

Considered: \_\_\_\_\_

WATER PERMIT NO. 2612A-3

HA# No. same 794-41201

Name of Applicant Brookings - Deuel RWS / Kingbrook RWS

Post Office Address Box 84, Toronto SD 57268

Amount of Water Claimed 1.0 cfs Total Acres NA

Source of Water Supply ground water - 1 well  
Brookings, Hamlin, Moody,

Water to be used for rural water system use County Kingsbury & Deuel

About 3 miles N of Bruce.

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received June 29, 1989 Fee \$50.00 Remarks appl is to

change use from irrigation to R.W.S use

Corrected Application Received July 24, 1989 Period of Annual Use \_\_\_\_\_

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point well: near center of the

1/4 NE 1/4 section 25 - T112N-R51W

Land to be Irrigated NA

|  |  |    |      |  |  |
|--|--|----|------|--|--|
|  |  |    |      |  |  |
|  |  |    | well |  |  |
|  |  | 25 |      |  |  |
|  |  |    |      |  |  |
|  |  |    |      |  |  |

Well Log: Driller Lacey Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well 41 feet REMARKS \_\_\_\_\_

Type of Map aerial photo PREPARED BY Boris Schumacher Reviewed and the Number

assigned on July 28, 1989 By Ron J. J. J.

2612A-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2612A-3

(1) Brookings-Deuel Rural Water System/Kingbrook Rural Water System of RR 2, Box 84, Toronto, SD 57268 made Application No. 2612A-3, June 29, 1989 for a water permit to appropriate 1.00 cubic feet of water per second from groundwater (one existing well), Brookings County, South Dakota for rural water system purposes. Permit No. 2612A-3 with a priority date of March 1, 1976 (established by No. 2612-3) was approved December 7, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before December 7, 1994 and for the application to beneficial use of said water on or before December 7, 1998.

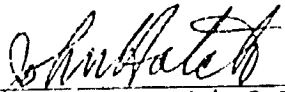
A "Notice of Completion of Works and Application of Water to Beneficial Use" was submitted by the Permit holder on September 9, 1991. The "Notice" indicated the diversion system was completed in August, 1990.

Water Permit No. 2612A-3 authorized a change in use from irrigation use (established under No. 2612-3) to rural water system use. A priority date of March 1, 1976, was retained.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.89 cubic feet of water per second for beneficial use. The location of the diversion point is: 1400'W and 650'S of the NE corner of Section 25, T112N, R51W (NW 1/4 NE 1/4).

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

(4) Pursuant to Section 46-5-30.1 Brookings-Deuel Rural Water System/Kingbrook Rural Water System of RR 2, Box 84, Toronto, SD 57268 the holder(s) and/or owner(s) of Water Permit No. 2612A-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from groundwater (one well) with a priority date of March 1, 1976 from the location specified in (2) of this license. The water is to be used for rural water system purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 2612A-3 and subject to South Dakota State Law.

  
AUG 5 1992  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and  
Natural Resources

SOUTH DAKOTA  
WATER PERMIT No. 2612A-3

Date of first receipt of application June 29, 1989.

Date of return to applicant for corrections, amendments or changes July 18, 1989.

Date of receipt of corrected application July 24, 1989.

The Water Management Board approved Water Permit Application No. 2612A-3 on December 7, 1989 for Brookings-Deuel Rural Water System/Kingbrook Rural Water System, Box 84, Toronto SD 57268 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2612A-3 authorizes a change in water use (1.00 cubic feet of water per second from one well, 41 feet deep) from irrigation use to use by the Brookings-Deuel and Kingbrook Rural Water Systems. The well is located near the center of the N $\frac{1}{2}$  NE $\frac{1}{4}$  section 25-T112N-R51W.
2. The water appropriated shall be used for the purpose of supplying the Brookings-Deuel and Kingbrook Rural Water Systems and may not exceed the amount of water needed for beneficial use for rural water system purposes.
3. The water is to be used during the following described annual period: April 1 - September 30.
4. The date from which applicant may claim right is March 1, 1976 (Permit No. 2612-3).
5. One-fifth of the construction is to be completed on or before June 7, 1992.
6. All construction is to be completed on or before December 7, 1994.
7. Water is to be put to beneficial use on or before December 7, 1998.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 2612A-3 authorizes maximum annual withdrawals of 210 acre feet with withdrawals to be made only during April 1 to September 30.
2. That the rural water systems report to the chief engineer annually the amount of water withdrawn each year under Permit No. 2612A-3.
3. Approval of Permit No. 2612A-3 authorizes a well construction variance from Board Rule 74:02:04:30.
4. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: \_\_\_\_\_

Chief Engineer, Water Rights Division  
Department of Water and Natural Resources

APR 6 1990

\_\_\_\_\_  
(date)

2612A-3  
 Mail to: Water Rights Div.  
 523 E. Capitol  
 Pierre, SD 57501  
 (605) 773-3352

No. 2612A-3 Hydrologic Unit 10170202  
 Map No. same Basin Big Sioux River  
 Newspaper see attachment

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐  
 Rural Water System ☒ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐  
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☐ Change Use ☒

☒ Amend Permit No. 2612-3 with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_

☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_

1. Name of Applicant Brookings-Denel RWS/Kingbrook RWS-Joint Well Field Phone No. 794-4201

Post Office Address Box 84 Toronto State SD 57268  
(Street, RR or Box) City Zip Code

2. Amount of water claimed (c.f.s.) 1.0 c.f.s.

3. Source of water supply well

4. Location of point of diversion NE 1/4 NE 1/4 25-112-51

County Brookings

5. Counties where water will be used Brookings, Denel, Kingsbury & Moody

6. Annual period during which water is to be used All year April 1 - Sept 30

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

To be used in conjunction with other wells, alternately, for Farm, residential and livestock use as served by the rural water systems.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA  
 County of Brookings) ss

We K B-D RWS/KB RWS - Joint Well Field by Patrick Gilligan, Agent the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed [Signature]

Subscribed and sworn to before me this 26 day of June, 1989

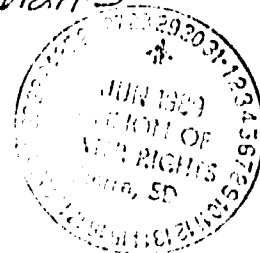
Royal Kleinm  
 Notary Public, Deuel County, S.D.  
 Commission expires September 23, 1993

Notary Public

## Supplemental Information

(type or print in ink)

2612H-3



## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 20" Depth 50'
- b) Casing Type steel Diameter 14" Thickness 3/16"
- c) Screen Type SS Johnson slot Diameter 14" Thickness
- d) Gravel Pack Thickness 3" Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 8'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
- On applicants property 1300' On property owned by others 80 rods

## 2. Dugout Information Estimates

- a) Surface Dimensions                                  Depth
- b) Depth to water (ground surface to water level)

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

\_\_\_\_\_  
\_\_\_\_\_

b) Free-board                                 

c) Crest Width                                 

Crest Length                                 

d) Height                                 

e) Primary Outlet Capacity                                   
If Pipe, diameter                                 

f) Secondary Spillway Capacity                                   
Spillway width                                 

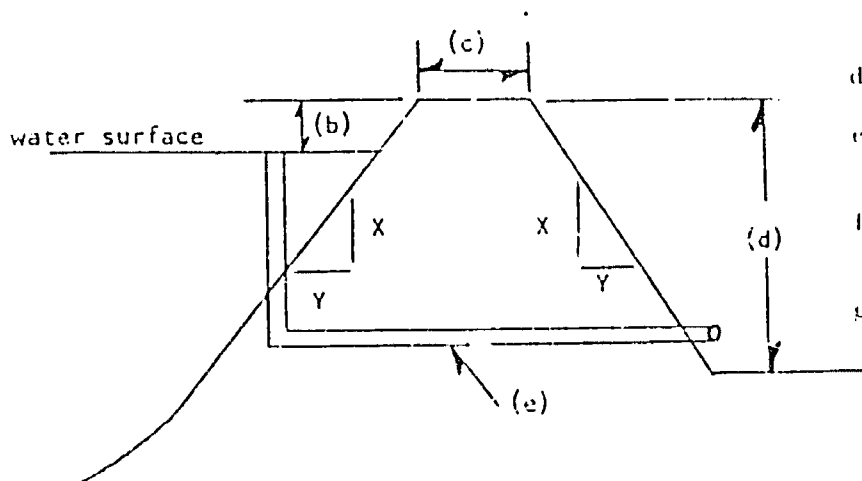
g) X & Y Slope  
Upstream                                 

Downstream                                 

Surface Area of Impoundment                                 

Storage                                  acre feet

Drainage area above dam                                 



\_\_\_\_\_  
Signature of Applicant

2612A-3

REPORT ON APPLICATION NO. 2612A-3  
BROOKINGS-DEUEL RURAL WATER SYSTEM  
September 11, 1989

This application proposes to change the use of 1.00 cfs from irrigation use as authorized by Water Right No. 2612-3 to be used by the Brookings-Deuel RWS. Water Right No. 2612-3 appropriates 1.00 cfs from one 41 foot deep well located near the center of the N 1/2 NE 1/4 of Section 25, T112N, R51W, in Brookings County to irrigate 70 acres with a March 1, 1976 priority date. Use of the water for irrigation is to be abandoned and changed to use by the RWS. No additional water appropriation is authorized by this application.

Aquifer - Big Sioux-Brookings (BS-B)

The Big Sioux-Brookings is glacial outwash (sand and gravel) under water table conditions. The Big Sioux-Brookings Aquifer underlies 74,560 acres and contains 245,850 acre-feet of recoverable water in Brookings County (Hedges, 1982). The aquifer is hydraulically connected to the BS-B Aquifer in Hamlin County and to the Big Sioux River.

The Division of Water Rights monitors 6 observation well (BG-75N, BG-75M, BG-75L, BG-75Y, BG-57A and BG-75I) which are located within a 1/2 mile radius of this site. Water levels for these wells show good correlation between wet and dry climatic conditions, rising during wet years or seasons and declining during dry years. The water level change seasonally during a given year is usually between 1-3 feet and the effects of pumping are not obvious (Water Right, 1989).

Review of Existing Water Permits

This is a request to transfer from irrigation to use by a rural water system. Historically Permit No. 2612-3 has been used and is licensed for 1.00 cfs with a maximum statutory acre-foot limitations of 210 AF/yr. The following is the reported water use for Permit No. 2612-3 (Irrigation Report, 1989).

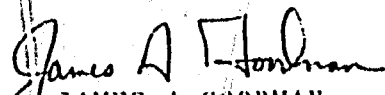
|      |   |          |
|------|---|----------|
| 1988 | - | 0 AF     |
| 1987 | - | 46 AF    |
| 1986 | - | 4 AF     |
| 1985 | - | 16 AF    |
| 1984 | - | 21 AF    |
| 1983 | - | 0        |
| 1982 | - | 18.23 AF |
| 1981 | - | 50.39 AF |
| 1980 | - | 66.3 AF  |
| 1979 | - | 26.52 AF |

Obviously, water usage for irrigation purposes has never approached the statutory limitation. The statutes do allow for this transfer in use and allow for the retaining of the priority date (see 46-2A-12 and 46-5-34.1).

There are other water permits in the area. Permit Nos. 2048-3, 2125-3 and 2437-3 have diversion points within 1/2 mile of the well for this application. Also, one existing rural water system well is approximately 1/4 mile from this well. Interference should not be a problem. Adequate spacing exists between wells which will minimize the effects of pumping. The observation well record substantiates this.

### Conclusions

1. Water is available from the BS-B Aquifer.
2. Interference should not be a problem. Transferring this right will not adversely affect existing permits or rights.
3. Permit No. 2612-3 has a March 1, 1976 priority date which can be retained by the rural water system.
4. The well is not constructed to SD Well Construction Standards for a public water supply. Because the water table is within a few feet of the land surface grouting could not have been accomplished according to standards.
5. The limits of appropriation on Permit No. 2612-3 are clearly 1 cfs and 210 AF/yr. This is a licensed permit (water right).
6. Historically, water use has never approached the 210 AF/yr limitation and water has been used for irrigation in 8 out of 10 years.
7. This irrigation right is permitted to use water from April through September. It would require a new application to appropriate water during the rest of the year for use by the rural water system.
8. This well should be monitored for water quality parameters to comply with SD Drinking Water Standards.

  
JAMES A GOODMAN

Natural Resources Engineer

2612A-3

Bibliography

Hedges, L.S., Etal., 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River SD and Iowa, for US Army Corps of Engineers, DWNR, SDGS, Vermillion SD.

Irrigation Reports, 1989, Unpublished Summary of Water Use Data, SD DWNR, Div. of Water Rights, Joe Foss Bldg, Pierre SD 57501.

Water Right, 1989, Observation Well Records For BS-B Aquifer in Brookings County, SD DWNR, Div of Water Right, Joe Foss Bldg, Pierre SD 57501.

2612A-3

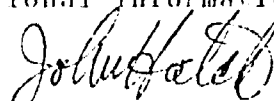
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 2612A-3, Brookings Denel RWS/Kingbrook RWS

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 Water Permit Application No. 2612A-3, Brookings-Denel RWS/Kingbrook RWS, Box 84, Toronto SD.

The Chief Engineer is recommending APPROVAL of Application No. 2612A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Approval of Permit No. 2612A-3 authorizes maximum annual withdrawals of 210 acre feet with withdrawals to be made only during the period April 1 to September 30.
2. That the rural water systems report to the chief engineer annually the amount of water withdrawn each year under Permit No. 2612A-3.
3. Approval of Permit No. 2612A-3 authorizes a well construction variance from Board Rule 74:02:04:50.
4. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer  
September 15, 1989

2612A-3



## Department of Water & Natural Resources

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

October 25, 1989

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

Patrick Gilligan, Agent  
Brookings-Deuel/Kingbrook RWS  
Box 84  
Toronto, SD 57268

Dear Mr. Gilligan:

Water Permit Application No. 2612A-3 for Rural Water System use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Hamlin Co. Herald Enterprise, Clear Lake Courier, Brookings Daily Register, Lake Preston Times, and Moody Co. Enterprise printed at Hayti, Clear Lake, Brookings, Lake Preston and Flandreau, SD respectively. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures



2612A-3

 **Department of  
Water & Natural Resources**

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

October 25, 1989

Hamlin Co. Herald Enterprise  
Box 207  
Hayti, SD 57241

Dear Sir:

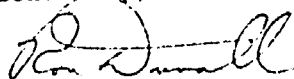
Enclosed is a Notice of Hearing on Application No. 2612A-3 to be published twice. Please publish the first notice on or before November 1, 1989 with the second publication 7 days later.

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 Brookings-Deuel/Kingbrook RWS, Box 84, Toronto, SD 57268.

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,



Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

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FIRST TRANSMITTAL NOTICE

TC: Ron Duvall  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to  
Appropriate Water by Application No. \_\_\_\_\_ which was first published in our issue  
of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



2612A-3



# Department of Water & Natural Resources

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

October 25, 1989

Brookings Daily Register  
Box 177  
Brookings, SD 57006

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2612A-3 to be published twice. Please publish the first notice on or before November 1, 1989 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 Brookings-Deuel/Kingbrook RWS, Box 84, Toronto, SD 57268.

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Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

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FIRST TRANSMITTAL NOTICE

TO: Ron Duvall  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to  
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\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



2612A-3



# Department of Water & Natural Resources

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

October 25, 1989

Lake Preston Times  
Box 368  
Lake Preston, SD 57249

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2612A-3 to be published twice. Please publish the first notice on or before November 1, 1989 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 Brookings-Dewel/Kingbrook RWS, Box 84, Toronto, SD 57268.

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Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

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FIRST TRANSMITTAL NOTICE

TO: Ron Duvall  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Appropriate Water by Application No. \_\_\_\_\_ which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



2612A-3

**SOUTH DAKOTA Department of  
Water & Natural Resources**

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

October 25, 1989

Mooly Co. Enterprise  
Box 71  
Flandreau, SD 57029

Dear Sir:

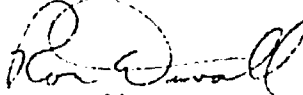
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Sincerely,

  
Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

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TO: Ron Duvall  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

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Name \_\_\_\_\_

Newspaper \_\_\_\_\_



2612A-3

 **Department of  
Water & Natural Resources**

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

October 26, 1989

Clear Lake Courier  
Box 27  
Clear Lake, SD 57226

Dear Sir:

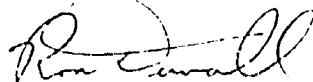
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Name

\_\_\_\_\_  
Newspaper



Instruction to Newspaper - Publish first Notice on or before November 1, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2612A-3  
to Amend Water Right No. 2612-3

Notice is given that the Brookings-Deuel Rural Water System/Kingbrook RWS, P.O. Box 84, Toronto, South Dakota 57268 has filed an application for a water permit to change the use of 1.00 cubic feet of water per second (cfs) from irrigation use as authorized by Water Right No. 2612-3 to use by the Brookings-Deuel and Kingbrook Rural Water Systems. Water Right No. 2612-3 appropriates 1.00 cfs from one well, 41 feet deep, located near the center of the NE1/2 NE1/4 Section 25-T112N-R51W to irrigate 70 acres with a March 1, 1976 priority date. Use of the water for irrigation is to be abandoned and changed to rural water system use with the same priority date. No additional water appropriation is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2612A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

2612A-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Hauke ) ss.

I, Lois Lott

certify that the attached printed Notice was taken  
from the Hauke County Herald Enterprise

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

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

November 1, 1989

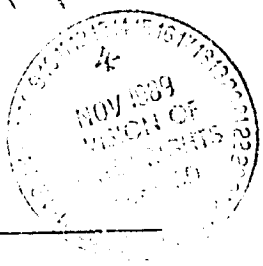
November 3, 1989

Lois K. Lott  
(Signature)

Publisher  
(Title)

November 3, 1989  
(Date Signed)

Cost of Printing: \$34.56



NOTICE OF HEARING

NOTICE OF HEARING on  
Application No. 2612A-3  
to Amend Water Right No. 2512-3  
Notice is given that the Brookings-Deuel  
Rural Water System/Kingbrook RWS, P.O. Box  
84, Toronto, South Dakota 57268, has filed an  
application for a water permit to change the use  
of 1.00 cubic feet of water per second (cfs)  
from irrigation use as authorized by Water  
Right No. 2612-3 to use by the Brookings-  
Deuel and Kingbrook Rural Water Systems.  
Water Right No. 2612-3 appropriates 1.00 cfs  
from one well, 41 feet deep, located near the  
center of the NW/4 Sec. 25-1112N-  
R51W to irrigate 70 acres with a March 1,  
1976 priority date. Use of the water for irri-  
gation is to be abandoned and changed to rural  
water system use with the same priority date.  
No additional water appropriation is authorized  
by this application.

Pursuant to SDCL 46-2A-2, the Chief Engi-  
neer of the Water Rights Division recommends  
APPROVAL of Application No. 2612A-3  
because 1) existing rights will not be unlaw-  
fully impaired, 2) it is a beneficial use of water  
and 3) it is in the public interest. This applica-  
tion will be considered by the Water Manage-  
ment Board in Room 216, Joe Foss Building,  
523 E. Capitol, Pierre, SD on December 6,  
1989 at 10:00 am. The Chief Engineer's re-  
commendation is not final or binding upon the  
Board. The Board is authorized to 1) approve, 2)  
approve with qualifications, 3) defer or 4) deny  
this application based on the facts presented at  
the public hearing.

Any interested person that intends to partici-  
pate in the hearing before the Board by pre-  
sented evidence or cross-examining witnesses  
according to SDCL 1-26, must file a written  
petition with BOTH the applicant and Chief En-  
gineer by November 24, 1989. The Chief En-  
gineer's address is "Water Rights Division, Foss  
Building, 523 E Capitol, Pierre, SD 57501 (605  
773-3352)". The petition may be informal, but  
must include a statement describing the peti-  
tioner's interest in the application, the peti-  
tioner's reasons for opposing or supporting the  
application and the signature and mailing ad-  
dress of the petitioner or legal counsel if legal  
counsel is obtained. The applicant need not file a  
petition. Contact the Water Rights Division to  
request information on this application or to  
assure access to the hearing by the handi-  
capped.

This hearing is an adversary proceeding.  
Any person filing a petition and/or the appli-  
cant have the right to be represented by a  
lawyer. These and other due process rights will  
be forfeited if not exercised. Decisions of the  
Board may be appealed to the Circuit Court and  
State Supreme Court as provided by law. The  
time of the hearing will also be automatically  
delayed for at least twenty days upon written  
request to the Chief Engineer from the appli-  
cant or a petitioner. The request for a delay  
must be received by November 24, 1989.

This application is made pursuant to SDCL  
46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-  
2-3-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17;  
46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14,  
46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru  
46-5-15, 46-5-24, 46-5-27, 46-5-30 2, 46-5-  
30 4, 46-5-31, 46-6-3, 46-6-3 1, 46-6-6 1,  
46-6-10, 46-6-13, 46-6-14; 46-5-33 thru 46-  
5-35; and Board Rules ARSD 74 02 01:01 thru  
74 02:01:15

2612A-3

Form 8 - Proof of Publication

PROOF OF PUBLIC

STATE OF SOUTH DAKOTA )  
County Brookings ) ss.

I, Rob James  
certify that the attached printed Notice was  
from the Brookings Daily Register

A newspaper which during the whole time of publi  
said notice herein after stated, has been and is pr  
published in the \_\_\_\_\_

\_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_  
County of Brookings and State of Sou  
that the said notice was published in said newspa  
following two dates:

November 1, 1989

November 8, 1989

[Signature]  
(Signature)

Editor and Publisher  
(Title)

11/8/89  
(Date Signed)

Col. of Printing: 102,500

Legal 581, 2x, Nov. 1,8

NOTICE OF HEARING

on Application No. 2612A-3  
to Amend Water Right No. 2612-3  
Notice is given that the  
Brookings-Deuel Rural Water  
System/Kingbrook RWS, P.O. Box  
84, Toronto, South Dakota 57268 has  
filed an application for a water  
permit to change the use of 1.00  
cubic feet of water per second (cfs)  
from irrigation use as authorized by  
Water Right No. 2612-3 to use by  
the Brookings-Deuel and Kingbrook

Rural Water Systems. Water Right  
No. 2612-3 appropriates 1.00 cfs  
from one well, 41 feet deep, located  
near the center of the N1/2 NE1/4  
Section 25-T112N-R51W to irrigate  
70 acres with a March 1, 1976  
priority date. Use of the water for  
irrigation is to be abandoned and  
changed to rural water system use  
with the same priority date. No  
additional water appropriation is  
authorized by this application.

Pursuant to SDCL 46-2A-2, the  
Chief Engineer of the Water Rights  
Division recommends APPROVAL  
of Application No. 2612A-3 because  
1) existing rights will not be  
unlawfully impaired, 2) it is a  
beneficial use of water and 3) it is in  
the public interest. This application  
will be considered by the Water  
Management Board in Room 216,  
Joe Foss Building - 523 E. Capitol,  
Pierre, SD on December 6, 1989 at  
10:00 am. The Chief Engineer's  
recommendation is not final or  
binding upon the Board. The Board  
is authorized to 1) approve, 2)  
approve with qualifications, 3) defer  
or 4) deny this application based on  
the facts presented at the public  
hearing.

Any interested person that  
intends to participate in the hearing  
before the Board by presenting  
evidence or cross-examining  
witnesses according to SDCL 1-26,  
must file a written petition with  
BOTH the applicant and Chief  
Engineer by November 24, 1989.  
The Chief Engineer's address is  
"Water Rights Division, Foss  
Building, 523 E Capitol, Pierre SD,

57501 (605 773-3352). The petition  
may be informal, but must include a  
statement describing the petitioner's  
interest in the application, the  
petitioner's reasons for opposing or  
supporting the application and the  
signature and mailing address of  
the petitioner or legal counsel if  
legal counsel is obtained. The  
applicant need not file a petition.  
Contact the Water Rights Division  
to request information on this  
application or to assure access to the  
hearing by the handicapped.

This hearing is an adversary  
proceeding. Any person filing a  
petition and/or the applicant have  
the right to be represented by a  
lawyer. These and other due  
process rights will be forfeited if not  
exercised. Decisions of the Board  
may be appealed to the Circuit  
Court and State Supreme Court as  
provided by law. The time of the  
hearing will also be automatically  
delayed for at least twenty days  
upon written request to the Chief  
Engineer from the applicant or a  
petitioner. The request for a delay  
must be received by November 24,  
1989.

This application is made pursuant  
to SDCL 46-1-1 thru 46-1-12  
thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-  
11, 46-2-13, 46-2-17; 46-2A-1 thru 46-  
2A-10, 46-2A-12, 46-2A-14, 46-2A-  
15; 46-5-1 thru 46-5-11, 46-5-13 thru  
46-5-15, 46-5-24, 46-5-25, 46-5-30.2,  
46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1,  
46-6-6.1, 46-6-10, 46-6-13, 46-6-14;  
46-5-33 thru 46-5-35; and Board  
Rules ARSD 74:02:01:01 thru  
74:02:01:15.



PROOF OF PUBLICATION

OF SOUTH DAKOTA )

) ss.

Moody

Angela Ribbelink

that the attached printed Notice was taken

in Moody County Enterprise

newspaper which during the whole time of publication of  
this notice hereinafter stated, has been and is printed and  
published in the City

of Handreman

County of Moody and State of South Dakota;

and said notice was published in said newspaper on the  
following two dates:

November 1, 1989

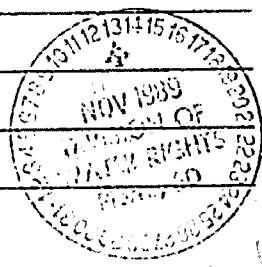
November 8, 1989

Angela Ribbelink  
(Signature)

Ribbelink  
(Title)

Nov. 9, 1989  
(Date Signed)

of Printing: 36,84



NOTICE OF HEARING  
on Application No. 2612A-3  
to Amend Water Right No. 2612-3  
Notice is given that the Brookings-Deuel  
Rural Water System/Kingbrook RWS,  
P.O. Box 84, Toronto, South Dakota  
57268 has filed an application for a water  
permit to change the use of 1.00 cubic feet  
of water per second (cfs) from irrigation  
use as authorized by Water Right No.  
2612-3 to use by the Brookings-Deuel and  
Kingbrook Rural Water Systems. Water  
Right No. 2612-3 appropriates 1.00 cfs  
from one well, 41 feet deep, located near  
the center of the N1/4 NE1/4 Section 25-  
T112N-R51W to irrigate 70 acres with a  
March 1, 1976 priority date. Use of the  
water for irrigation is to be abandoned  
and changed to rural water system use  
with the same priority date. No additional  
water appropriation is authorized by this  
application.

Pursuant to SDCL 46-2A-2, the Chief  
Engineer of the Water Rights Division  
recommends APPROVAL of Application  
No. 2612A-3 because 1) existing rights  
will not be unlawfully impaired, 2) it is a  
beneficial use of water and 3) it is in the  
public interest. This application will be  
considered by the Water Management  
Board in Room 216, Joe Foss Building,  
523 E. Capitol, Pierre, SD on December  
6, 1989 at 10:00 a.m. The Chief  
Engineer's recommendation is not final or  
binding upon the Board. The Board is  
authorized to 1) approve, 2) approve with  
qualifications, 3) defer or 4) deny this ap-  
plication based on the facts presented at  
the public hearing.

Any interested person that intends to  
participate in the hearing before the  
Board by presenting evidence or  
cross-examining witnesses according to  
SDCL 1-26, must file a written petition  
with the Chief Engineer and Chief  
Engineer by November 24, 1989. The  
Chief Engineer's address is "Water  
Rights Division, Foss Building, 523 E  
Capitol, Pierre SD 57501 (605 773-  
3352)". The petition may be informal,  
but must include a statement describing  
the petitioner's interest in the application,  
the petitioner's reasons for opposing or  
supporting the application and the  
signature and mailing address of the  
petitioner or legal counsel if legal counsel  
is obtained. The applicant need not file a  
petition. Contact the Water Rights  
Division to request information on this  
application or to assure access to the  
hearing by the handicapped.

This hearing is an adversary  
proceeding. Any person filing a petition  
and/or the applicant have the right to be  
represented by a lawyer. These and other  
due process rights will be forfeited if not  
exercised. Decisions of the Board may be  
appealed to the Circuit Court and State  
Supreme Court as provided by law. The  
time of the hearing will also be  
automatically delayed for at least twenty  
days upon written request to the Chief  
Engineer from the applicant or a  
petitioner. The request for a delay must  
be received by November 24, 1989.

This application is made pursuant to  
SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-  
1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13,  
46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-  
12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-  
11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25,  
46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-  
6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14;  
46-5-32 thru 46-5-35; and Board Rules  
ARSD 74.02:01:01 thru 74.01:01:15.  
Nov. 1 & 8, 1989)

2612A-3

Form 8 - Proof of Publication

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Deuel ) ss.

I, Gary Deuel

certify that the attached printed Notice was taken  
from the Clear Lake Courier

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 Clear Lake of Clear Lake, SD

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

Nov. 1, 1989

Nov. 8, 1989

[Signature]  
(Signature)

[Title]  
(Title)

[Date]  
(Date Signed)

Cost of Printing: 34.00

My Commission Expires  
May 17 1997

Notice is given that the Brookings-Deuel Rural Water System/Kingbrook RWS, P.O. Box 84, Toronto, South Dakota 57268 has filed an application for a water permit to change the use of 1.00 cubic feet of water per second (cfs) from irrigation use as authorized by Water Right No. 2612-3 to use by the Brookings-Deuel and Kingbrook Rural Water Systems. Water Right No. 2612-3 appropriates 1.00 cfs from one well, 41 feet deep, located near the center of the NW1/4 Section 25-T112N-R51W to irrigate 70 acres with a March 1, 1976 priority date. Use of the water for irrigation is to be abandoned and changed to rural water system use with the same priority date. No additional water appropriation is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2612A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

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Nov. 1 & 8

## Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF KINGSBURY

SS.

**Public notice****NOTICE OF HEARING**

on Application No. 2612A-3  
to Amend Water Right No. 2612-3

Notice is given that the Brookings-Deuel Rural Water System/Kingbrook Rural RWS, P.O. Box 84, Toronto, South Dakota 57268 has filed an application for a water permit to change the use of 1.00 cubic feet of water per second (cfs) from irrigation use as authorized by Water Right No. 2612-3 to use by the Brookings-Deuel and Kingbrook Rural Water Systems. Water Right No. 2612-3 appropriates 1.00 cfs from one well, 41 feet deep, located near the center of the N 1/2 NE 1/4 Section 25-T112N-R51W to irrigate 70 acres with a March 1, 1976 priority date. Use of the water for irrigation is to be abandoned and changed to rural water system use with the same priority date. No additional water appropriation is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2512A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

11-2, 9

of said County below sworn

on oath says, that he is *John A. Brown* of the Lake Preston Times, a weekly newspaper printed and published in Lake Preston, in said County of Kingsbury, South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has bona fide circulation of at least two hundred copies weekly, for fifty two successive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

*Public Notice of Hearing*

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper once

each week for *52* successive weeks, on

th week on which said newspaper was regularly

*Nov. 2, 1989*

*Nov. 8, 1989*

*Nov. 15, 1989*

*Nov. 22, 1989*

*Nov. 29, 1989*

*Dec. 6, 1989*

*Dec. 13, 1989*

*Dec. 20, 1989*

*Dec. 27, 1989*

*Jan. 3, 1990*

*Jan. 10, 1990*

*Jan. 17, 1990*

*Jan. 24, 1990*

*Jan. 31, 1990*

*Feb. 7, 1990*

*Feb. 14, 1990*

*Feb. 21, 1990*

*Feb. 28, 1990*

and sworn to before me, this

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

*Nov 8, 1989*

Permit No. 2612A-3Big Sioux River Water District

## Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Brookings Deuel RWS of Toronto, SD holder of Permit No. 2612A-3, bearing the priority of 3/1/1976 authorizing the diversion of 1.00 cu. ft. per second and/or the storage of 0 acre-feet of the waters of ground water for rural water system purposes, in Brookings County.

I have to report on the conditions of the same as follows:

## A. Works used to divert the water:

A Grundfos submersible pump with a 400 gpm capacity.

## B. Works used to transport water to place of use:

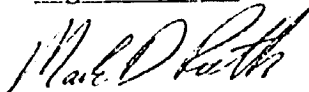
1300' of 6" PVC pipe.

## C. Works used to apply water to beneficial use:

Rural water system distribution pipe lines.

The system is in the following condition good. The point of diversion is located from the NE corner of Section 25-T112N-R51W, 1400'W 650'S. The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water and/or storing 0 acre-feet of water which is to be used for rural water system purposes. Water has been put to beneficial use to the maximum extent as follows:

comprising a total of 0 acres of land and the license should be issued for 0.89 cfs and/or 0 acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: noneDate August 7, 1991

Mark D. Rath  
Natural Resources Engineer II  
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 2612A-3

1. Legal location of wells: from the NE corner of Section 25-T112N-R51W, 1400'W 650  
Dams and Structures
2. Well Information: Well Drilling Firm Ed Lacey and Sons  
Completion Report? Yes x No      No. of Wells 1 Depth(s) 41 feet  
Casing a) diameter 14 inches      Screen a) type stainless steel  
b) length 27 feet      b) length 15 feet  
c) type steel      Static Water Level 8 feet  
Pump a) make Grunfos      Motor a) make Jacuzzi  
b) model submersible      b) model no.  
c) size      c) horsepower rating  
d) capacity 400 GPM      d) serial no.  
e) turbine pump - no. of stages  
f) operating PSI
3. Distribution lines or canals  
a) size 6 inches  
b) type PVC  
c) length 1300 feet

2612A-3

NOTE: For Permits with additional wells or changes in well locations,  
record the following for each well: pumping capacity, date  
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

| Yes       | No | Check Items                                                                                                            |
|-----------|----|------------------------------------------------------------------------------------------------------------------------|
| <u>NA</u> |    | 1. Soil and water permit lands agree with lands being irrigated<br>and lands listed on permit?                         |
| <u>Y</u>  |    | 2. Special qualifications to permit being abided by?                                                                   |
| <u>Y</u>  |    | 3. All structures, wells and lands on map?                                                                             |
| <u>NA</u> |    | 4. Irrigation Questionnaires checked to determine if permit<br>owner started irrigation by end of construction period? |
| <u>NA</u> |    | 5. Is chemigation used?                                                                                                |
| <u>NA</u> |    | 6. If yes, does equipment comply with chemigation rules?                                                               |

REMARKS:

2612A-3

*This Agreement*, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ June, 1989, by and between HOWARD GERINGER and ARDIS GERINGER, husband and wife,

\_\_\_\_\_ hereinafter described as Seller S, and KINGBROOK RURAL WATER SYSTEM, INC., of Arlington, South Dakota, and BROOKINGS-DEUEL RURAL WATER SYSTEM, INC., of hereinafter described as Buyer S, with sscth: Toronto, South Dakota,

If the Buyer S shall first make the payments and perform the covenants hereinafter mentioned on their part to be made and performed, the said Seller S hereby covenants and agrees to convey and assure to the Buyer S, in fee simple, clear of all incumbrances, whatever, by a good and sufficient Warranty Deed, the real property situated in the County of \_\_\_\_\_ Brookings and State of South Dakota described as tenants in common, each an undivided one-half ( $\frac{1}{2}$ ) interest in the following described real estate, to-wit:

The Northeast One-fourth (NE $\frac{1}{4}$ ) of the Northeast One-fourth (NE $\frac{1}{4}$ ) of Section Twenty-five (25), (excepting therefrom Outlot "A"), Township One Hundred Twelve (112) North, Range Fifty-one (51) West of the Fifth Principal Meridian, Brookings County, South Dakota, including an existing irrigation well and the water rights thereto.

\_\_\_\_\_

And as consideration therefor the Buyer S hereby covenants and agrees to pay the Seller S the sum of Thirty-Four Thousand and no/100 - - - - - (\$34,000.00) Dollars payable at the residence of First \_\_\_\_\_ at \_\_\_\_\_ RFD, Bruce, \_\_\_\_\_ South Dakota, in the manner following:

The sum of \$ 10,000.00 at or before the execution of this contract;  
The sum of \$ 3,906.00 on the 1st day of \_\_\_\_\_ June \_\_\_\_\_, 1990 ;  
The sum of \$ 3,906.00 on the 1st day of \_\_\_\_\_ June \_\_\_\_\_, 1991 ;

The Buyer S agrees to keep the buildings insured for the sum of at least \$ N/A against Fire, Lightning, Wind and Extended Coverage in a company or companies satisfactory to the Seller S, with loss payable as the interests of the parties shall appear.

The Seller S will deliver to the Buyer S on or before on demand a duly certified abstract of title/title insurance policy to said property for examination and will promptly take proper steps to overcome any legal and valid objections to the title, and upon payment of the balance of the purchase price will deliver to the Buyer S a warranty deed as above provided together with an abstract of title/title insurance policy to said property duly certified to date showing marketable title in the Seller S free and clear of all encumbrances.

The Buyer S shall have possession of said property and the rents, issues and profits thereof from June 1, 1989.

Buyers shall be entitled to credit against the down payment for the sum of \$1,000.00 paid as a purchase option on the above described premises. It is acknowledged that the

2612A-3

 **Department of  
Water & Natural Resources**

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

July 18, 1989

Patrick Gilligan  
Brookings-Denel & Kingbrook RWS  
Box 84  
Toronto SD 57268

Dear Mr. Gilligan:

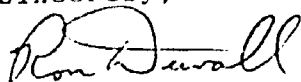
This letter is in response to the water permit application to change the type of water use authorized by Water Right No. 2612-3. The following information is needed to complete the water permit application:

- 1) The Notice of Transfer (copy enclosed) notes 47 acres are involved in a title transfer. Water Right No. 2612-2 authorizes irrigation of 70 acres. I need to know if the remaining 23 acres are to continue being irrigated or if the entire irrigation system has been abandoned.
- 2) The enclosed map needs to be signed according to the directions on the enclosed instruction sheet. I also believe the legal description of the well location is incorrect. The correct legal description is the NE1/4 NE1/4 not the NE1/4 NE1/4 NE1/4 as specified on the application and map. I will make the change on your application with your written permission.
- 3) I believe the Water Rights Division has the original well log on file (copy enclosed). This log does not include a description of the actual well construction. Please indicate if the well has been grouted and include any other information regarding the well construction. Use of the well, if the application is approved, will require compliance with applicable well construction standards.

The water permit application can not be considered by the Water Management Board until the application is complete. Please complete the above requests to complete this application.

If you have any questions, please contact me.

Sincerely,



Ron Duvall  
Natural Resources Engineer  
605 775-3352

enc.



2612A-3

# BROOKINGS-DEUEL

Rural Water System, Inc.



R.R. 2 Box 84

Toronto, South Dakota 57268

(605)794-4201

July 21, 1989



Mr. Ron Duvall  
Natural Resources Engineer  
South Dakota Department of  
Water and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Dear Ron:

Enclosed is the revised application for transfer of water rights. I was not aware of the changes and apologize for the inconvenience.

The following information and changes are enclosed:

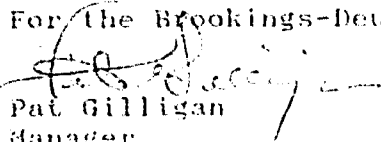
1. Notice of transfer which involves 45 acres, 40 acres were purchased from Mr. Geringer and the 5 acres already owned by the water systems. A copy of the purchase agreement is attached to the ASCS map signed by Doris Schumacher, County Director.

The irrigation system has been removed and the remaining acres are in the CRP Set Aside and will not be irrigated.

2. The ASCS map was measured by the Brookings County office and signed by the County Director. The legal description is correct as you described. Please make the change on the application.
3. The well presently has a static water level at 8 feet below ground surface. A pitless adapter was installed (6 feet bury) and grouted at the joint level. Also the top of the well has a cement pad (4x4) at ground surface. A 6 inch transmission line is attached to the adapter and a submersible electric pump will be utilized.

If you need additional information, please contact me. Thank you for your efforts and cooperation.

For the Brookings-Deuel Rural Water System,

  
Pat Gilligan  
Manager

Enclosures

We have changed over the years, the method of handling water from an open well with a rope and a bucket to electric pumps, but rural water systems have provided the only real improvement in the quality of the water in rural areas, a factor that makes the effort worthwhile

## Conversation or File Documentation

NAME OF PERSON OR FILE: Brookings - Deuel / Kingbrook RWS

ADDRESS: \_\_\_\_\_ COUNTY \_\_\_\_\_

DATE: 7/28/89 TELEPHONE 794-4201RE: Counties served by the rural water systems

COMMENTS:

Contacted Pat Gilligan regarding the service area  
to determine the counties in which public notice  
should be given:

Hamlin Co. Deuel Co.

|                                     |                            |
|-------------------------------------|----------------------------|
| <u>Hamlin Co. Herald Enterprise</u> | <u>Clear Lake Courier</u>  |
| <u>Box 207 (Wed)</u>                | <u>Box 277 (Wed)</u>       |
| <u>Hayti SD 57241</u>               | <u>Clear Lake SD 57226</u> |

Brookings Co. Kingsbury Co.

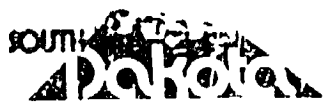
|                                 |                              |
|---------------------------------|------------------------------|
| <u>Brookings Daily Register</u> | <u>Lake Preston Times</u>    |
| <u>Box 177</u>                  | <u>Box 368 (Wed)</u>         |
| <u>Brookings SD 57006</u>       | <u>Lake Preston SD 57249</u> |

Moody Co.

|                             |  |
|-----------------------------|--|
| <u>Moody Co. Enterprise</u> |  |
| <u>Box 71 (Wed)</u>         |  |
| <u>Elandreau SD 57028</u>   |  |

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

2612A-3



## Department of Water & Natural Resources

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

APR 6 1990

Patrick N. Gilligan, Agent  
Brookings-Deuel RWS/Kingbrook RWS  
Joint Well Field  
Box 84  
Toronto, SD 57268

Dear Mr. Gilligan:

Enclosed is Water Permit No. 2612A-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

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

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

April 30, 1990

**NOTICE**

TO: Patrick Gilligan  
Brookings-Deuel & Kingbrook RWS  
Box 84  
Toronto SD 57268

FROM: John Hatch, Chief Engineer *John Hatch*  
Water Rights Division  
605 773-3352

SUBJECT: Amendment of Water Permit No. 2612A-3

The Water Management Board will consider amending Water Permit No. 2612A-3 by adding the following qualification:

5. Approval of Permit No. 2612A-3 incorporated applicable portions of Water Right No. 2612-3 into Permit No. 2612A-3 with water use for irrigation as authorized by No. 2612-3 abandoned.

The purpose of this qualification is to clarify that water is no longer available for irrigation use under Water Right No. 2612-3. Enclosed is a copy of Permit No. 2612A-3 with the four existing qualifications.

The hearing to consider amending Permit No. 2612A-3 to add qualification No. 5 will be held on May 23, 1990, at 10:00 am, Pelican Poom, Ramkota Inn, Highway 212 West, Watertown SD. The agenda time is an estimate. The actual time of hearing may be later than 10:00 am due to prior agenda items. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-5, 46-2-9 and 46-2-11 and the hearing will be held pursuant to SDCL 46-1-14 and 46-2-17.

After all evidence is taken at the hearing, the Board may issue a decision to: 1) amend Permit No. 2612A-3 to add qualification No. 5, 2) defer action or 3) take no action. This hearing is an adversary proceeding. Any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited, if not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: John Haak, Assistant Attorney General  
Howard Geringer, RR 1, Box 10, Bruce SD

## CERTIFICATION

## CERTIFICATION

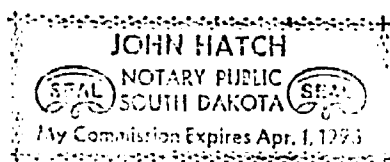
I hereby certify that on April 30, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on Amendment of Water Permit No. 2612A-3 addressed as stated on the notice and a copy sent to Howard Geringer (address on notice).

*Karen Schlaak*  
KAREN SCHLAACK  
Senior Secretary

KAREN SCHLAACK  
Senior Secretary

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )

Sworn to, before me, this 2nd day of May, 1990.



John Hatch  
Notary Public

Notary Public

ATTACHMENT TO WATER PERMIT NO. 2612A-3  
BROOKINGS-DEUEL / KINGBROOK RURAL WATER SYSTEM

Following a hearing by the Water Management Board on May 24, 1990, Water Permit No. 2612A-3 was amended by adding the following qualification:

Approval of Permit No. 2612A-3 incorporated applicable portions of Water Right No. 2612-3 into Permit no. 2612A-3 with water use for irrigation as authorized by No 2612-3 abandoned.

2612A-3

**SOUTH DAKOTA** Department of  
**Water & Natural Resources**

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

May 31, 1990

NOTICE

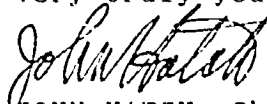
Patrick Gilligan  
Brookings-Deuel & Kingbrook RWS  
Box 84  
Toronto SD 57268

Dear Mr. Gilligan:

This letter is in response to action taken by the Water Management Board at the hearing on May 24, 1990 to amend the qualifications on Water Permit No. 2612A-3. The Board amended Permit No. 2612A-3 by adding the qualification on the enclosed "Attachment". The "attachment" should be placed with the permit.

Please contact us if you have any questions.

Very truly yours,



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

enclosure

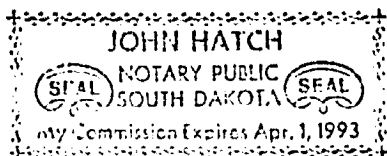
## CERTIFICATION

I hereby certify that on May 31, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice pertaining to water Permit No. 2612A-3 addressed as stated on the Notice.

*Karen Schlaak*  
KAREN SCHLAACK  
Senior Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES        )

Sworn to, before me, this 1st day of June, 1990.



*John Hatch*  
Notary Public

2612A-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

September 5, 1991

2612A-3  
5108-3  
5185-3

Pat Gilligan  
Brookings-Deuel RWS  
RR 2 Box 84  
Toronto, SD 57268

Dear Mr. Gilligan:

Enclosed are the Notice of Completion of Works forms for Water Permit Nos. 2612A-3 and 5108-3 that I spoke to you about. Please complete and return them to this office. I would also appreciate it if you could check to see if you have the as completed well logs for the well in the SW1/4 of Section 8 and the well in the NW1/4 of Section 16, both in T115N-R48W.

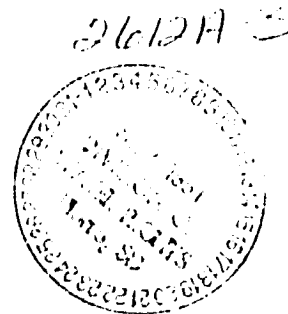
Please address the envelope attn: Mark Rath. If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mark D. Rath', is written over a horizontal line.

Mark D. Rath  
Natural Resources Engineer II  
Division of Water Rights  
(605) 773-3352

enclosures



NOTICE OF COMPLETION OF WORKS AND  
APPLICATION OF WATER TO BENEFICIAL USE

Date September 6, 1991

TO: Water Rights Division, DWR  
Joe Foss Building  
Pierre SD 57501-3181

FROM: Brookings-Deuel/Kingbrook Joint Well Field RR 2 Box 84 Toronto, SD  
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2612A-3.

Water Permit No. 2612A-3 states that the diversion system is to be constructed by \_\_\_\_\_, and that the water it put to beneficial use by 6-7-1990.

The diversion system was completed on Aug 1991.  
Applying the water to beneficial use was completed on \_\_\_\_\_.

You may schedule an inspection so that the Water License may be issued.

[Signature]  
signature

2612A-3

*South Dakota*

GREAT FACES. GREAT PLACES

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501 3181

December 19, 1991

2612A-3

Pat Gilligan  
Brookings-Deuel RWS  
RR 2, Box 84  
Toronto SD 57268

Dear Mr. Gilligan:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2612A-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

*Genny McMath*

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

2612A-3

612994

Pierre, January 6, 1992

RECEIVED OF Brookings-Bauele-Kingbrook Joint Wellfield, RR 2, Box 84, Toronto, SD 57260

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. _____ after period of seven years.                                                     |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Permit 2612A-3</u>        | 50    | 00    |
| 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 | 50.00 |

By [Signature]  
Chief Engineer

2612A-3



AUG 5 1992

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

2612A-3

Brookings-Deuel Rural Water System  
Kingbrook Rural Water System  
RR 2, Box 84  
Toronto, SD 57268

Dear Sirs:

Enclosed is Water License No. 2612A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412994 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2612A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read 'John Hatch', is written over the typed name.

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

enclosures

2612A-3

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 6, 1980

RECEIVED OF Brookings-Deuel-Kimbrough Joint Well Field, Box 81, Toronto, SD 57268  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                               |    |    |
|-------------------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit No. <u>2612A-3</u> to Appropriate Water, to construct works and to put water to beneficial use | 50 | 00 |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use                                                  |    |    |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                        |    |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                           |    |    |
| Fee for Filing Transfer Form _____                                                                                            |    |    |
| Fee for Filing Extension Request _____                                                                                        |    |    |
| Fee for Certified Copy of _____                                                                                               |    |    |
| Fee for Print Copy of Map _____                                                                                               |    |    |
| Fee for Certifying _____                                                                                                      |    |    |
| Fee for _____<br>(Any Other Work Provided by Law)                                                                             |    |    |
| Total                                                                                                                         | 50 | 00 |

By John G. Hite  
Chief Engineer

## NOTICE OF WELL CONSTRUCTION

Location of well: NE 1/4 NE 1/4 Section 25 Township 112 N Range 51 W  
Well owner: Howard Geringer Bruce, South Dakota  
(Name) (Address)  
Date well drilling completed 9-16-76 Purpose of well Irrigation  
(Date, month, day, year) (Use, use, use, use, use, use, use, use)

[illegible]

If a flowing well, flow of completed well \_\_\_\_\_ 9 P.M.

Name of Drilling Contractor

Company name and size of pump \_\_\_\_\_ HP \_\_\_\_\_  
Type of pump \_\_\_\_\_ Capacity of installed pump \_\_\_\_\_ GPM \_\_\_\_\_  
Depth of pump placement \_\_\_\_\_ ft., Date of pump installation \_\_\_\_\_

Show exact vertical length of water surface measuring tube, when installed (\_\_\_\_\_ ft), tube diameter \_\_\_\_\_,  
tube material \_\_\_\_\_.

Name of Pump Installation Site: \_\_\_\_\_

2612A-3

ED H. LACEY & SONS  
Box 796  
TRENT, SOUTH DAKOTA 57065

PHONE (605) 428-5686 Ed (605) 428-5979 Jim  
(605) 428-5141 Mike (605) 428-5101 Ted

- Irrigation Supplies
- Berkeley Pumps
- E-Z Rain Machines
- Aluminum or Plastic Pipe
- Nelson Volume Guns
- Traveling Gun Hose
- Hot Vulcanized Hose Repair
- Gravel Packed Irrigation Wells
- Test Boring
- Western and Roller Pumps, Turbine Pumps
- Ground Water Heat Pumps
- Wood Stoves

2003 Feb. 4, 1981

Brookings Davel RWS #4 Test Pump

| Time  | Well      | Flow | Head      | Pressure | Notes |
|-------|-----------|------|-----------|----------|-------|
| 9:30  | 18'9"     |      |           |          |       |
| 9:31  | 18'9"     |      |           |          |       |
| 9:32  | 18'4"     |      |           |          |       |
| 9:33  | 18'5"     |      |           |          |       |
| 9:36  | 18'5"     |      |           |          | 9:34  |
| 9:37  | 18'5 1/2" |      |           |          | 9:35  |
| 9:40  | 25'7"     | 750  | 19'5"     |          |       |
| 9:45  | 25'8"     | 750  | 19'7"     |          |       |
| 9:50  | 25'10"    | 750  | 19'6 1/2" |          |       |
| 10:00 | 25'10"    | 750  | 19'7 1/2" |          |       |
| 10:15 | 25'10"    | 750  | 19'9"     |          |       |
| 10:30 | 25'10"    | 750  | 19'       |          |       |
| 12:16 | 25'10"    | 750  | 20'       |          |       |
|       |           |      |           | 19'1"    |       |

Shut-off 12:30

Recovery

| Time  | Well      | Flow | Head       | Pressure | Notes           |
|-------|-----------|------|------------|----------|-----------------|
| 12:31 | 18'       |      | 18'1"      |          | 12:32 18'5"     |
| 12:32 | 18'10"    |      | 18' 1/2"   |          | 12:33 18'5"     |
| 12:34 | 18'6 1/2" |      | 17'11 3/4" |          | 12:35 18'4 3/4" |
| 12:36 | 18'6 1/2" |      | 17'11 3/4" |          | 12:37 18'4"     |
| 12:38 |           |      | 17'11"     |          | 12:39 18'4"     |
| 12:40 |           |      | 17'11"     |          | 12:41 18'3 1/2" |
| 12:46 | 18'5 1/4" |      | 17'11 1/2" |          | 12:47 18'2"     |
| 12:50 | 18'5"     |      | 17'11 1/2" |          | 12:51 18'2"     |
| 1:00  | 18'4 3/4" |      | 17'11 1/2" |          | 1:01 18'1"      |
| 1:17  | 18'3 1/4" |      | 17'11"     |          | 1:18 18'        |
| 1:31  | 18'2"     |      | 17'11"     |          | 1:32 17'11 1/2" |
| 2:15  | 18'1 1/2" |      | 17'11"     |          | 2:17 17'11"     |

# WELL TEST DATA SHEET

SHEET \_\_\_\_\_ OF \_\_\_\_\_  
2612A-3

PROJ. # \_\_\_\_\_ DATE TESTED 10-22-82

THIS SHEET RECORDS: WELL O.W.

READINGS BY Lacey

DRAWDOWN ☒

WELL I.D. # 6 1/2" Borehole 11"

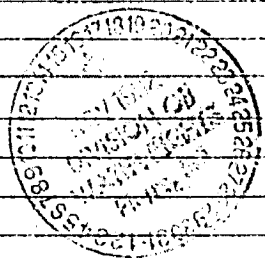
RECOVERY ☒

LOCATION FROM PROD. WELL \_\_\_\_\_

STATIC LEVEL \_\_\_\_\_

T/WELL \_\_\_\_\_ INCHES ABOVE GROUND

| DATE | TIME  | LAP TIME<br>MIN.<br>Well | FEET TO<br>WATER<br>No. Point | DRAWDOWN<br>or<br>RECOVERY | PIEZ. READING<br>IN. or<br>METER READING | FLOW<br>GPM | REMARKS |
|------|-------|--------------------------|-------------------------------|----------------------------|------------------------------------------|-------------|---------|
|      | 9:45  |                          |                               |                            |                                          |             |         |
|      | START | 9'                       | 8'6"                          | Time                       | 7.5                                      |             |         |
|      | 8:46  | 28'6"                    | 10'2"                         |                            | 10'                                      |             |         |
|      | 8:47  | 28'8"                    | 10'8 1/2"                     |                            | 10' 1/2"                                 | 700         |         |
|      | 8:48  | 28'8 1/2"                | 10'3"                         |                            | 10' 1/2"                                 |             |         |
|      | 8:49  | 28'10"                   | 10'3 1/2"                     |                            | 10' 1/2"                                 |             |         |
|      | 8:50  | 28'9"                    | 10'3 1/2"                     |                            | 10' 1/2"                                 | 700         |         |
|      | 8:55  | 28'10"                   | 10'4 1/2"                     |                            | 10' 1/2"                                 |             |         |
|      | 9:00  | 28'9 1/2"                | 10'5"                         |                            | 10' 1/2"                                 | 700         |         |
|      | 9:05  | 28'10"                   | 10'2"                         |                            | 10' 1/2"                                 |             |         |
|      | 9:15  | 28'11"                   | 10'6 1/2"                     |                            | 10' 1/2"                                 |             |         |
|      | 9:45  | 27'4 1/2"                | 10'9"                         |                            | 10' 7"                                   | 700+        |         |
|      | 10:15 | 22'2"                    | 10'10 1/2"                    |                            | 10' 8"                                   |             |         |
|      | 10:45 | 22'4 1/2"                | 11'0"                         |                            | 10' 9 1/2"                               | 700+        |         |
|      | 11:15 | 22'4 1/2"                | 11'1"                         |                            | 10' 10"                                  |             |         |
|      | 11:45 | 22'4 1/2"                | 11'3 1/4"                     |                            | 10' 10 1/2"                              |             |         |
|      | 12:45 | 22'6"                    | 11'3"                         |                            | 11'0"                                    | 700+        |         |
|      | 1:45  | 22'6 1/2"                | 11'3 1/2"                     |                            | 11' 1 1/2"                               | 700+        |         |
|      | 2:45  | 23'7 1/2"                | 11'5"                         |                            | 11' 2 1/2"                               | 700+        |         |
| FW   | 2:46  | 10'0"                    | 9'8 1/2"                      |                            | 9' 7 1/2"                                | -0-         |         |
| ↑    | 2:47  | 9'11"                    | 9'8"                          |                            | 9' 7 1/2"                                |             |         |
|      | 2:48  | 10' 1/2"                 | 9'7 1/2"                      |                            | 9' 8"                                    |             |         |
|      | 2:49  | 10' 1/2"                 | 9'7 1/2"                      |                            | 9' 8"                                    |             |         |
|      | 2:50  | 10' 1/2"                 | 9'7 1/2"                      |                            | 9' 7 1/2"                                |             |         |
|      | 2:55  | 10'0"                    | 9'7"                          |                            | 9' 6"                                    |             |         |
|      | 3:00  | 9'11 1/2"                | 9'6 3/4"                      |                            | 9' 6 3/4"                                |             |         |
|      | 3:15  | 9'10"                    | 9'5"                          |                            | 9' 4 1/2"                                |             |         |
|      | 3:30  | 9'8"                     | 9'3 1/2"                      |                            | 9' 3 1/2"                                |             |         |
|      | 3:45  | 9'7"                     | 9'2 1/2"                      |                            | 9' 2"                                    |             |         |



LACEY WELL DRILLING  
TRENT, SOUTH DAKOTA

Top  
of  
casing  
at  
depth

- Irrigation Supplies
- Berkeley Pumps
- E-Z Rain Machines
- Aluminum or Plastic Pipe
- Nelson Volume Guns
- Travelling Gun Hose
- Hot Vulcanized Hose Repairs
- Gravel Packed Irrigation Wells
- Test Boring
- Westernhand Roller Pumps, Turbine Pumps
- Ground Water Heat Pumps
- Wood Stoves

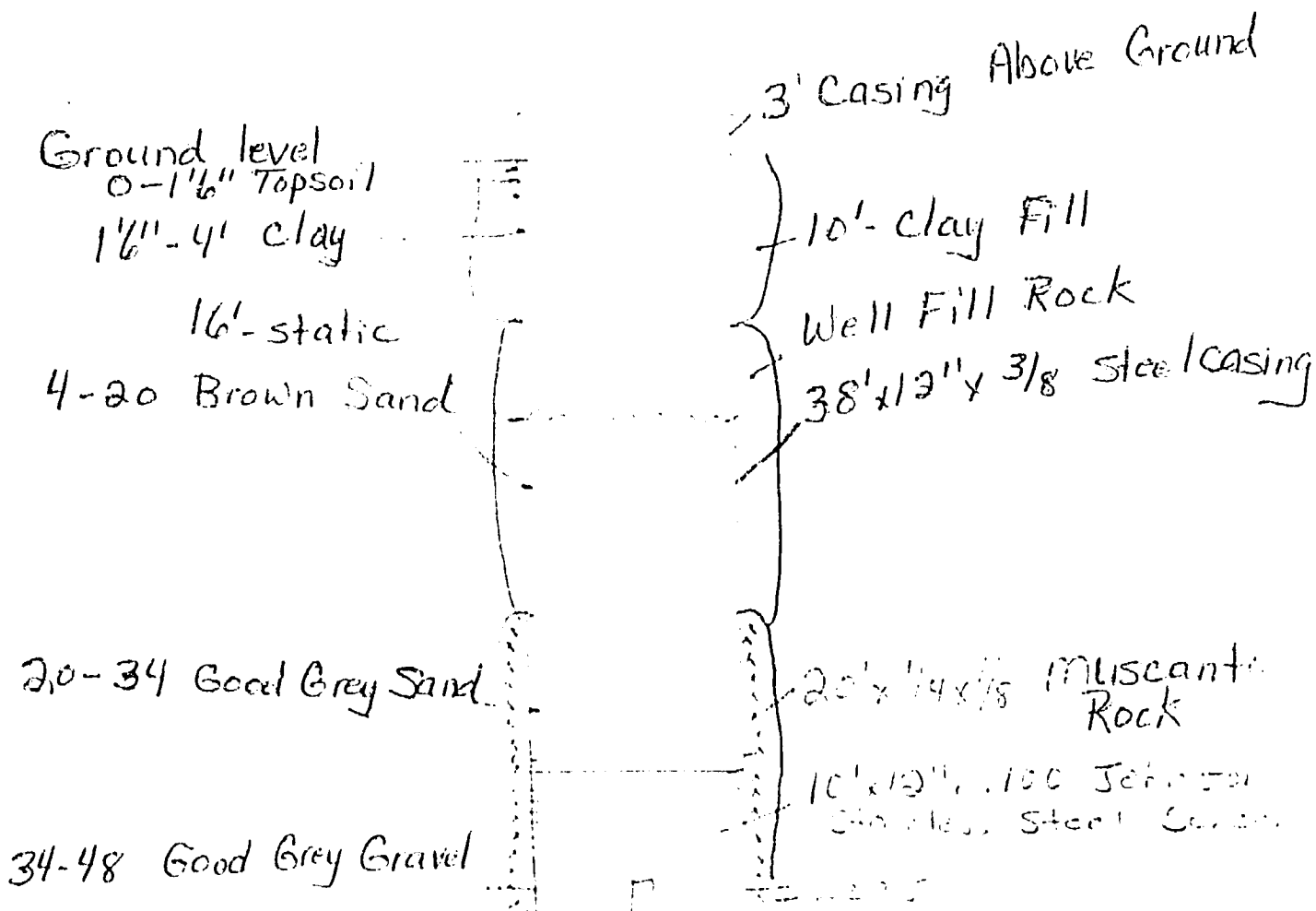
ED M. LACEY & SONS  
Box 796  
TRENT, SOUTH DAKOTA 57065

PHONE (605) 428-5686 Ed (605) 428-5979 Jim  
(605) 428-5141 Mike (605) 428-5101 Ted

well #1/2612A-3

Good Ground  
rock

Brookings - Devel RWS  
Well #1  
By: Jim Lacey  
Done: Feb 4, 1981



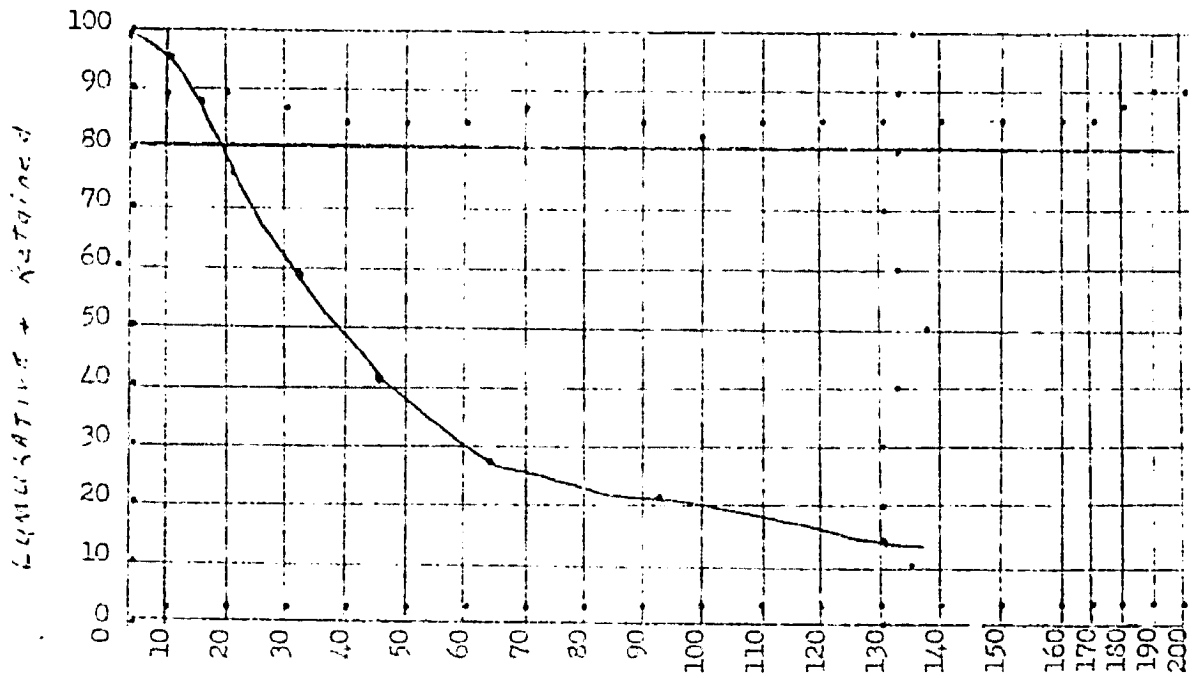
2612A-3 \

ED H. LACEY & SONS  
Trent, SD 57065

GRAVEL ANALYSIS

NAME: Brookings - D-1 PWS  
ADDRESS: \_\_\_\_\_  
LEGAL DESCRIPTION: \_\_\_\_\_

DATE: 1-30-81  
Well BORE SAMPLE  
34'



STIEVE SIZE IN THOUSANDS 7090 = .025

| TOTAL WEIGHT | dust   | .0082 | .0116 | .0164 | .0232 | .0328 | .046 | .065 | .093 | .131 |
|--------------|--------|-------|-------|-------|-------|-------|------|------|------|------|
| WEIGHT       | - 16 - | 22    | 47    | 66    | 64    | 45    | 27   | 23   | 55   | 365  |
| RETAINED     | 4.4    | 6.0   | 12.9  | 18.1  | 17.5  | 12.3  | 7.4  | 6.3  | 15.1 |      |
| TOTALS       | 100    | 95.6  | 89.6  | 76.7  | 58.6  | 41.1  | 28.8 | 21.4 |      |      |

|  |  |     |
|--|--|-----|
|  |  | 1 ~ |
|  |  |     |

2612A-3

ED H. LACEY & SONS  
Trent, SD 57065

## GRAVEL ANALYSIS

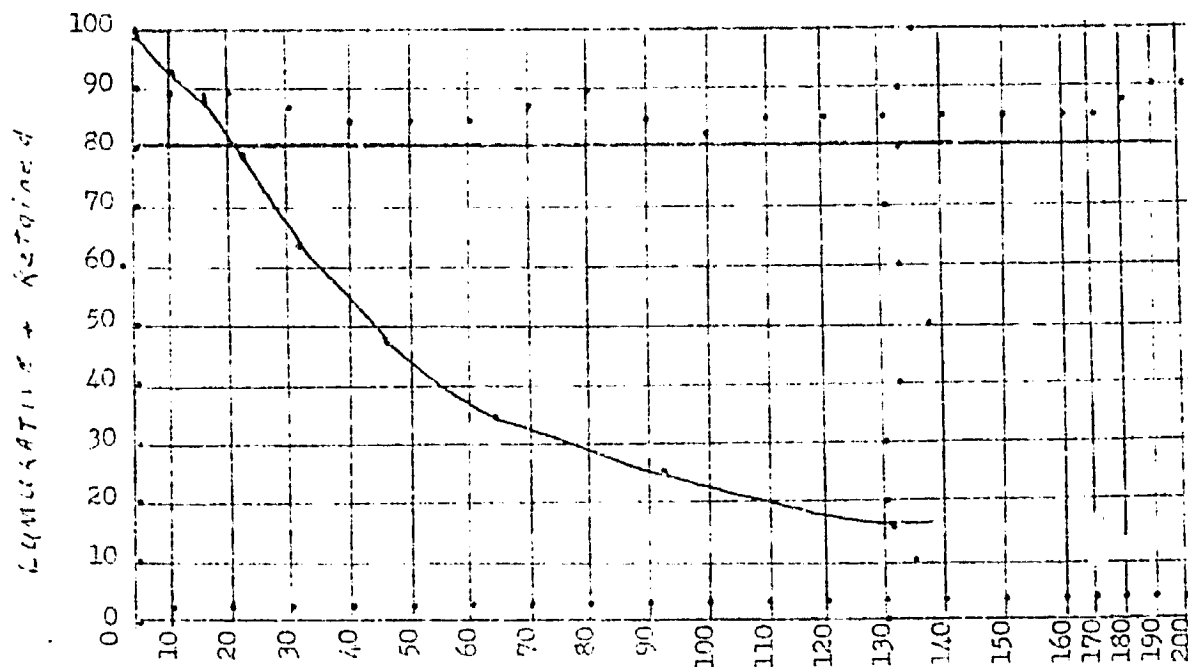
NAME: Bark & Dust PlusDATE: 1-30-81

ADDRESS: \_\_\_\_\_

Well PORE SAMPLE

LEGAL DESCRIPTION: \_\_\_\_\_

40'

SIEVE SIZE IN THOUSANDS  $70\% = .028$ 

| TOTAL WEIGHT | dust | .0082 | .0116 | .0162 | .0232 | .0328 | .046 | .065 | .093 | .131 |
|--------------|------|-------|-------|-------|-------|-------|------|------|------|------|
| WEIGHT       | - 20 | - 21  | 37    | 54    | 60    | 53    | 35   | 32   | 62   | 314  |
| % RETAINED   | 5.3  | 5.6   | 9.9   | 14.4  | 16.0  | 14.2  | 9.4  | 8.6  | 16.6 |      |
| TOTALS       | 100  | 94.7  | 89.1  | 79.2  | 64.8  | 48.8  | 34.6 | 25.2 |      |      |

|  |  |
|--|--|
|  |  |
|  |  |

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**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

December 15, 1995

Morris Elcock, Manager  
Kingbrook Rural Water System  
Drawer 299  
Arlington SD 57212

Dear Mr. Elcock:

I am writing in response to your December 14, 1995, request for a summary of your water permits. Attached is a listing dated December 15, 1995, of the requested permits.

The listing of permits is grouped by aquifer: BS-NSC (Big Sioux-Northern Skunk Creek aquifer); VEF (Vermillion East Fork aquifer); BS-B (Big Sioux-Brookings aquifer.) The amount of water appropriated in CFS (cubic feet of water per second), AF (acre-feet of water), priority date, diversion point location, and status (PE - permit, LC - licensed, and FU - future use) is listed for each permit. Any water permit with a "PE" status will eventually be licensed following completion of an on-site investigation.

A couple points to consider when reviewing this list:

- The "CFS" listed for "PE" status permits will be reduced upon licensing if the actual diversion rate is less than the specified rate, and
- The "AF" listed for each future use permit is the number of acre-feet remaining in reserve.

Please let me know if you need any further assistance (605) 773-3352. Have a Merry Christmas!

Sincerely,

Ron Duvall  
Natural Resources Engineer  
Water Rights Program

enclosure

| PERMIT                                                                                                             | NAME                      | CFS  | AF  | PRIORITY                 | DIV. PT. LOCATION                                                                                                                             | AQUIFER                    | STATUS         |
|--------------------------------------------------------------------------------------------------------------------|---------------------------|------|-----|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------|
| 4367-3                                                                                                             | KINGBROOK RWS             | 3.00 | *   | 1979-01-09               | SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8-105N-51W<br>NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-105N-51W<br>NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9-105N-51W | BS-NSC<br>BS-NSC<br>BS-NSC | PE<br>PE<br>FU |
| 5646-3                                                                                                             | KINGBROOK RURAL WATER SYS | 1.00 | 425 | 1992-03-19               | Portions of sections 8, 9, 17; all in 105N-51W                                                                                                | VEF                        | LC             |
| *No acre-foot limitation specified on Permit No. 4367-3                                                            | KINGBROOK RWS, INC        |      | 425 | 1992-03-19               | SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8-111N-56W<br>SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8-111N-56W<br>SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-111N-56W | VEF<br>VEF<br>VEF          | LC<br>PE<br>PE |
| 5643-3                                                                                                             | KINGBROOK RWS INC         | 1.06 | *   | 1977-03-04               | SW $\frac{1}{4}$ SW $\frac{1}{4}$ 16-111N-56W                                                                                                 | VEF                        | PE             |
| 4137-3                                                                                                             | KINGBROOK RWS INC         |      | *   | 1988-03-29               | 5208A-3 changes location of diversion points                                                                                                  | VEF                        | PE             |
| 5186-3                                                                                                             | KINGBROOK RWS             | 0.70 | *   | 1988-08-15               | E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$                                                                          | VEF                        | LC             |
| 5208-3                                                                                                             | KINGBROOK RURAL WATER SYS | 1.40 | *   | 1988-08-15               | 6-111N-56W                                                                                                                                    | VEF                        | PE             |
| 5208A-3                                                                                                            | KINGBROOK RURAL WATER SYS | 1.40 | *   | 1988-08-15               | SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$<br>6-111N-56W                                                           | VEF                        | PE             |
| 5426-3                                                                                                             | KINGBROOK RWS             |      | *   | 1993-08-25               | 1.350 acre-foot annually                                                                                                                      | VEF                        | FU             |
| 5785-3                                                                                                             | KINGBROOK RWS, INC.       |      | 550 | 1988-08-15               | Portions of sections 10 & 8, 6; all in 111N-56W                                                                                               | BS-B                       | LC             |
| *Combined diversions under all permits in the Vermillion East Fork aquifer may not exceed 1.350 acre-foot annually | KINGBROOK RWS             |      |     |                          | NE $\frac{1}{4}$ 24; NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25;<br>112N-51W, NW $\frac{1}{4}$ SW $\frac{1}{4}$<br>19-112N-50W                      | BS-B<br>BS-B<br>BS-B       | LC<br>PE<br>PE |
| 5209-3                                                                                                             | KINGBROOK RWS             | 2.90 | *   | 1975-05-05<br>1977-06-06 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25-112N-51W<br>Same as 2612A-3                                                                              | BS-B<br>BS-B<br>BS-B       | LC<br>PE<br>PE |
| 5079-3                                                                                                             | BROOKINGS-DEUEL-KINGBROOK |      |     | 1976-03-01               | NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25-112N-51W                                                                                                 | BS-B                       | PE             |
| 2612A-3                                                                                                            | BROOKINGS-DEUEL-KINGBROOK | 0.89 | 210 | 1990-04-02               | Connect City of Arlington                                                                                                                     | BS-B                       | PE             |
| 5434-3                                                                                                             | BROOKINGS-DEUEL-KINGBROOK |      | 224 | 1977-06-06               |                                                                                                                                               | BS-B                       | PE             |
| 5602-3                                                                                                             | BROOKINGS-DEUEL-KINGBROOK | 1.00 | 434 | 1994-05-05               |                                                                                                                                               | BS-B                       | PE             |
| 5821-3                                                                                                             | BROOKINGS-DEUEL-KINGBROOK |      | 869 | 1977-06-06               | Parts of 24, 25-112N-51W and 19-112N-50W                                                                                                      | BS-B                       | FU             |
| *No acre-foot limitation specified on Permit No. 5079-3                                                            | BROOKINGS-DEUEL-KINGBROOK |      |     |                          | Added all SW $\frac{1}{4}$ sec 19                                                                                                             | BS-B                       | FU             |
| 3982-3                                                                                                             | BROOKINGS-DEUEL-KINGBROOK |      |     | 1994-01-10               |                                                                                                                                               | BS-B                       | FU             |
| 3982A-3                                                                                                            | BROOKINGS-DEUEL-KINGBROOK |      |     |                          |                                                                                                                                               | BS-B                       | FU             |

26/2 A-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

JUN 12 1997

5433-3  
5434-3  
5602-3

Pat Gilligan, Manager  
Brookings-Deuel Rural Water System  
RR 2, Box 84  
Toronto, SD 57268

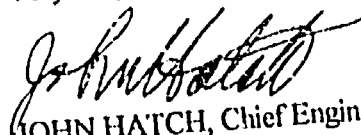
Dear Mr. Gilligan:

Enclosed are Water License Nos. 5433-3, 5434-3 and 5602-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415310, 415311 and 415312 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5433-3, 5434-3 and 5602-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm  
enclosures

NOTE: The applicable portions of Water Permit No. 2612-3 and Water Right No. 2612A-3 are incorporated into this Water License No. 5434-3.

2612A-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 7, 1992

Brookings-Deuel & Kingbrook RWS  
Patrick Gilligan  
Box 84  
Toronto SD 57268

Dear Mr. Gilligan:

Pursuant to a qualification on Water Permit/Right No(s).  
2612A-3 & 5434-3, we are requesting that the  
Brookings-Deuel & Kingbrook RWS report to the Chief  
Engineer the amount of water withdrawn for the year 1991.  
Please respond by February 10, 1992.

If you have any questions concerning this or other water  
rights questions, please contact Don Frye, Natural  
Resources Analyst, (605) 773-3352.

Very truly yours,

Ron Duvall,  
Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division



# BROOKINGS-DEUEL

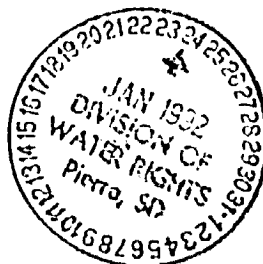
## Rural Water System, Inc.

R.R. 2 Box 84

Toronto, South Dakota 57268

(605)794-4201

January 22, 1992

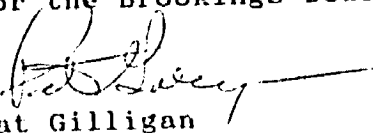


Ron Duvall  
DENR  
523 East Capitol  
Joe Foss Building  
Pierre, SD 57501

Dear Ron:

Withdrawals for permit/rights on numbers 2612A-3 and 5434-3 at the Brookings-Deuel/Kingbrook Joint Wellfield is 85,092,000 gallons for 1991.

For the Brookings-Deuel/Kingbrook Joint Wellfield,

  
Pat Gilligan

PG:ta

We have changed over the years, the method of handling water from an open well with a rope and a bucket to electric pumps, but rural water systems have provided the only real improvement in the quality of the water in rural areas, a factor that makes the effort worthwhile.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

December 23, 1992

Patrick Gilligan  
Brookings-Deuel & Kingbrook RWS  
Box 84  
Toronto SD 57268

Dear Mr. Gilligan:

Pursuant to a qualification on Water Permit/Right No(s).  
2612A-3 & 5434-3, I am requesting that the Brookings-Deuel  
& Kingbrook RWS report the amount of water diverted under  
the permit(s) during 1992. Please respond by January 15,  
1993.

If you have any questions concerning this or other water  
rights questions, please contact Barry McLaury, Natural  
Resources Analyst, (605) 773-3352.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ron Duvall", is written over a horizontal line.

RON DUVALL, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division



# BROOKINGS-DEUEL

Rural Water System, Inc.

R.R. 2 Box 84

Toronto, South Dakota 57268

(605)794-4201

December 28, 1992



Ron Duvall  
Natural Resources Engineer  
DENR - Water Rights Division  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Dear Ron:

Withdrawal under permits 2612A-3 and 5434-3 is 80,640,000 gallons for 1992.

Should you have any questions or need any additional information please contact me.

For the Brookings-Deuel/Kingbrook Joint Well Field,

Pat Gilligan

PG:lt

2612A-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

January 13, 1994

Patrick Gilligan  
Brookings-Deuel & Kingbrook Rural Water System  
Box 84  
Toronto, SD 57268

Dear Mr. Gilligan:

Pursuant to a qualification on Water Permit/Right No. 2612A-3 & 5434-3, I am requesting that the Brookings-Deuel & Kingbrook Rural Water System report the total amount of water diverted from each permit during 1993. Please respond by January 31, 1994.

If you have any questions concerning this or other water rights questions, please contact Barry McLaury, Natural Resources Analyst, (605) 773-3352.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

RON DUVALL, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division

R.R. 2 Box 84

Toronto, South Dakota 57268

(605) 794-4201

JAN 1994  
DIVISION OF  
WATER RIGHTS  
MONTGOMERY, SD

Dear Ron:

Withdrawals for permit/rights on numbers 2612A-3 and 5434-3 at the Brookings-Deuel/Kingbrook Joint Wellfield is 69,405,000 gallons for 1993.

For the Brookings-Deuel/Kingbrook JWF,

*[Signature]*

Patrick Gilligan

PG: Lt

NOT TO SCALE

N ↑

1507.8'

16.9  
T543  
4

61.4  
T624  
CRP  
#27  
30.3  
87-96

CRP  
#63

78.0  
79.8  
CRP  
#63  
87-96

38.2  
Total 45 acres

Well  
Brookings-Devel-Kingbrook  
Joint well Field

91.7

35.5  
87-96

132.0 CRP  
T979  
#127  
87-96

Davis Schumacher  
ASCS  
Co Exp On

68.9  
CRP  
86-95 12 74.8

25  
112-51  
Sec 25

1.8  
2

1.6  
3

9.5  
T561  
3

41.1

8.6

112-51

5

77.0  
T620

78.7  
79.5  
T2353  
CRP  
#63

T613

35.6

Appl. No. 2612A-3





Sec 25 112 N - 51 W

N →

(Not To Scale)

← Approx 1320'

Approx 1320'

well

NE 1/4 NE 1/4 NE 1/4

Raw water  
Transmission  
line 6"

Treatment  
Plant

BrKgs Co Rd #7

Appl. No. 2612A-3