

Water Right Number 3140-3

1. Considered 11-17, 1970
2. Name of Applicant B-Y WATER DISTRICT
3. Post Office Address TABOR
4. Amount of water claimed 6.2
5. Source of water supply MISSOURI RIVER
6. Water to be used for RURAL WATER SYSTEM

Acres to be irrigated



7. Water to be diverted and used in YANKTON County
about 12 W Miles of YANKTON

8. Proof of Publication

Received 11-12-70

Not received _____

9. Application

Approved _____

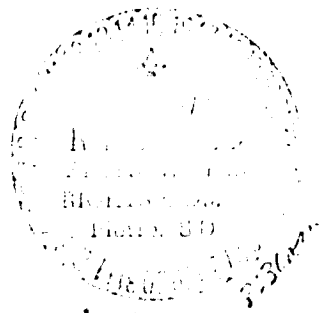
Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

Map No. 2482-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

- Name of Applicant B-Y WATER DISTRICT, State South Dakota
Post-office address Tabor
If a corporation show date and place of incorporation Applied for status as a Water User District
- Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
- Name of diversion work B-Y WATER DISTRICT
- Amount of water claimed (cubic feet per second) 6,000,000 Four million gallons per day
- Source of water supply Missouri River
- Location of point of diversion Intake structure in Section 18, Township 93 north, Range 57;
Treatment plant in Section 7, Township 93 north, Range 57; both located in the
Southwest corner of Yankton County, County Yankton
- Annual period or periods during which water is to be used yearround
- Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) domestic and livestock use
- For irrigation use, Total number of acres to be irrigated NA

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

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

Attach sheet if more space is needed

- Time required to complete construction of water supply system two years. Additional time required to complete application of water to the proposed beneficial use none years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Yankton Press & Dakotan
- Principal Features of the Proposed Water Supply System.

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

Intake structure located in the Missouri River and Water Treatment Plant located at the above described site.

B. Works proposed to transport water to place of use

Water will be transported to Water Users by underground pipes of various sizes and the use of pumping stations and storage tanks.

C. Works proposed to apply water to beneficial use.

Water will be delivered to the customer's basement.

Estimated Total Cost \$ 12,000,000.00

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

STATE OF SOUTH DAKOTA

County of Bon Homme

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

Signed James Stark

Subscribed and sworn to before me this 8th day of September 1976

Charles E. Allcock
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3140.3
B-Y WATER DISTRICT TABOR
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57063 With the following modifications:
 (State)

Date of first receipt of application OCTOBER 15, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved NOVEMBER 17, 19 76, Recorded in Book 16 Page 268

WATER RIGHT PERMIT NO. 3140-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3140.3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 15, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 17, 19 77
3. The whole of said work is to be completed on or before NOVEMBER 17, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17, 19 78
5. The water appropriated shall be used for the purpose of RURAL WATER SYSTEM USE
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 6.2 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before NOVEMBER 17, 19 78; said water to be used during the following described annual period: CONTINUOUS

Witness my hand this 23RD day of DECEMBER, 19 76

WATER RIGHTS COMMISSION

By: John Walsh
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

No. 7115-3

Publish first publication, on or before

November 6, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 28, 1976

Notice is hereby given that D-Y Water District

whose post office address is Tabor, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for

a permit to appropriate for beneficial use 6.2 cubic feet of water per

second of time from the Missouri River through the

D-Y Bon Homme Diversion, the point of diversion of which is to

be located in the SW

of Section 18, Twp. 93N, Range 57W. Said water to be used for the purpose of providing ~~irrigation on the following described land:~~

supplies for rural water system and municipal use in the water district

in portions of Yankton, Bon Homme, Hutchinson and Turner counties.

This application No. 2115-3 will be considered by the Water Rights

Commission at The Marvin Hight Hotel in Huron, South Dakota

upon the 17th day of November, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFI/bw

cc: D-Y Water District, Tabor, SD 57063

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

No. 3140-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.

I, Harry I. Speece hereby

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

Water was taken from the Daily Press & Dakotan

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 Yankton of Yankton

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

November 3, 1976

November 10, 1976

Harry I. Speece
(Signature)

Business Manager
(Title)

11-10-76

(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER
Under the provisions of the Water Rights Act of 1917, as amended, and the Water Rights Commission Act of 1917, as amended, the following notice is hereby given that H. Y. Water District, whose principal office address is Tabor, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 6.2 cubic feet of water per second of time from the Missouri River through the H-Y Don Homme Diversion, the point of diversion of which is to be located in the SW 1/4 of Section 18, Twp. 82N, Range 57W. Said water is to be used for the purpose of providing supplies for rural water system and municipal use in the water district in portions of Yankton, Bon Homme, Hutchinson and Turner counties, South Dakota.
This application No. 3140-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1976 at 10:00 a.m. All interested persons may appear and be heard.
Water Rights Commission
By: BURTON F. JONES
Water Rights Specialist





DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

MROOP-N
SD 2SB OXT 3 001515
B-Y Water District
Intake Structure/Riprap
Missouri River Mile 818.401 (1960 mileage)

20 January 1978

NOTICE OF PERMIT PENDING

The application of B-Y Water District, P.O. Box 248, Tabor, South Dakota 57063, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to place a permanent intake structure and riprap in conjunction with the installation of a wet well in Section 18, Township 93 North, Range 57 West, Yankton County, South Dakota.

The construction of the pumping station wet well will involve driving steel sheetpiling and excavating approximately 1,000 cubic yards of material. It is anticipated that the wet well will be constructed of reinforced concrete. Underwater open-cut excavation for the intake pipes will extend from the wet well to the screened end of the intake pipes. Excavation for the over bank portion of the intake pipes will be accomplished by a barge-mounted excavator or by employing an earthen cofferdam. All excavated material will be transported to a designated disposal area away from the project site. Following the installation of the 20-inch intake pipes, the trench will be backfilled with a suitable coarse granular material and properly compacted.

The pumping station site will be graded and approximately 400 tons of class III riprap will be dump-placed and leveled within the area outlined on the attached drawing (see sheet 2 of 2). The applicant will employ three vertical turbine pumps. Electrical energy to power the pumps will be provided through a 460 volt, three phase underground service.

The transmission pipeline will be installed by open trenching along the general alignment of the existing township road. The intake screens will be located as shown on sheet 2 of 2 and will be placed at an elevation of 1,188 feet sea level, and will be welded-wire type with openings of 0.1-inch. Each screen will be 24 inches in diameter and 30 inches long and flange bolted securely to the intake pipe. The through-slot velocity is rated at 0.18 foot per second.

The State of South Dakota has waived its right to certify in compliance with applicable water quality standards required under the provisions of

Section 401 of the Federal Water Pollution Control Act Amendments of 1972. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado 80203.

A preliminary assessment of the proposed action indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly, a preliminary determination has been made that this project does not warrant the preparation of an environmental impact statement.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, prehistoric, or historic data may be lost or destroyed by work to be accomplished under the requested permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Federal Water Pollution Control Act (40 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, P.O. Box 5, Omaha, Nebraska 68101.

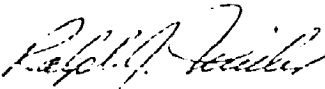
Any interested party (particularly officials of any town, city, county, state, federal agency, or local association) is invited to submit to this office written facts, arguments, or objections on or before 20 February 1978. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403) and under the provisions of Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, PL 92-500).

Drawings showing the location and extent of the work are attached to this notice.

FOR THE DISTRICT ENGINEER:

Attachments
As stated


RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division

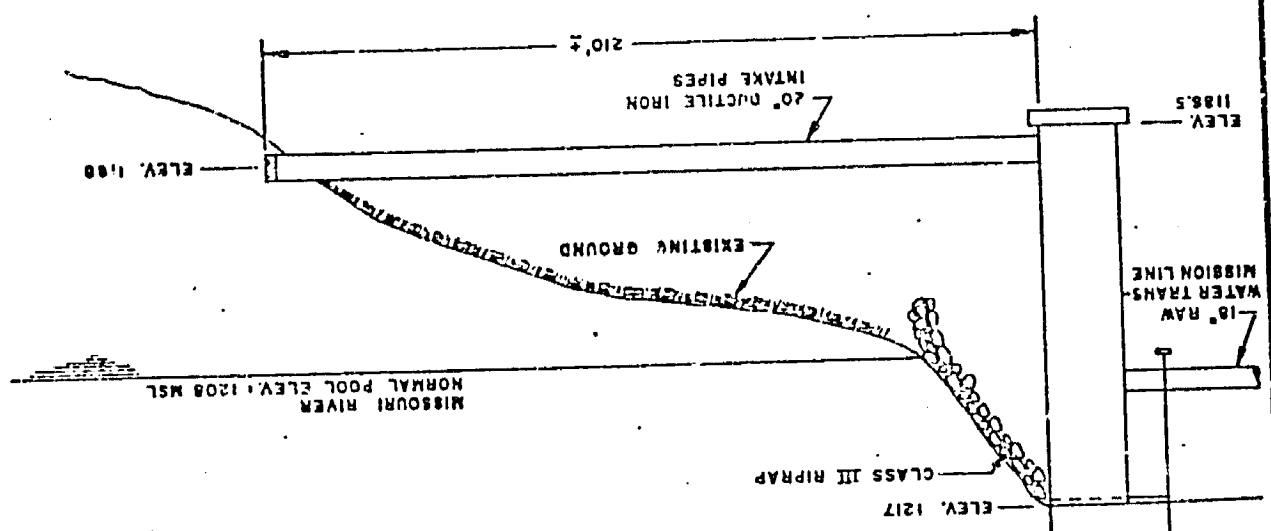
DAL 6771

IN MISSOURI RIVER
MEAN YANKTON, S.D.
COUNTY OF YANKTON STATE S.D.
APPLICATION BY B-Y WATER DISTRICT
YANKTON, S.D.
SHEET 1 OF 2 DATE 10/14/77

PURPOSE: DOMESTIC WATER SUPPLY
ADJACENT PROPERTY OWNER:
① CELTON AASLAND
DATUM: MEAN SEA LEVEL

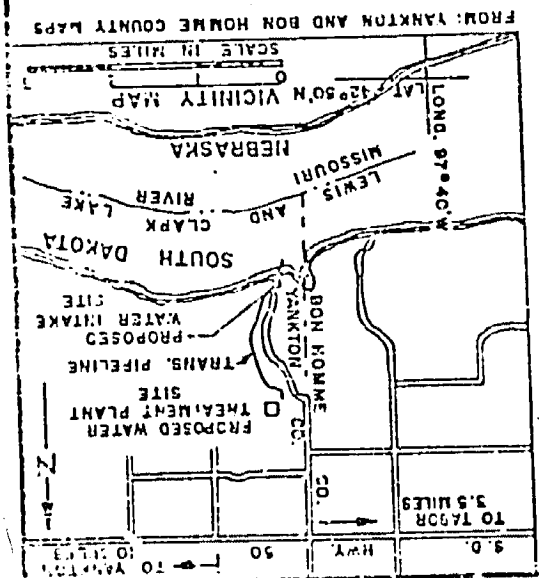
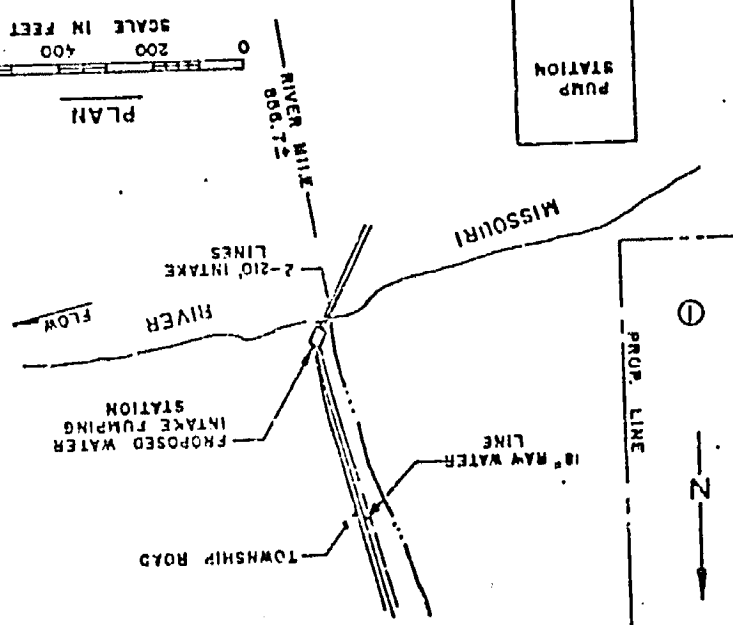
SCALE: HORIZONTAL 1"=50'
VERTICAL 1"=10'

SECTION



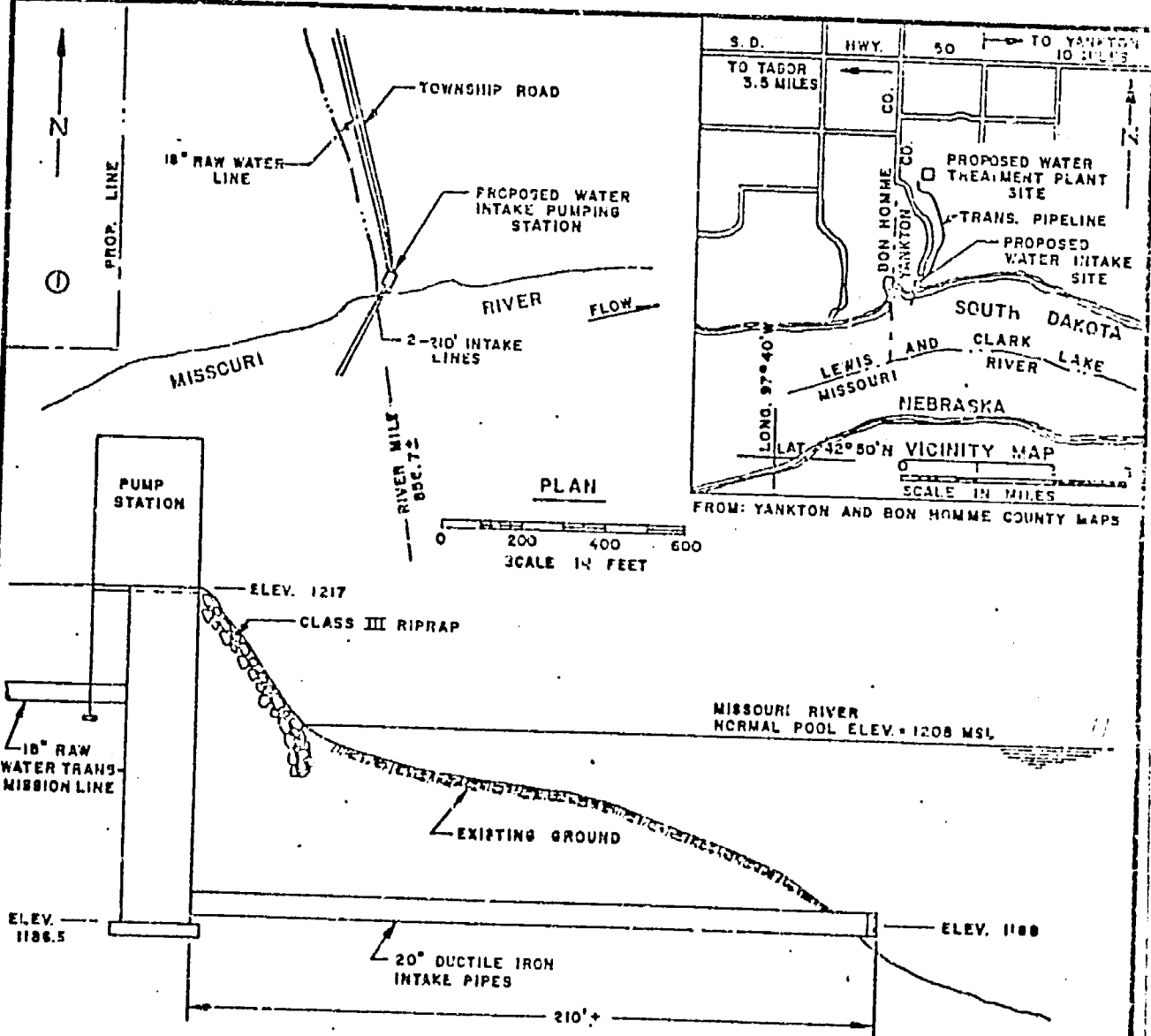
SCALE IN FEET
0 200 400 600

PLAN



SC 258 OXI 3 001515

SD 2SB OXT 3 001515



SECTION

SCALE: HORIZONTAL 1" = 50'
VERTICAL 1" = 10'

PURPOSE: DOMESTIC WATER SUPPLY

DATUM: MEAN SEA LEVEL

ADJACENT PROPERTY OWNER:

① DELTON AARLAND

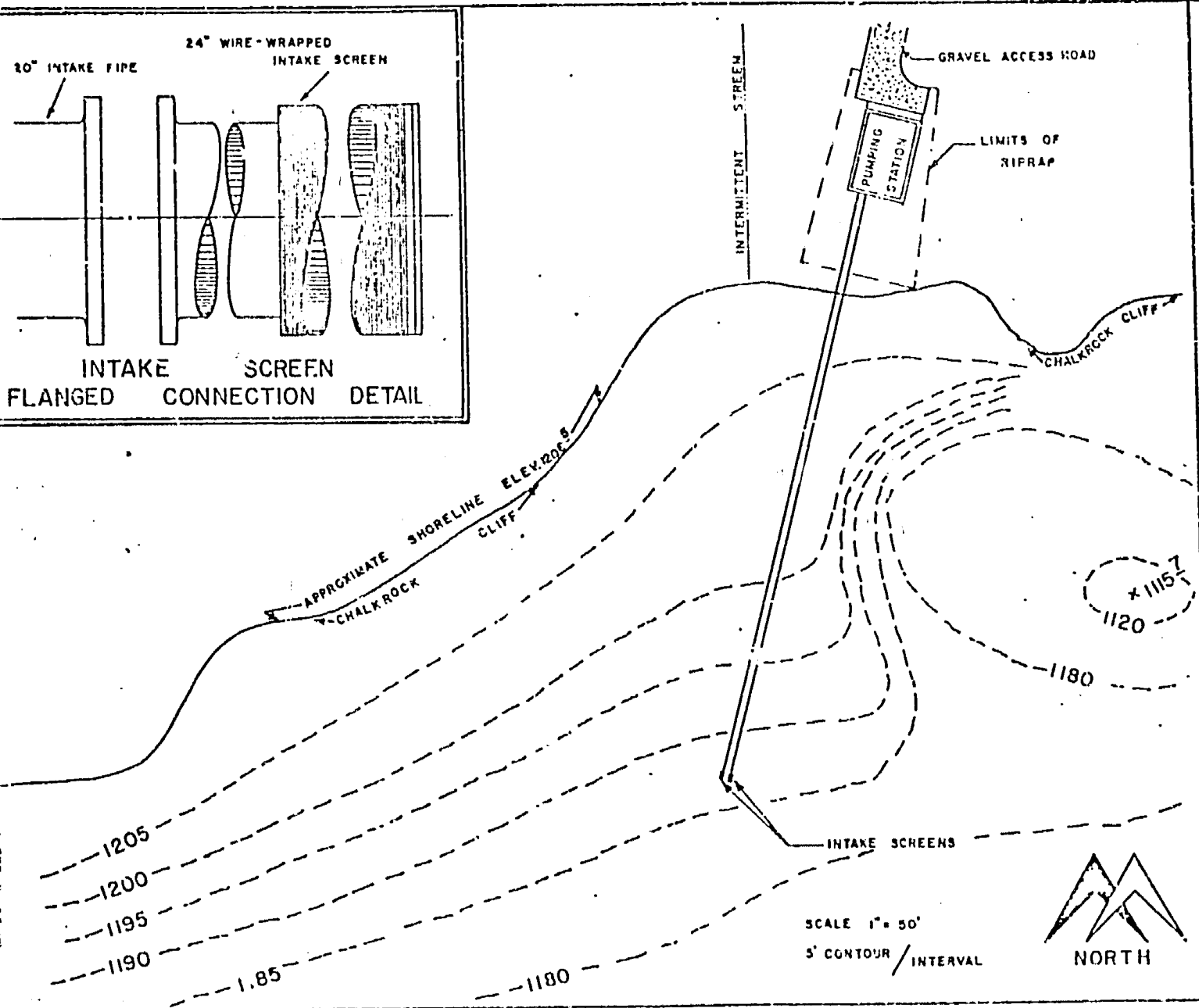
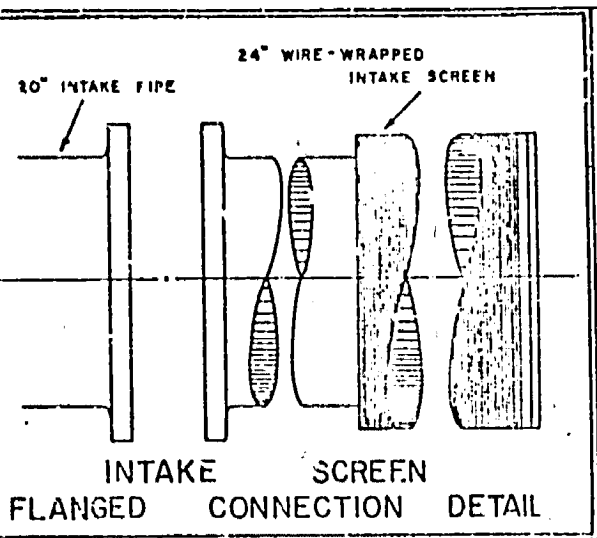
IN MISSOURI RIVER
NEAR YANKTON, S. D.

COUNTY OF YANKTON STATE S. D.

APPLICATION BY B-Y WATER DISTRICT
YANKTON, S. D.

SHEET 1 OF 2 DATE 10/14/77

DAI 6771





3140-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191
www.state.sd.us/denr

FEB 22 1999

B-Y Water District
Michael D Williams
PO Box 248
Tabor SD 57063

Dear Mr. Williams:

Enclosed are Water Permit and Water License Nos. 6105-3 and 6106-3. The water licenses are the final documents which completes the process of obtaining a water right.

As stated in the water licenses, the applicable portions of No. 5149-3 has been incorporated into No. 6105-3 and the applicable portions of No. 5824-3 and 5824A-3 have been incorporated into No. 6106-3.

As long as B-Y Water District uses the water beneficially, as stated in the Water Licenses, State Water Laws provide that the district has a continuing right to use the water.

Very truly yours

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

ks

enclosures