hearings 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 November 26, 1990. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 hearings to review Future Use Permit Nos. 217-3 and 1598-3 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.

These hearings are adversary proceedings. 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 copies of the Chief Engineer's recommendations, further information on the permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. 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 Permits. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Brookings) ss

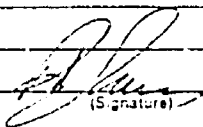
I, _____, Register,
 certify that the attached printed Notice was taken
 from the Brookings Register

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

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

November 7, 1990

November 14, 1990


 (Signature)

(Title)

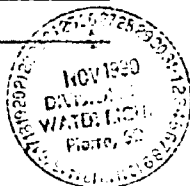
(Date Signed)

Cost of Printing: Legal & S-78

17 1/2 inches @ 1.70

Twenty-nine dollars and thirty-three cents

5-88



NOTICE OF HEARING TO REVIEW Future Use Water Permit Nos. 217-3 and 1598-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 and 1598-3 held by the City of Brookings, PO Box 270, Brookings SD 57006 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

Permit No. 217-3 was approved September 17, 1956 to reserve 7.7 cubic feet of water per second (cfs) from the Big Sioux-South Medary Creek Aquifer located in the N1/2 Section 13, T10N, R50W for municipal purposes. Water Permit/Right Nos. 674-3, 675-3, and 1296-3 put a total of 3.99 cfs to beneficial use reserved by No. 217-3 leaving 3.71 cfs held in reserve.

Permit No. 1598-3 was approved September 24, 1968 to reserve 18.0 cfs from the Big Sioux-South Aurora Aquifer located in the W 1/2 Section 4, E 1/2 Section 5, all in T10N, R49W; E 1/2 Section 32, W 1/2 Section 33, W 1/2 Section 28, SE 1/4 Section 29, all in T10N, R49W for municipal purposes. Water Right No. 1979-3 put 6.69 cfs to beneficial use reserved by No. 1598-3 leaving 11.31 cfs held in reserve.

Pursuant to SDCL 46-24-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 217-3 REMAIN in EFFECT for 1612 acre-feet annually and Permit No. 1598-3 REMAIN in EFFECT for 4,526 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed uses will be beneficial uses and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 217-3 and 1598-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 6:45 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 hearings 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 November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 hearings to review Future Use Permit Nos. 217-3 and 1598-3 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. These hearings are adversary proceedings. 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 copies of the Chief Engineer's recommendations, further information on the permits or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe

Foss Building, Pierre SD 57501-773. 3357 for assistance prior to the hearing date. 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 Permits. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES

December 10, 1990

NOTICE

Orrin P. Juel, Mayor
City of Brookings
PO Box 270
Brookings SD 57006

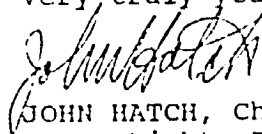
Dear Mayor Juel:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 1990 to review Future Use Permit Nos. 217-3 and 1598-3. The Board allowed the permits to remain in effect and amended the permits by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permits. Future Use Permit Nos. 217-3 and 1598-3 are subject to review again in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 217-3 is \$52.50 and Permit No. 1598-3 is \$112.50 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

enclosures

cc: Jim Nass, Utilities Engineer

AMENDMENT TO FUTURE USE PERMIT NO. 1598-3

City of Brookings

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 1598-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1598-3 reserves for future use 4,526 acre-feet annually. The diversion rate of 11.31 cfs is deleted from Permit No. 1598-3.

CERTIFICATION

I hereby certify that on December 10, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board at the hearing on December 5, 1990 addressed as stated below.

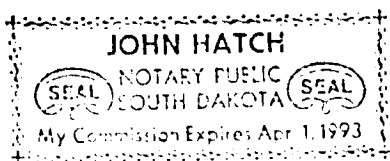
Gary Drewes, Mayor, Box 1253, Pierre SD 57501-1253
Timothy Rich, Mayor, Box 1420, Aberdeen SD 57401-1420
Keith Carlyle, Mayor, 300 Sixth Street, Rapid City SD 57701
Orrin P. Juel, Mayor, City of Brookings, Box 270, Brookings, SD 57006
Lyle Laberee, Southern Missouri Water Development Dist., Box 670, Lake Andes SD 57356-0670

Marie R. Arthur

Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of December, 1990.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412469

Pierre, December 26, 1990

City of Brookings, Brookings SD

RECEIVED OF

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. 1598-3 after period of seven years.	112	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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	112 50

By John H. H. H.
Chief Engineer (KS)

1598-

 **Department of
Water & Natural Resources**

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

September 12, 1990

Gail Robertson, Mayor
City of Brookings
PO Box 270
Brookings SD 57006

Dear Mayor Robertson:

I am writing in regard to the seven year review of Future Use Water Permit No. 217-3 for groundwater (Big Sioux-South Medary Creek Aquifer) and Permit No. 1598-3 for groundwater (Big Sioux-South Aurora Aquifer) which are held by the City of Brookings. Currently, our records show that 2.25 and 11.31 cubic feet of water per second remain in reserve under Future Use Permit Nos. 217-3 and 1598-3, respectively.

Permit Nos. 217-3 and 1598-3 will be scheduled for review by the Water Management Board on December 5 & 6, 1990 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 permits. A fee will be charged if the Board allows the permits 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 the Permits. The fee could be as much as \$52.50 for Permit No. 217-3 and \$187.50 for Permit No. 1598-3, if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by October 12, 1990, regarding the City's intentions for the future use permits. If the City does plan to retain the permits, then your response should outline a reasonable need for retaining the future use permits, any annual pumping records for the past three years and an estimate of future needs.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Gregg Jongeling, City Engineer



October 2, 1990

Water Management Board
Water Rights Division
S. D. Department of Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

RE: Review of Future Use Permit Numbers 217-3 & 1598-3

Board Members:

The City of Brookings operates two (2) water treatment systems that pump to two distinct distribution systems each of which has a different operating pressure (ie. approximately 10 psi. or 24 feet of pressure differential between the two systems). These two treatment systems obtain their water from separate aquifers that are associated with the above referenced Future Use Permits.

The City's original Water Treatment Plant, that was constructed in 1935, is located on the North side of the community and operates its well field in the Big Sioux-South Medary Creek Aquifer under Water Permit No. 217-3. The City presently has 2.25 cfs. remaining to be appropriated from Permit No. 217-3.

In 1968 the City constructed an additional Water Treatment System on the East side of the City and developed an additional well field in the Big Sioux-South Aurora Aquifer under Water Permit No. 1598-3. The City has 11.31 cfs. remaining to be appropriated from that permit.

History has proven that Brookings is a growing community and all signs indicate that it will continue to grow and prosper (see attached documents). In the past 10 years our community has increased in population by 1,302 people bringing our total population to 16,253. In that same time period our average (yearly) daily pumping rate has gone from 1.596 MGD to 1.945 MGD which depicts an annual growth rate of 2 % per year. Also in that same time period we had 1,005 single family housing units constructed.

In recent years the City has also entered into an agreement with Brookings-Deuel Rural Water System to sell them water which they use to serve approximately 113 customers who live outside the City limits on the South side of the community. Also, in 1991, we will be constructing a water line from Brookings to the City of Aurora and furnishing them with water so that community will be relieved of it's high nitrates problem. With the known construction of the Wal-Mart Store, the major expansion of the 3-M Company, the construction of a new Industry to this community

and possibly one additional one in 1991, we know there will be an immediate increase in demand for our water production services.

Because of the City's past and projected growth pattern the Brookings Municipal Utilities Board which governs the administration and operation of the Utility systems, has dictated that the Utility Staff aggressively plan for and construct the physical plant that is necessary to provide the Utility services required to accommodate the growth of the community.

Therefore, the City of Brookings, in the future, does intend to apply for permits to appropriate the remaining volumes of water held under Future Use Permits 217-3 and 1589-3. In fact our plan is to make an application to appropriate a portion of the amount remaining in Permit No. 1598-3 in the year 1991 or 1992.

For the reasons previously stated in this letter, the City of Brookings Municipal Utilities Board requests that Future Use Permit Nos. 217-3 and 1598-3 be held in the City's name for their original intended function.

Thank You,

A handwritten signature in cursive script, appearing to read "Jim Nass".

Jim Nass
Utilities Engineer for
Brookings Municipal Utilities



POPULATION PROJECTIONS

The following comments will depict the past population census records for the City of Brookings as well as what can be projected for the foreseeable future.

YEAR	POPULATION (Census)	% INCREASE (Per Year)	PROJECTED POPULATION (1 % per year)
1890	1,318		
1900	2,346	5.45	
1910	2,971	2.66	
1920	3,924	3.21	
1930	4,376	1.15	
1940	5,346	2.22	
1950	7,764	4.52	
1960	10,558	3.60	
1970	13,717	2.99	
1980	14,951	0.90	
1990	16,253	0.90	
2000		1.00	17,955
2010		1.00	19,835
2020		1.00	21,910
2030		1.00	24,200

1960 to 1990 Average Yearly Increase= 1.80 %

1970 to 1990 Average Yearly Increase= 0.09 %

1980 to 1990 Average Yearly Increase= 0.09 %

Use one (1) per-cent for projections



HISTORICAL AND PROJECTED WATER PUMPED

The following comments will depict the past "yearly" volumes of water pumped to the consumers of the City of Brookings. Also a projection of the future volumes is displayed.

YEAR	HISTORICAL (Millions) (Gallons)	% INCREASE	FUTURE (Millions) (Gallons)
1970	414.826		
1971	453.712	9.37	
1972	429.686	-5.59	
1973	493.281	8.72	
1974	538.792	9.23	
1975	543.276	0.33	
1976	688.378	25.77	
1977	581.055	-18.47	
1978	585.222	0.72	
1979	582.797	- 0.42	
1980	620.760	6.51	
1981	627.780	1.13	
1982	602.186	- 4.25	
1983	620.345	3.02	
1984	595.499	- 4.17	
1985	617.882	3.76	
1986	571.641	- 8.09	
1987	649.794	13.67	
1988	737.384	13.48	
1989	709.559	- 3.92	
1990	649.500 (Estimate)		
1991		1.00	655.995



1992	1.00	662.555
1993	1.00	669.180
1994	1.00	675.872
1995	1.00	682.631
1996	1.00	689.475
1997	1.00	696.351
1998	1.00	703.315
1999	1.00	710.348
2000	1.00	717.451



SINGLE FAMILY HOUSING UNITS

The following comments depict the amounts of single family units that have been constructed in the City of Brookings from 1979 to 1989. This does not include any Commercial or Industrial construction activity.

YEAR	MOBILE HOMES	ONE FAMILY	TWO FAMILY BLD'S UNITS		MULTI BLD'S UNITS	
1979	0	35	0	0	12	132
1980	1	37	0	0	6	81
1981	2	31	3	6	5	46
1982	1	31	0	0	4	21
1983	2	47	0	0	8	110
1984	1	18	0	0	11	172
1985	1	9	0	0	2	12
1986	1	16	2	4	0	0
1987	1	13	3	6	10	103
1988	0	14	1	2	3	49
TOTAL	10	251		18		726

GRAND TOTAL (1979--1989)=1,005 Family Units

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 217-3, City of Brookings

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. 217-3, City of Brookings SD.

The Chief Engineer is recommending that Future Use Permit No. 217-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 217-3, 2) the City of Brookings has demonstrated a reasonable need for the water reserved by Permit No. 217-3, 3) the proposed use will be a Beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 217-3 reserves for future use 1612 acre-feet annually. The diversion rate of 3.71 cfs is deleted from Permit No. 217-3.

And that maintaining the effectiveness of Future Use Permit No. 217-3 is subject to payment of the \$52.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Brookings.



JOHN HATCH, Chief Engineer
October 30, 1990

NOTE: The maximum annual acre-feet of full-time pumping represented by 3.71 cubic feet of water per second (cfs) reserved by No. 217-3 is 2686 acre-feet. Assuming that the total amount pumped annually would equal 60% of 2686 acre-feet, then expected developed pumping of water reserved under Permit No. 217-3 would be about 1612 acre-feet per year.

 **Department of
Water & Natural Resources**

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

October 31, 1990

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

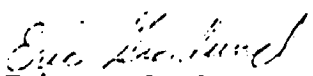
Orrin P. Juel, Mayor
City of Brookings
Box 270
Brookings SD 57006

Dear Mr. Juel:

Future Use Permit Nos. 217-3 and 1598-3 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 Daily Register printed at Brookings SD. 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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

October 31, 1990

Daily Register
Box 177
Brookings SD 57006

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 217-2 and 1598-2 to be published twice. Please publish the first notice on or before November 8, 1990 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 Brookings, Box 270, Brookings SD 57006.

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
505 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
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 _____

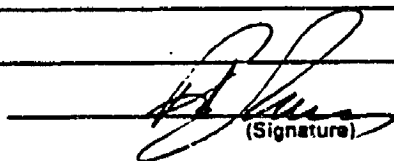
Newspaper _____

PROOF OF PU

STATE OF SOUTH DAKOTA)

County Brookings) ss.I, Rob Jamescertify that the attached printed Notice
from the Brookings RegisterA newspaper which during the whole time
said notice herein after stated, has been
published in the _____

_____ of _____

County of Brookings and State
that the said notice was published in said
following two dates:November 7, 1990November 14, 1990
(Signature)

(Title)

(Date Signed)

Cost of Printing: Legal # S-7817 1/2 inches @ 1.70Twenty-nine dollars and thirty-three cents

5-88

Permit Nos. 217-3 and 1598-3 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. These hearings are adversary proceedings. 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 copies of the Chief Engineer's recommendations, further information on the permits or to assure access to the hearing by the handicapped, can contact the Water Rights Division, DWR, Joe

Foss Building, Room 301, SD 605 773-3352 for assistance prior to the hearing dated 11/16/90. If 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 Permits. The request for a delay must be filed with the Chief Engineer by November 26, 1990.

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 and 1598-3 held by the City of Brookings, PO Box 270, Brookings SD 57006 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the Permits.

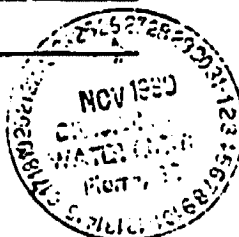
Permit No. 217-3 was approved September 17, 1956 to reserve 7.7 cubic feet of water per second (cfs) from the Big Sioux-South Medary Creek Aquifer located in the N1/2 Section 13, T109N, R50W for municipal purposes. Water Permit/Right Nos. 674-3, 675-3; and 1296-3 put a total of 3.99 cfs to beneficial use reserved by No. 217-3 leaving 3.71 cfs held in reserve.

Permit No. 1598-3 was approved September 24, 1968 to reserve 18.0 cfs from the Big Sioux-South Aurora Aquifer located in the W 1/2 Section 4, E 1/2 Section 5; all in T109N, R49W; E 1/2 Section 32, W 1/2 Section 33, W 1/2 Section 28, SE 1/4 Section 29; all in T109N, R49W for municipal purposes. Water Right No. 3979-3 put 6.69 cfs to beneficial use reserved by No. 1598-3 leaving 11.31 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 217-3 REMAIN in EFFECT for 1612 acre-feet annually and Permit No. 1598-3 REMAIN in EFFECT for 4,526 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed uses will be beneficial uses and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 217-3 and 1598-3 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on December 5, 1990 at 8:45 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 hearings 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 November 26, 1990. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.





November 26, 1990

John Hatch
Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, South Dakota 57501

RE: Additional Comments for Future Use Permit Hearing
(Permit Numbers 217-3 and 1598-3)

Dear Mr. Hatch:

On October 2, 1990 I sent you a letter and other data explaining the City of Brookings position and its request to retain the above referenced permits as they were originally granted.

We, at this time, would like to present to you and the Water Management Board some additional data that we feel is pertinent to this subject. The following comments should further explain why we would like to see the Future Use Permits remain as originally granted.

Permit No.	Original	Proposed	Difference
217-3	2686 Ac-Ft/Yr	1612 Ac-Ft/Yr	1074 Ac-Ft/Yr
1598-3	8188 Ac-Ft/Yr	4526 Ac-Ft/Yr	3662 Ac-Ft/Yr
TOTAL	10874 Ac-Ft/Yr	6138 Ac-Ft/Yr	4736 Ac-Ft/Yr

Now, we would like to present to you some future system load growths as we best see them today.

Normal System Growth (1990 to 2000)	210 Ac-Ft/Yr
City of Aurora (1991)	92 Ac-Ft/Yr
Two (2) Trailer Parks on the SE corner of the City. (1990 to 1995)	43 Ac-Ft/Yr
Corn Crushing Plant (Possible)	1120 Ac-Ft/Yr
Satellite Industries-Sister Companies to the Corn Plant (Possible)	1120 Ac-Ft/Yr
Other Industrial Loads (1990 to 2000)	345 Ac-Ft/Yr

AGGREGATED GROWTH-----2340 Ac-Ft/Yr



The first three (3) items listed above are for sure to occur while the last three (3) items are what we anticipate might happen due to an aggressive Industrial Development Movement now being pursued by our Chamber of Commerce etc. Our best estimate at this time is that these events could occur in the next 5 to 10 years.

If the anticipated growth occurs as presented above, the additional water usage would amount to 27% of the future use presently allocated to our community, or 48% of the future use that is being proposed to be allocated to us.

Therefore, we at this time request that the referenced permits be given serious consideration to remain as originally granted.

Sincerely Yours,

Jim Nass, P. E.
Utilities Engineer for
Brookings Municipal Utilities



DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 10, 1990

NOTICE

Orrin P. Juel, Mayor
City of Brookings
PO Box 270
Brookings SD 57006

Dear Mayor Juel:

I am writing in response to action taken by the Water Management Board at the hearing on December 5, 1990 to review Future Use Permit Nos. 217-3 and 1598-3. The Board allowed the permits to remain in effect and amended the permits by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permits. Future Use Permit Nos. 217-3 and 1598-3 are subject to review again in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 217-3 is \$52.50 and Permit No. 1598-3 is \$112.50 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

enclosures

cc: Jim Nass, Utilities Engineer

AMENDMENT TO FUTURE USE PERMIT NO. 217-3

City of Brookings

Pursuant to the December 5, 1990 Water Management Board hearing, Future Use Permit No. 217-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 217-3 reserves for future use 1,612 acre-feet annually. The diversion rate of 3.71 cfs is deleted from Permit No. 217-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 1997

Theodore Kryger, Finance Officer
City of Brookings
PO Box 270
Brookings SD 57006-0270

Dear Mr. Kryger:

I am writing in regard to the seven year review of Future Use Water Permit No. 217-3 from groundwater (Big Sioux:Six Mile Creek Aquifer) and Permit No. 1598-3 from groundwater (Big Sioux:Aurora Aquifer) which are held by the City of Brookings. These permits reserve water for future water supply needs for the city. Currently, our records show that 1,612 acre feet and 4,526 acre-feet remain in reserve under Future Use Permit Nos. 217-3 and 1598-3, respectively. These are the same amounts established when the future use permits were reviewed in 1990.

Please respond in writing by November 1, 1997, regarding the city's intention for the future use permit. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records for the past three years.

Permit Nos. 217-3 and 1598-3 will then be 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 permits. A fee will be charged if the Board allows the permits 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



BROOKINGS municipal utilities

525 Western Ave. • P.O. Box 588
Brookings, S.D. 57008
(605) 692-6325



December 1, 1997

Water Management Board
Water Rights Division
S. D. Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

RE: Review of Future Use Permit Numbers 217-3 & 1598-3

Board Members and DNER Staff:

The City of Brookings operates two (2) water treatment systems that pump to two distinct distribution systems each of which has a different operating pressure (ie. approximately 10 psi. or 24 feet of pressure differential between the two systems). These two treatment systems obtain their water from separate aquifers that are associated with the above referenced Future Use Permits.

The City's original Water Treatment Plant, that was constructed in 1935, is located on the North side of the community and operates its well field in the Big Sioux-South Medary Creek Aquifer under Water Permit No. 217-3. The City presently has 1,612 acre-feet remaining to be appropriated from Permit No. 217-3.

In 1968 the City constructed an additional Water Treatment System on the East side of the City and developed an additional well field in the Big Sioux-South Aurora Aquifer under Water Permit No. 1598-3. The City has 4,526 acre-feet remaining to be appropriated from that permit.

History has proven that Brookings is a growing community and all signs indicate that it will continue to grow and prosper (see attached documents). In the past 7 years our community has increased in population by 2,177 people bringing our total estimated population to 18,430. In that same time period our average (yearly) daily pumping rate has gone from 2.045 MGD to 2.688 MGD which depicts an annual growth rate of 4.49 % per year. Also in that same time period we had 841 single family housing units constructed. Plus, in this same time period, the City of Brookings has increased its responsibility by committing to serve

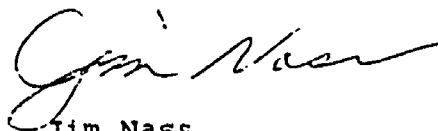
potable water to an additional 695 single family units through the purchase of a portion of the Brookings-Deuel Rural Water System and furnishing the City of Aurora with its total Potable Water requirements.

Because of the City's past and projected growth pattern the Brookings Municipal Utilities Board, which governs the administration and operation of the Utility systems, has dictated that the Utility Staff aggressively plan for and construct the physical plant that is necessary to provide the Utility services required to accommodate the growth of the community.

Therefore, the City of Brookings, in the future, does intend to apply for permits to appropriate the remaining volumes of water held under Future Use Permits 217-3 and 1589-3. In fact our plans were to make an application to appropriate a portion of the amount remaining in Permit No. 1598-3 in the year 1997, but a serious problem with a Sanitary Sewer Interceptor Line created a situation whereby all Funds of the Water and Wastewater Department were used to correct that situation. This action has caused us to move the construction of an additional water well to a future date in our Capital Improvement Plan.

For the reasons previously stated in this letter, the City of Brookings Municipal Utilities Board requests that Future Use Permit Nos. 217-3 and 1598-3 be held in the City's name for their original intended functions.

Thank You,

A handwritten signature in dark ink, appearing to read "Jim Nass", written in a cursive style.

Jim Nass
Utilities Engineer for
Brookings Municipal Utilities

POPULATION PROJECTIONS

The following comments will depict the past population census records for the City of Brookings as well as what can be projected for the foreseeable future.

YEAR	POPULATION (Census)	% INCREASE (Per Year)	PROJECTED POPULATION (1 % per year)
1890	1,518		
1900	2,346	5.45	
1910	2,971	2.66	
1920	3,924	3.21	
1930	4,376	1.15	
1940	5,346	2.22	
1950	7,764	4.52	
1960	10,958	3.60	
1970	13,717	2.99	
1980	14,951	0.90	
1990	16,253	0.90	
1997	18,430	1.02 (Est. from SDSU Sociology Dep't)	
2000		1.02	19,175
2010		1.02	23,010
2020		1.02	27,615
2030		1.015	28,025

SINGLE FAMILY HOUSING UNITS

The following comments depict the amounts of single family units that have been constructed in the City of Brookings from 1979 to 1997. This does not include any Commercial or Industrial construction activity.

YEAR	MOBILE HOMES	ONE FAMILY	TWO FAMILY BLD'S UNITS		MULTI BLD'S UNITS	
1979	0	35	0	0	12	132
1980	1	37	0	0	6	81
1981	2	31	3	6	5	46
1982	1	31	0	0	4	21
1983	2	47	0	0	8	110
1984	1	18	0	0	11	172
1985	1	9	0	0	2	12
1986	1	16	2	4	0	0
1987	1	13	3	6	10	103
1988	0	14	1	2	3	49
1989	0	20	0	0	2	20
1990	0	18	1	2	3	16
1991	0	24	0	0	6	32
1992	0	45	3	6	7	76
1993	0	34	4	8	9	83
1994	0	57	4	8	20	203
1995	0	34	2	4	9	90
1996	0	37	2	4	4	36
1997 (To Date)	0	27	4	8	2	24
TOTAL	10	547	58		1,306	

GRAND TOTAL (1979--1997)=1,921 Family Units

GRAND TOTAL (1987--1997)=1,113 Family Units (Metered Connections)

ALSO: In the past five (5) years the Brookings Utilities has purchased the Rural Water System that has served the Housing Developements that are physically located South of the City Proper. And the Brookings Utilities in that same time period has made a Long Term Agreement with the City of Aurora to serve that Community with its total water needs.

These two (2) actions have incleased the number of residential customers that need to be served by our Utility by an amount of 695. (ie. Metered Connections)

This would bring the past 10 year total increase in customers to 1,808 customers for an Average increase of 180 per year.

HISTORICAL AND PROJECTED WATER PUMPED

The following comments will depict the past "yearly" volumes of water pumped to the consumers of the City of Brookings. Also a projection of the future volumes is displayed.

YEAR	HISTORICAL (Millions) (Gallons)	% INCREASE	FUTURE (Millions) (Gallons)
1970	414.826		
1971	453.712	9.37	
1972	429.686	-5.59	
1973	493.281	8.72	
1974	538.702	9.23	
1975	543.276	0.83	
1976	688.378	26.71	
1977	581.055	-18.47	
1978	585.222	0.72	
1979	582.797	- 0.42	
1980	620.760	6.51	
1981	627.780	1.13	
1982	602.186	- 4.25	
1983	620.345	3.02	
1984	595.499	- 4.17	
1985	617.882	3.76	
1986	571.641	- 8.09	
1987	649.794	13.67	
1988	737.384	13.48	
1989	709.559	- 3.92	
1990	746.185	5.16	
1991	764.904	2.41	

1992	811.875	6.14	
1993	842.631	3.79	
1994	916.953	8.82	
1995	846.691	- 8.30	(Lg. Error in SDSU Metering) (Brookings serves SDSU via a Single Metering Point)
1996	913.921	7.94	
1997	981.187	(Estimate)	
1998		3.00	1,000.0
1999		3.00	1,030.0
2000		3.00	1,061.0
ETC.		ETC.	ETC.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1598-3, City of Brookings 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. 1598-3, City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 1598-3 REMAIN in EFFECT for 4,526 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1598-3, 2) the City of Brookings has demonstrated a reasonable need for the water reserved by Permit No. 1598-3, 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. 1598-3 is subject to payment of the \$112.50 fee pursuant to SDCL 46-2-13(2) within 30 days of notice to the City of Brookings.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
Water Rights Program
January 16, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 1998

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

Jim Nass, Utilities Engineer
Brookings Municipal Utilities
PO Box 588
Brookings SD 57006

Dear Mr. Nass:

Future Use Permit Nos. 217-3 and 1598-3 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 Brookings Register (Phone #692-6271). For your information, a copies of the recommendations of the Chief Engineer are 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

January 20, 1998

Brookings Register
PO Box 177
Brookings SD 57006-0177

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 217-3 and 1598-3 to be published twice. Please publish the first notice on January 28, 1998 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 Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Nos. 217-3 & 1598-3

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

Date _____

We are in receipt of your letter of January 20, 1998 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 217-3 & 1598-3 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 January 28, 1998 with 2nd publication 7 days later. The City of Brookings is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 217-3 & 1598-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 and 1598-3 held by the City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by Permits.

Future Use Permit No. 217-3 was approved in 1956 to reserve 7.7 cubic feet of water per second (cfs) from the Big Sioux-South Medary Creek Aquifer located in the N 1/2 Section 13-T110N-R50W for municipal use. A review of the Water Permits/Rights indicates 1,612 acre-feet remain in reserve by Permit No. 217-3.

Future Use Permit No. 1598-3 was approved in 1968 to reserve 18.6 cfs from the Big Sioux-Aurora Aquifer located in the W 1/2 Section 4, E 1/2 Section 5; all in T109N-R49W; E 1/2 Section 32, W 1/2 Section 33, W 1/2 Section 28, SE 1/4 Section 29; all in T110N-R49W for municipal use. A review of the Water Permits/Rights indicates 4,526 acre-feet remain in reserve by Permit No. 1598-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually and No. 1598-3 REMAIN in EFFECT for 4,526 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 Nos. 217-3 and 1598-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 25, 1998 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 16, 1998. 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 Nos. 217-3 and 1598-3 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.

(continued)

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 February 16, 1998. 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 February 16, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brookings) SS

I, Nancy Skyberg

certify that the attached printed Notice was taken

from the Brookings Register

printed and published in Brookings

County of Brookings and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 28, 1998

February 4, 1998

Cost of Printing Sixty-seven dollars

and twelve cents \$67.12

Nancy Skyberg
(Signature)

Legal Aid Coordinator
(Title)

2-11-98
(Date Signed)

Legal 049, 2x, 1/23, 2/4 NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 217-3 & 1598-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 and 1598-3 held by the City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006. The program made in the development of the water

reserved by the Permits and future plans for development of the water reserved by Permits.

Future Use Permit No. 217-3 was approved in 1956 to reserve 7.7 cubic feet of water per second (cfs) from the Big Sioux-South Medary Creek Aquifer located in the N 1/2 Section 13-T110N-R50W for municipal use. A review of the Water Permits/Rights indicates 1,612 acre-feet remain in reserve by Permit No. 217-3.

Future Use Permit No. 1598-3 was approved in 1968 to reserve 18.0 cfs from the Big Sioux-Aurora Aquifer located in the W 1/2 Section 4, E 1/2 Section 5; all in T10N-R49W; E 1/2 Section 32, W 1/2 Section 33; W 1/2 Section 28, E 1/4 Section 29; all in T110N-R49W for municipal use. A review of the Water Permits/Rights indicates 4,526 acre-feet remain in reserve by Permit No. 1598-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually and No. 1598-3 REMAIN in EFFECT for 4,526 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 Nos. 217-3 and 1598-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on February 25, 1998 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 16, 1998. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave. Pierre SD 57501 (605 773-3355) 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 if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 217-3 and 1598-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-3, 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 February 16, 1998. 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 February 16, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1998

NOTICE

Jim Nass, Utilities Engineer
Brookings Municipal Utilities
PO Box 588
Brookings SD 57006

Dear Mr. Nass:

I am writing in response to action taken by the Water Management Board at the hearing on February 25, 1998 to review Future Use Permit Nos. 217-3 and 1598-3. The Board allowed No. 217-3 to remain in effect for 1,612 acre-feet of water annually and No. 1598-3 to remain in effect for 4,526 acre-feet of water annually. The Future Use Permits are subject to another review in seven years.

Pursuant to SDCL 46-2-13(2), the fee for maintaining the effectiveness of Future Use Permit No. 217-3 is \$52.50 and No. 1598-3 is \$112.50. Please remit the fee (\$165.00 total) within 60 days.

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

Very truly yours,

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

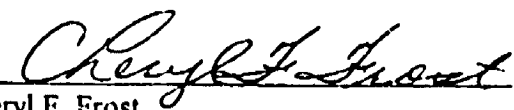
CERTIFICATION

I hereby certify that on February 27, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated February 27, 1998, regarding Action taken by the Water management Board at the hearing on February 25, 1998, to review the following Future Use Permits, addressed as stated below:

- 135-3, 5003-3: Bruce Pier, Public Works Director, City of Pierre, P.O. Box 1253, Pierre, SD 57501-1253.
- 192-3, 3427-3: Robin Bobzien, City Engineer, City of Aberdeen, P.O. Box 1420, Aberdeen, SD 57402-1420.
- 217-3, 1598-3: Jim Nass, Utilities Engineer, Brookings Municipal Utilities, P.O. Box 588, Brookings, SD 57006.
- 549-3: Denise Peschong, Finance Officer, City of Milbank, P.O. Box 472, Milbank, SD 57252-0472.
- 1218-3, 2104-3: Harlan Hoy, Water Superintendent, Municipal Utilities Department, 901 4th Ave. SW, Watertown, SD 57201-4107.

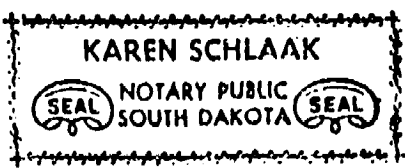
A copy of the Amendment to the Future Use Permit was sent with the following Notice:

- 1780-2: Jerry Bloom, Public Works Director, City of New Underwood, P.O. Box 278, New Underwood, SD 57761-0278.

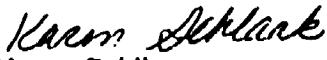

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
 ; SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of February, 1998



KAREN SCHLAAK
NOTARY PUBLIC
SOUTH DAKOTA



Notary Public
KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

15-98-3

RECEIPT

NO 415691

Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 16, 19 _____

RECEIVED OF City of Brookings, P.O. Box 588, Brookings, SD 57006
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>1598-3</u> after period of seven years.	112	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	112 50

By John Hatch
Chief Engineer

Water Rights Program - File Documentation

NAME: Brookings Municipal Utilities

ADDRESS: Brookings SD

DATE: 8-10-2000 COUNTY: BK TELEPHONE:

RE: Future Use Permit No. 1598-3

COMMENTS:

Water Permit No. 6048-3 authorized:
Investigation found system capable of diverting:

3.34 cfs	2420 AF annually ¹
- 2.90 cfs	<u>2100 AF annually ²</u>

Reverting back to future use:

0.44 cfs	320 AF annually
----------	-----------------

¹ Full time pumping = $3.34 \text{ cfs} \times 724 \approx 2420 \text{ AF annually}$

² Investigation found system pumping 2.90 cfs

Full time pumping = $2.90 \text{ cfs} \times 724 \approx 2100 \text{ AF annually}$

Karen Schlaak

Karen Schlaak
Environmental Scientist



1598-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 8, 2004

Craig Osvog, Utilities Manager
City of Brookings
PO Box 270
Brookings SD 57006-0270

Dear Mr. Osvog:

I am writing in regard to the seven year review of Future Use Water Permit No. 217-3 from ground-water (Big Sioux:Six Mile Creek Aquifer) and Permit No. 1598-3 from groundwater (Big Sioux: Aurora Aquifer) which are held by the City of Brookings. 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 1,612 acre-feet and 2,426 acre-feet remain in reserve under Future Use Permit Nos. 217-3 and 1598-3, respectively.

Please respond in writing by January 15, 2005, 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.

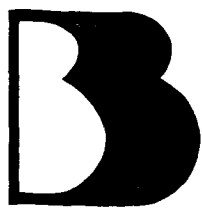
Permit Nos. 217-3 and 1598-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits 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



BROOKINGS municipal utilities

525 Western Ave. • P.O. Box 588
Brookings, S.D. 57006
(605) 692-6325

RECEIVED

JAN 10 2005

WATER RIGHTS
PROGRAM

January 7, 2005

Ms. Karen Schlaak
Environmental Scientist / Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 East Capital
Pierre South Dakota 57501-3182

RE: Review of Future Use Permit Numbers 217-3 & 1598-3

Dear Ms. Schlaak:

This is in response to your letter of December 8, 2004 in which you request our justification for retaining the subject permits. We offer the following information.

The City of Brookings operates two water treatment facilities that provide treated water to residential and commercial consumers in the City of Brookings, City of Aurora, South Dakota State University and several residences surrounding Brookings. The two treatment facilities draw water from two branches of the Big Sioux Aquifer that are associated with the above referenced permits. The City's original water treatment facility was constructed in 1935, and is located on the north side of the community and operates its well field in the Six Mile Creek branch of the Big Sioux Aquifer under Permit No. 217-3. In 1968, the City constructed an additional water treatment facility on the east side of the community and developed an additional well field in the Deer Creek branch of the Big Sioux Aquifer under Permit No. 1598-3.

The two water treatment facilities have a combined treatment capacity of 6.5 MGD and in August of 2002, BMU treated 6.25 MGD to meet the peak demand for water generated by its customers. Due to this peak Brookings commissioned an independent water system assessment and Capital Improvements Plan Report. Banner Associates, Inc. prepared the assessment, which included population projections, water consumption projections and capital improvements required to meet projected demands from 2004 to 2030.

The following table 2.6 from the Banners report summarizes the population projection, average day use, maximum day and month production requirements and the treatment facility requirements.

Table 2.6: Projections of Future Water Demands and Population

	2000	2010	2020	2030
Population	18504	20926	23521	26332
Average Water Sales (MGD)	2.49	2.85	3.28	3.94
Metered City Use (MGD)	0.046	0.08	0.10	0.11
"Unaccounted For" Water (MGD)	0.24	0.32	0.37	0.45
Average Day Use (MGD)	2.78	3.25	3.75	4.50
Maximum Month Production (MGD)	3.82	6.25	8.75	11.25
Maximum Day Production (MGD)	5.42	6.91	10.04	13.81
Treatment Plant Capacity Required (MGD)	6.50	8.00	11.00	14.00

Banner Associates - Brookings Municipal Utilities Water System Assessment and Capital Improvements Plan 8-03 Section II-17

Banners proposed a plan to meet the plant capacity requirements. The plan includes expanding the East Water Plant capacity from 4 MGD to 8 MGD and replacing the 80-year-old North Plant with a 3 MGD plant and an addition of another 3 MGD plant in the future. These additions and improvements will meet the projected capacity requirements as outlined in Banners' Assessment Report.

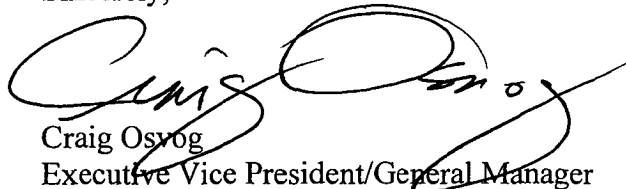
Implementing the addition of 4 MGD of capacity for the East Water Plant will consume 92% or 2,234 acre feet of raw water of the 2,426 acre feet held in reserve by Permit No. 1598-3.

Implementing the addition of 3.5 MGD at the North Plant will consume 100% of the 1612 acre feet of raw water which is held in reserve by Permit No. 217-3.

After review of Banners assessment the BMU Utility Board included the engineers recommendations of constructing a 4 MGD addition to the East Water Plant (circa 2008-2010), a renovation to the existing 4 MGD East Water Plant (circa 2010-2011) and reconstructing the North Water Plant as demand growth dictates (circa 2015 +).

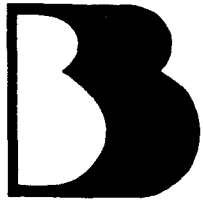
BMU is requesting that the remaining acre-feet held in reserve for permits No. 217-3 (1612 acre feet) and No. 1598-3 (2462 acre feet) remain in future use permits and held there for the City of Brookings as the projected capacity requirements dictate that the city will be requesting the use of the raw water for domestic purposes in the foreseeable future.

Sincerely,



Craig Osyog
Executive Vice President/General Manager

CO: rv



BROOKINGS municipal utilities

525 Western Ave. • P.O. Box 588
Brookings, S.D. 57006
(605) 692-6325

South Dakota DENR
Attn: Ron Duvall, Natural Resource Engineer
Water Rights Program
Joe Foss Building 523 East Capitol
Pierre, SD 57501-3182

January 7, 2005

RE: Ground Water Withdrawn - 2004

Dear Mr. Duvall:

Brookings Municipal Utilities East Water Plant pumped 711.615 million gallons of water out of the Big Sioux Aurora Aquifer and treated it for municipal use during 2004. BMU's North Water Plant pumped 135.456 million gallons of water from the Big Sioux Six Mile Creek Aquifer for treatment and municipal use in 2004.

Please feel free to contact me if there are any questions: (605) 693-3287 office, (605) 691-4342 Sprint PCS mobile, or brokwwtp2@brookings.net e-mail.

Respectfully,

Gary L. Englund

Gary L. Englund
Water/Wastewater Plants Operations Foreman

*BS:A = 2184 AF
BS:SMC = 416 AF
2600 AF - all Aurora*

RECEIVED
JAN 10 2005
WATER RIGHTS
PROGRAM



**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. 1598-3, City of Brookings 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. 1598-3, City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 1598-3 REMAIN in EFFECT for 2,426 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1598-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1598-3, 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. 1598-3 is subject to payment of the \$70.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 18, 2005



1598-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2005

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

Craig Osvog
Brookings Municipal Utilities
PO Box 588
Brookings SD 57006

Dear Mr. Osvog:

Future Use Permit Nos. 217-3 and 1598-3 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 Publisher of the Brookings Register (Phone #605 692-6271). For your information, copies of the recommendations of the Chief Engineer are 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

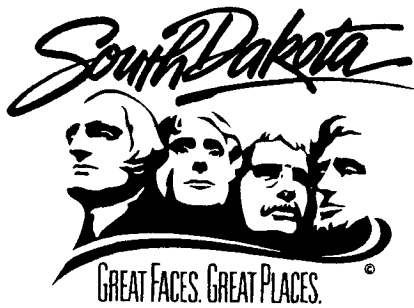
**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 217-3, City of Brookings SD**

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. 271-3, City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 217-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 217-3, 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. 217-3 is subject to payment of the \$52.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 18, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

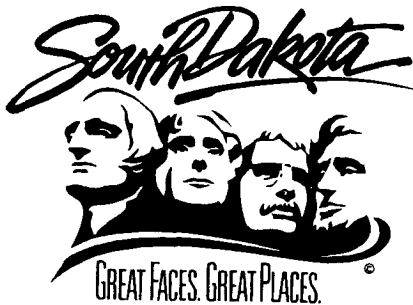
**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1598-3, City of Brookings SD**

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. 1598-3, City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 1598-3 REMAIN in EFFECT for 2,426 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1598-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1598-3, 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. 1598-3 is subject to payment of the \$70.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 18, 2005



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2005

Brookings Register
PO Box 177
Brookings SD 57006-0177

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 217-3 and 1598-3 to be published twice. Please publish the first notice on January 26, 2005 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 Brookings, Brookings Municipal Utilities, c/o Craig Osvog, PO Box 588, Brookings SD 57006.

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 January 18, 2005 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 217-3 and 1598-3 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 January 26, 2005 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 217-3 & 1598-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 & 1598-3 held by the City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 217-3 was approved in 1956 and currently reserves 1,612 acre-feet from the Big Sioux:Six Mile Creek Aquifer located in the N ½ Section 13-T110N-R50W for municipal use.

Permit No. 1598-3 was approved in 1968 and currently reserves 2,426 acre-feet from the Big Sioux:Aurora Aquifer located in the W ½ Section 4, E ½ Section 5; all in T109N-R49W; E ½ Section 32, W ½ Section 33, W ½ Section 28, SE ¼ Section 29; all in T110N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually and Permit No. 1598-3 REMAIN in EFFECT for 2,426 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 Nos. 217-3 and 1598-3 at 10:00 am on March 2, 2005 at the 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 217-3 and 1598-3 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 recommendations, further information on these permits, 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 February 18, 2005. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 18, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

State of South Dakota

Exhibit "A"

SS

County of Brookings

Katy VanMaanen of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed

that the

Legal 257 "Water Permit"

Brookings and State of South Dakota, for more than one a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit

said newspaper for _____ 2 times, to-wit:

January 26, 2005

February 2, 2005

said Exhibit "A" inures to the sole benefit fo the publishers 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 whomsoever; that the fees charged for the publication thereof are:

Seventy one dollars and seventy-three cents \$71.73

Katy VanMaanen

Subscribed and sworn to before me this

3rd

day of

February

2005

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2006

RECEIVED
FEB 16 2005
WATER RIGHTS
PROGRAM

rently reserves 1,612 acre-feet from the Big Sioux:Six Mile Creek Aquifer located in the N1/2 Section 13-T110N-R50W for municipal use.

Permit No. 1598-3 was approved in 1968 and currently reserves 2,426 acre-feet from the Big Sioux:Aurora Aquifer located in the W1/2 Section 4, E 1/2 Section 5; all in T109N-R49W; E1/2 Section 32, W 1/2 Section 33, W1/2 Section 28, SE1/4 Section 29; all in T110N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually and Permit No. 1598-3 REMAIN in EFFECT for 2,426 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 Nos. 217-3 and 1598-3 at 10:00 am on March 2, 2005 at the 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 18, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 217-3 and 1598-3 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 recommendations, further information on these permits, 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 February 18, 2005. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 18, 2005. Steven

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

Legal 257, 2x, 1/26, 2/2
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NOS. 217-3 & 1598-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 & 1598-3 held by the City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 217-3 was approved in 1956 and cur-



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2005

NOTICE

Craig Osvog
Brookings Municipal Utilities
PO Box 588
Brookings SD 57006

Dear Mr. Osvog:

I am writing in response to action taken by the Water Management Board at the hearing on March 2, 2005 to review Future Use Permit Nos. 217-3 and 1598-3. The Board allowed the permits to remain in effect for 1,612 and 2,426 acre-feet of water annually. Future Use Permit Nos. 217-3 and 1598-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 217-3 is \$52.50 and \$70.00 for Future Use Permit No. 1598-3 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$122.50 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 March 3, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 3, 2005 regarding Notice of Review Future Use Permit Nos. 4927-3, 1780-2, 192-3 & 3427A-3, 135-3 & 5003-3, 217-3 & 1598-3, 448-3 & 2042-3, 524-3, 549-3, 1218-3 & 2107-3 addressed as stated below:

1218-3 & 2107-3
Jeff DeVille Water Superintendent
Watertown Municipal Utilities Dept
901 4th Ave SW
Watertown SD 57201

549-3
Denise Peschong Finance Officer
City of Milbank
401 S Main St
Milbank SD 57252

524-3
Gary Wolkow Mayor
City of DeSmet
PO Drawer 70
DeSmet SD 57231-0070

448-3 & 2042-3
Randy Janssen Water Superintendent
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57104-6407

217-3 & 1598-3
Craig Osvog
Brookings Municipal Utilities
PO Box 588
Brookings SD 57006

135-3 & 5003-3
Bradley E Palmer
City of Pierre
PO Box 1253
Pierre SD 57501

192-3 & 3427A-3
Robin Bobzien City Engineer
City of Aberdeen
123 S Lincoln
Aberdeen SD 57401

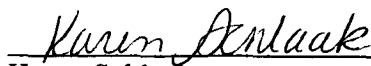
1780-2
Greg A Hall, Public Works Director
City of New Underwood
PO Box 278
New Underwood SD 57761-0278

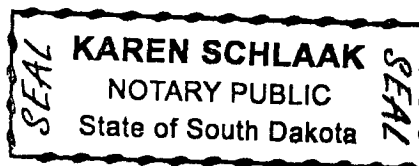
4927-3
Duane C Stokes Mgr
Clark Rural Water System
PO Box 162
Clark SD 57225


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 28, 20 05

RECEIVED OF Brockings Municipal Utilites, PO Box 588, Brockings SD 57006

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	70	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1598-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	70.00

No.

0120 8

By

Darlene E. Eide

Chief Engineer

gpm



1598-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 2011

City of Brookings
Steve Meyer, Utility Manager
PO Box 270
Brookings SD 57006

Dear Mr. Meyer:

I am writing in regard to the seven year review of Future Use Water Permit No. 217-3 from groundwater (Big Sioux:Six Mile Creek Aquifer) and Permit No. 1598-3 from groundwater (Big Sioux:Aurora Aquifer) which are held by the City of Aberdeen. 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 permits reserve water for future water supply needs for the city.

Currently, our records show that 1,612 acre-feet remain in reserve under Permit No. 217-3 and 2,426 acre-feet remain in reserve under Permit No. 1598-3. Both permits were last reviewed in 2005.

Please respond in writing by January 1, 2012, regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits 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 permits. A fee will be charged if the Board allows the permits 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 acre-feet remain in reserve on each permit, the total fee will be \$460.00.

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



BROOKINGS
municipal utilities

RECEIVED

JAN - 3 2012

WATER RIGHTS
PROGRAM

525 Western Ave., P.O. Box 588
Brookings, SD 57006-0588
(605) 692-6325 voice
(605) 697-8485 fax

December 28, 2011

Karen Schlaak
Environmental Scientist / Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 East Capital
Pierre, SD 57501-3182

Re: Review of Future Use Water Permit Nos. 217-3 & 1598-3

Ms. Schlaak:

In a December 8, 2011 letter, you requested a written response regarding our Future Use Water Permits Nos. 217-3 and 1598-3.

BMU hereby requests that the reserved water capacity be maintained for the City of Brookings (1,612 acre-ft and 2,426 acre-ft, for permit Nos. 217-3 and 1598-3, respectively). City Planning estimates continued population growth of 25-30% over the 20 years. In addition, the City is actively recruiting commercial/industrial businesses that could potentially require significant water demand. Further, expansion of one or both of the two existing water plants for the current domestic demand will need to occur in the near future.

If you have questions regarding the above information or this request to retain our reserved water, please contact me.

Thank you,

Steve Meyer
Executive Vice President/General Manager

cc: Paul Melby, Eric Witt - BMU



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 217-3, City of Brookings 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. 217-3, City of Brookings, PO Box 588, Brookings SD 57006-0588.

The Chief Engineer is recommending that Future Use Permit No. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 217-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 217-3, 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. 217-3 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 20, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1598-3, City of Brookings 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. 1598-3, City of Brookings, PO Box 588, Brookings SD 57006-0588.

The Chief Engineer is recommending that Future Use Permit No. 1598-3 REMAIN in EFFECT for 2,426 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1598-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1598-3, 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. 1598-3 is subject to payment of the \$265.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Garland Erbele, Chief Engineer
January 20, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2012

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

Brookings Municipal Utilities
Steve Meyer, General Manager
PO Box 588
Brookings SD 57006

Dear Mr. Meyer:

Future Use Permit Nos. 217-3 and 1598-3 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 Brookings Register (Phone #605 692-6172). For your information, a copy of the Chief Engineer's recommendations are 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

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

January 20, 2012

Brookings Register
PO Box 177
Brookings SD 57006

Dear Sir:

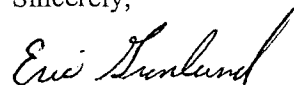
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 217-3 and 1598-3 to be published twice. Please publish the first notice on February 1, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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 Brookings Municipal Utilities, PO Box 588, Brookings SD 57006.

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 January 20, 2012 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 217-3 and 1598-3 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 February 1, 2012 with 2nd publication 7 days later. 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 NOS. 217-3 and 1598-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 and 1598-3 held by the City of Brookings, Brookings Municipal Utilities, PO Box 588, Brookings SD 57006 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 217-3 was approved in 1956 and currently reserves 1,612 acre feet from the Big Sioux:Six Mile Creek Aquifer located in the N ½ Section 13-T110N-R50W for municipal use.

Permit No. 1598-3 was approved in 1968 and currently reserves 2,426 acre-feet from the Big Sioux:Aurora Aquifer located in the W ½ Section 4, E ½ Section 5; all in T109N-R49W; E ½ Section 32, W ½ Section 33, W ½ Section 28, SE ¼ Section 29; all in T110N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually and Permit No. 1598-3 REMAIN in EFFECT for 2,426 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 Nos. 217-3 and 1598-3 at 10:00 am, March 7, 2012, at the Floyd Mathew Training Center, Joe Foss Building, 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 27, 2012. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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. 217-3 and 1598-3 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 February 27, 2012. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 27, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

RECEIVED

FEB 10 2012

WATER RIGHTS PROGRAM

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Danielle Gilbertson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg# 346 Notice of Hearing

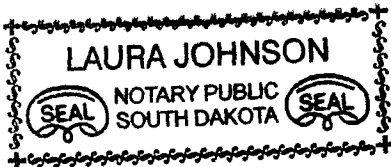
same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

February 1, 2012

February 8, 2012

said Exhibit "A" inures to the sole benefit for the publishers 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 whomsoever; that the fees charged for the publication thereof are:

Seventy two dollars and two cents \$72.02



Subscribed and sworn to before me this

9th

day of

February

2012

Laura Johnson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires August 3, 2017.

Legal 346, 2x, 2/1, 8
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NOS. 217-3 and 1598-3
Notice is given that the
Water Management
Board will review Future
Use Permit Nos. 217-3
and 1598-3 held by the
City of Brookings,
Brookings Municipal
Utilities, PO Box 588.
Brookings SD 57006 for
progress made in the
development of the
water reserved by the
Permit and future plans
for development of the
water reserved by the
permits.
Permit No. 217-3 was
approved in 1956 and
currently reserves 1,612
acre feet from the Big
Sioux-Six Mile Creek
Aquifer located in the N

1/2 Section 13-T110N-
R50W for municipal
use.

Permit No. 1598-3 was
approved in 1968 and
currently reserves 2,426
acre-feet from the Big
Sioux-Aurora Aquifer
located in the W 1/2
Section 4, E 1/2 Section
5; all in T109N-R49W; E
1/2 Section 32, W 1/2
Section 33, W 1/2
Section 28, SE 1/4
Section 29; all in T110N-
R49W for municipal
use.

Pursuant to SDCL 46-
2A-2 the Chief Engineer
of the Water Rights
Program recommends
that Permit Nos. 217-3
REMAIN in EFFECT for
1,612 acre-feet annually
and Permit No. 1598-3
REMAIN in EFFECT for
2,426 acre-feet annually
because 1) the reserved
water may be devel-
oped, 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 Nos. 217-3
and 1598-3 at 10:00
am, March 7, 2012, at
the Floyd Mathew
Training Center, Joe
Foss Building, 523 E
Capitol, Pierre SD.

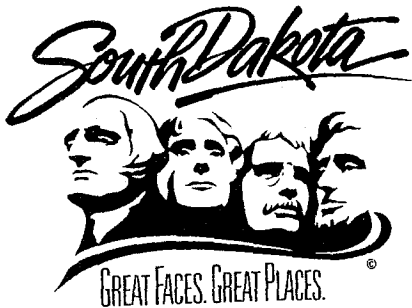
The recommendation of
the Chief Engineer is
not final or binding upon
the Board and the
Board is authorized to
1) allow the permits to
remain in effect, 2)
amend the permits by
adding qualifications, 3)
cancel the permits for
no development or no
planned future develop-
ment, or 4) take no
action after 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 evi-

dence or cross-examine
witnesses according to
SDCL 1-26, must file a
written petition with
BOTH the permit owner
and the Chief Engineer
by February 27, 2012.
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 petition-
ers interest in the future
use permits, the rea-
sons for petitioner's
opposition to or support
of continuing the future
use permits, 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.
217-3 and 1598-3 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 proce-
dures 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 rep-
resented 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 pro-
vided by law.

Any person wishing a
copy of the Chief
Engineer's recommen-
dation, further informa-
tion on this permit, to
assure access to the
hearing by the handi-
capped or obtain an
interpreter for the hear-
ing impaired may con-
tact Eric Gronlund,
Water Rights Program,
(605 773-3352) by
February 27, 2012. 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 Permits.
The request for a delay
must be filed with the
Chief Engineer by
February 27, 2012.
Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources.
Published twice at the
total approximate cost
of \$72.02.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 29, 2012

City of Brookings
Steve Meyer, Utility Manager
PO Box 270
Brookings SD 57006

Dear Mr. Meyer:

The City of Brookings holds Future Use Permit Nos. 217-3 and 1598-3 reserving water for future development. These permits are scheduled for a seven year review before the Water Management Board as required by state law. The review has been public noticed for hearing before the Board at 10:00 AM on March 7, 2012. No petitions opposing the future use permits remaining in effect have been received.

This letter is to inform you that the Water Management Board will conduct its March 7, 2012 meeting by telephone conference call. The agenda for the March 7th meeting is attached.

Being this matter is not contested, DENR does not foresee questions or concerns that necessitate you traveling to Pierre on March 7th. There are a limited number of conference call lines available if you have testimony regarding the future use permit to provide to the Board. Please let me know if you want to participate and DENR will try to accommodate everyone up to the number of conference call lines available.

Please contact me if you have any questions.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2012

NOTICE

Brookings Municipal Utilities
Steve Meyer, General Manager
PO Box 588
Brookings SD 57006

Dear Mr. Meyer:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2012 to review Future Use Permit Nos. 217-3 and 1598-3. The Board allowed the permits to remain in effect for 1,612 acre-feet and 2,426 acre-feet of water annually. Future Use Permit Nos. 217-3 and 1598-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 217-3 is \$195.00 and Permit No. 1598-3 is \$265.00 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$460.00 within 60 days.

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

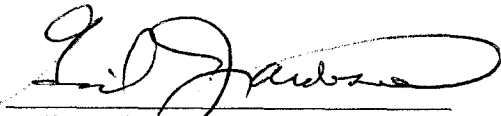
Sincerely,

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

CERTIFICATION

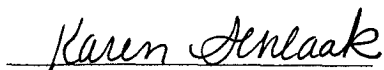
I hereby certify that on March 8, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2012 regarding Future Use Permits addressed as stated below:

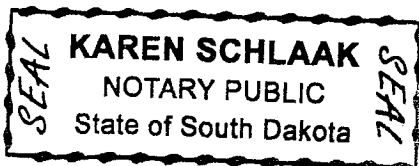
Clark Rural Water System, D Stokes, PO Box 162, Cark SD 57225
Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201
City of Milbank, J Kettwig, 1001 E 4th Ave # 301 Milbank SD 57252
City of Sioux Falls, G Anderson 2100 N Minnesota Ave, Sioux Falls SD 57104
Brookings Municipal Utilities, S Meyer, PO Box 588, Brookings SD 57006
City of Aberdeen, J Ellingson, 123 S Lincoln, Aberdeen SD 57401
City of New Underwood, J Bale, PO Box 278, New Underwood SD 57761
City of Pierre, Brad Palmer, PO Box 1253, Pierre SD 57501


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/25, 20 12

RECEIVED OF Brookings Municipal Utilities PO Box 588 Brookings SD 57006

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	265	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1598-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	265 00

No. **05422**

By *Leah L. Erbe*
Chief Engineer



1598-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 16, 2017

Delvin DeBoer
AE2S
1300 W 57th St, Suite 200
Sioux Falls SD 57107

Dear Mr. DeBoer:

As requested, the following table provides a list of water rights held by the City of Brookings. These tables do not include the irrigation rights, the flood control permit or the permit authorizing the relocation of Six Mile Creek for airport expansion held by the city. Please review the list to see how it compares with the numbers you compiled. If there are discrepancies, please contact me so we can determine the correct amount.

Future Use Permits (reserved water for future development)

No.	Source & Future Use Area	Next Review	Amount Remaining in Reserve
1598-3	Big Sioux:Aurora Aquifer (BS:A) N 1/2 Sec 13-T110N-R50W	Spring, 2019	2,426 acre-feet annually
217-3	Big Sioux:Six Mile Creek Aquifer (BS:SMC) W 1/2 Sec 4, E 1/2 Sec 5, all in T109N-R49W; E 1/2 Sec 32, S 1/2 Sec 33, W 1/2 Sec 28; SE 1/4 Sec 29; all in T110N-R49W	Spring, 2019	1,612 acre-feet annually

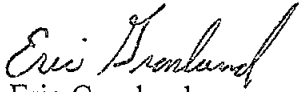
Water Rights

No.	Sources	Diversion Rate	Annual Volume
216-3	BS:SMC	3.85 cfs	2,784 acre-feet annually
674-3	BS:SMC	1.33 cfs	963 acre-feet annually
675-3	BS:SMC	1.33 cfs	963 acre-feet annually
1117-3	BS:SMC	1.44 cfs	1043 acre-feet annually
1296-3	BS:SMC	1.33 cfs	963 acre-feet annually
3979-3	BS:A	6.69 cfs	4,844 acre-feet annually
6048-3	BS:A	2.90 cfs	2,100 acre-feet annually

Please be aware that the table depicts the water rights the city of Brookings holds for municipal use. It does not represent the validity of the water rights. In South Dakota, the right to the use of water can become subject to cancellation due to abandonment and/or forfeiture for nonuse. The review of the city's water rights is to provide a list of the water rights on file and not a review of the past or present capabilities of the wells to produce the amount listed on the water rights. The Water Management Board is the entity entrusted to determine the validity of a water right if the question arises.

If you have any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Eric Gronlund".

Eric Gronlund

Water Rights Program, DENR

605 773-3352

eric.gronlund@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2018

Steve Meyer, Utilities Manager
City of Brookings
PO Box 270
Brookings SD 57006-0270

Dear Mr. Meyer:

I am writing in regard to the seven year review of Future Use Water Permit No. 217-3 from groundwater (Big Sioux:Six Mile Creek Aquifer) and Permit No. 1598-3 from groundwater (Big Sioux:Aurora Aquifer) held by the City of Brookings. 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 permits reserve water for future water supply needs for the city.

Currently, our records show that 1,612 acre-feet remain in reserve under Permit No. 217-3 and 2,426 acre-feet remain in reserve under Permit No. 1598-3. Both permits were last reviewed in 2012.

Please respond in writing by January 15, 2019 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits 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 permits. A fee will be charged if the Board allows the permits 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 acre-feet amounts remain in reserve on each permit, the total fee will be \$460.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Karen Schlaak". The signature is written in a cursive, flowing style.

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



BROOKINGS municipal utilities

525 Western Ave., P.O. Box 588
Brookings, SD 57006-0588
(605) 692-6325 voice

January 15, 2019

Karen Schlaak
Environmental Scientist / Water Rights Program
Department of Environment & Natural Resources
Joe Foss Building
523 East Capital
Pierre, SD 57501-3182

Re: Review of Future Use Water Permit Nos. 217-3 & 1598-3

Ms. Schlaak:

In a December 7, 2018 letter, you requested a written response regarding our Future Use Water Permits Nos. 217-3 and 1598-3.

Brookings Municipal Utilities (BMU) hereby requests that the reserved water capacity be maintained for the City of Brookings (1,612 acre-ft and 2,426 acre-ft, for permit Nos. 217-3 and 1598-3, respectively). City Planning estimates continued population growth of 25-30% over the 20 years. In addition, BMU is in the process of completing a Water System Facility Plan. The draft Facility Plan recommends that the total treated water capacity be increased from the current 6 MGD capacity to 10 MGD capacity. This increase will likely require the utilization of the reserved water rights in the near future.

If you have questions regarding the above information or this request to retain our reserved water, please contact me.

Thank you,

Eric Witt
Water/Wastewater & Engineering Manager

cc: Steve Meyer – BMU Executive Vice President/GM
Chad Bachman – BMU W/WW & Engineering Supervisor



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 217-3, City of Brookings 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. 217-3, City of Brookings, PO Box 588, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 217-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 217-3, 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. 217-3 is subject to payment of the \$195.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
January 24, 2019



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 1598-3, City of Brookings 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. 1598-3, City of Brookings, PO Box 588, Brookings SD 57006.

The Chief Engineer is recommending that Future Use Permit No. 1598-3 REMAIN in EFFECT for 2,426 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1598-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1598-3, 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. 1598-3 is subject to payment of the \$265.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
January 24, 2019

RECEIVED

FEB 21 2019

WATER RIGHTS PROGRAM

Exhibit "A"

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg#684 Permit

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

February 6, 2019

said Exhibit "A" inures to the sole benefit for the publishers 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 whomsoever; that the fees charged for the publication thereof are:

Forty-Eight Dollars and Thirty-Eight Cents \$48.38

AARON JORENBY



February

Notary Public in and for the County of Brookings, South Dakota. My Commission expires February 22, 2020.

Legal 684, 1x, 2/6
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 217-3 and 1598-3
Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 and 1598-3 held by Brookings Municipal Utilities, Eric Witt, Water/Wastewater & Engineering Manager, PO Box 588, Brookings SD 57006 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.
Permit No. 217-3 was approved in 1956 and currently reserves 1,612 acre-feet from groundwater (Big Sioux: Six Mile Creek Aquifer) located in the N 1/2 Section 13-T110N-R50W for municipal use.
Permit No. 1598-3 was approved in 1968 and currently reserves 2,416 acre-feet from the Big Sioux: Aurora Aquifer located in the W 1/2 Section 4, E 1/2 Section 5; all in T109N-R49W; E 1/2 Section 32, W 1/2 Section 33, W 1/2 Section 28, SE 1/4 Section 29; all in T110N-R49W for municipal use.
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights

Program recommends that Permit No. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually and No. 1598-3 REMAIN in EFFECT for 2,416 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. 217-3 and 1598-3 at 10:30 am on March 6, 2019 at 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 22, 2019. 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 holder's 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 217-3 and 1598-3 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 the permits, 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 February 22, 2019. 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 February 22, 2019.
According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 18, 2019. Steven M. Pirner, Secretary, Department

of Environment and Natural Resources. Published once at the total approximate cost of \$48.38.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, January 25, 2019 9:35 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 217-3 & 1598-3, Brookings Municipal Utilities
Attachments: 217-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2019.

Brookings Municipal Utilities, Eric Witt, Engineering Manager, PO Box 588, Brookings SD 57006 (605 692-6325) 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
SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

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

Brookings Municipal Utilities
Eric Witt, Water/Wastewater & Engineering Mgr
PO Box 588
Brookings SD 57006

Dear Mr. Witt:

Future Use Permit Nos. 217-3 and 1598-3 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. Notice of this review has been sent to the Brookings Register (605.692-6271). For your information, a copy of the Chief Engineer's recommendations are 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 this notice on February 6, 2019. 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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 217-3 and 1598-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 217-3 and 1598-3 held by Brookings Municipal Utilities, Eric Witt, Water/Wastewater & Engineering Manager, PO Box 588, Brookings SD 57006 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits.

Permit No. 217-3 was approved in 1956 and currently reserves 1,612 acre-feet from groundwater (Big Sioux:Six Mile Creek Aquifer) located in the N 1/2 Section 13-T110N-R50W for municipal use.

Permit No. 1598-3 was approved in 1968 and currently reserves 2,416 acre-feet from the Big Sioux:Aurora Aquifer located in the W 1/2 Section 4, E 1/2 Section 5; all in T109N-R49W; E 1/2 Section 32, W 1/2 Section 33, W 1/2 Section 28, SE 1/4 Section 29; all in T110N-R49W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 217-3 REMAIN in EFFECT for 1,612 acre-feet annually and No. 1598-3 REMAIN in EFFECT for 2,416 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. 217-3 and 1598-3 at 10:30 am on March 6, 2019 at 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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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 February 22, 2019. 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 holder's 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 217-3 and 1598-3 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 the permits, 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 February 22, 2019. 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 February 22, 2019.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 18, 2019. 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
<http://denr.sd.gov>

March 7, 2019.

NOTICE OF ENTRY OF ORDER

Eric Witt, Water/Wastewater & Engineering Manager
Brookings Municipal Utilities
PO Box 588
Brookings SD 57006-0588

Dear Mr. Witt:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2019 to review Future Use Permit Nos. 217-3 and 1598-3. The Board allowed the Permit No. 217-3 to remain in effect for 1,612 acre-feet of water annually and Permit No. 1598-3 to remain in effect for 2,426 acre-feet annually. The future use permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 217-3 is \$195.00 and Future Use Permit No. 1598-3 is \$265.00 pursuant to SDCL 46-2-13(2). Please remit the total fee of \$460.00 within 60 days.

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

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Goodman".

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

CERTIFICATION

I hereby certify that on March 7, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7, 2019 regarding Notice of 1780-2, 192-3, 3427A-3, 217-3, 1598-3, 448-3, 2042-3, 549-3, 1218-3, 2107-3, 4927-3, 6988-3 and 6988A-3 addressed as stated below:

City of New Underwood, Tim Hall, Public Works Director, PO Box 278, New Underwood, SD 57761

City of Aberdeen, Robert Braun, Water Superintendent, 123 S Lincoln St., Aberdeen, SD 57401

Brookings Municipal Utilities, Eric Witt, Water/Wastewater & Engineering Manager, PO Box 588, Brookings, SD 57006-0588

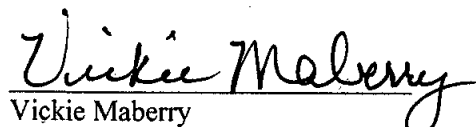
City of Sioux Falls, Greg Anderson, Water Superintendent, PO Box 7402, Sioux Falls, SD 57117-7402

City of Milbank, John C Forman, City Administrator, 1001 E 4th Ave, #301, Milbank, SD 57552

Watertown Municipal Utilities, Jeff Deville, Water Superintendent, 901 4th Ave SW, Watertown, SD 57201

Clark Rural Water System, Terry Kaufman, Manager, PO Box 162, Clark, SD 57225

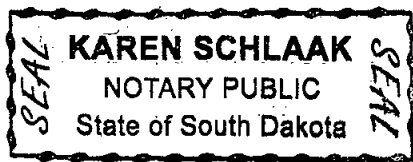
Joint Well Field, Inc. Gene Wilts, Manager, PO Box 340, Toronto, SD 57268


Vickie Maberry
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 19.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 27

20 19

RECEIVED OF Brookings Municipal Utilities PO Box 588 Brookings SD 57006-0588

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	265	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>1598-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	265 00

No. **09104**

By

Jeannie Goodman
Chief Engineer
271