

**SOUTH DAKOTA
FUTURE USE WATER PERMIT NO. 3574A-3**

1. Future Use Water Permit No. 3574-3, for East Dakota Conservancy Sub-District was approved by the former Water Rights Commission on July 28, 1977 to reserve 400,000 acre feet from the Missouri River. The Missouri River diversion points could be located in Walworth, Hughes, Clay and/or Union counties. On November 3, 2003, the permit was transferred to the East Dakota Water Development District. The East Dakota Water Development District includes the counties of Grant, Codington, Hamlin, Deuel, Brookings, Kingsbury, Miner, Lake, Moody and Minnehaha.

Pursuant to the Water Management Board hearing December 3, 2003, Future Use Permit No. 3574-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 3574-3 reserve for future use a total of 145,000 acre-feet of water annually.

To reflect separate ownership, Future Use Water Permit No. 3574-3 is being divided and reissued as follows:

Future Use Permit No. 3574-3, East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006: reserves 144,000 acre-feet of water annually from the Missouri River.

Future Use Permit No. 3574A-3, Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073-6416: reserves 1,000 acre-feet of water annually from the Missouri River from not yet specified diversion points in Clay or Union Counties.

2. The water appropriated shall be used for the purpose of rural water system use, municipal and industrial and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is February 9, 1977.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- As such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities.
- This Future Use Permit No. 3574A-3 is approved with the stipulation that this permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

WATER MANAGEMENT BOARD

By: Garland Erbele

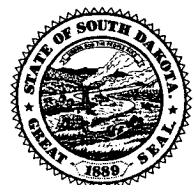
Garland Erbele, Chief Engineer

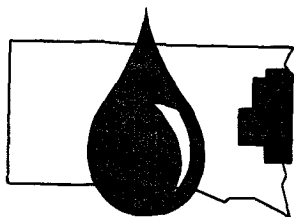
Water Rights Program

Department of Environment and Natural Resources

MAR 17 2004

date





East Dakota Water Development District
132B Airport Drive
Brookings, SD 57006

605-688-6741

605-688-6744 Fax

February 4, 2004

Garland Erbele, Chief Engineer
DENR Water Rights Program
523 East Capitol Avenue
Pierre, South Dakota 57006

Dear Mr. Erbele:

On January 22, 2004, the Board of Directors of the East Dakota Water Development District agreed to transfer a portion of the Missouri River water reserved under the District's Future Use Permit No. 3574-3 to the Clay Rural Water System, 30376 SD Highway 19, Wakonda, South Dakota 57073-6416. The District's Future Use Permit is for 145,000 acre-feet per year, to be delivered from not yet specified points in Clay, Hughes, Union and/or Walworth Counties.

Specifically, the Board agreed to transfer the right to future use of 1,000 acre-feet per year of the District's total amount of water reserved in Permit No. 3574-3. I understand that this transfer will leave the District with reserves of 144,000 acre-feet per year of Missouri River water.

If you have any questions about the Board's action, or require additional information, please let me know.

Sincerely,

Jay P. Gilbertson
Manager/Treasurer

cc: Greg Merrigan, Manager, Clay RWS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 9, 2004

RECEIVED OF Clay Rural Water System Inc., 30376 SD Hwy 19, Wakonda SD 57073-6416

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50	
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 <u>3574-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

000100

By

Darland Eide
Chief Engineer
gm

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

To: Chief Engineer
Water Rights Program, DENR
523 East Capitol Avenue

No. _____

Date: _____

FEB - 9 2004

WATER RIGHTS
PROGRAM

I/We request that a portion of Water Right/Permit No. 3574-3

currently owned in total by: East Dakota Water Development District

be transferred to (name & address): Clay Rural Water System, Inc.

30376 SD Hwy 19, Wakonda, SD 57073

Telephone No. (605) 267-2088

Title to the following described land(s)/property has been transferred as described above:

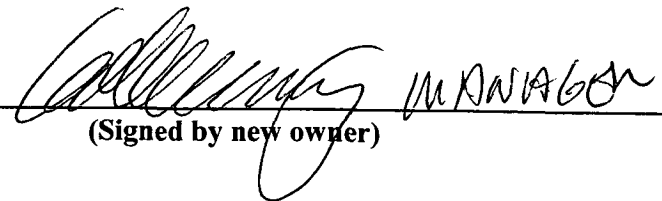
1,000 acre-feet per year of Missouri River water, to be delivered from not
yet specified points in Clay and/or Union counties.

I/We understand that the validity of Water Right/Permit No. 3574-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Clay Rural Water System, Inc., the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



MAR 17 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

3574-3
3574A-3

Jay P Gilbertson
East Dakota Water Development District
132B Airport Drive
Brookings SD 57006

Greg Merrigan
Clay Rural Water System
30376 SD Hwy 19
Wakonda SD 57073

Dear Sirs:

Enclosed are reissued Future Use Water Permit Nos. 3574-3 and 3574A-3. To reflect separate ownership, Permit No. 3574-3 is being divided and reissued as follows:

Future Use Permit No. 3574-3, East Dakota Water Development District, 132B Airport Drive, Brookings SD 57006: reserves 144,000 acre-feet of water annually from the Missouri River.

Future Use Permit No. 3574A-3, Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073-6416: reserves 1,000 acre-feet of water annually from the Missouri River from not yet specified diversion points in Clay or Union Counties.

Both permits will be subject to review by the Water Management Board in the year 2010. If you have questions, please contact me.

Sincerely,

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

enclosures



3574A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 21, 2010

Greg Merrigan, Manager
Clay Rural Water System
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Merrigan:

I am writing in regard to the seven year review of Future Use Water Permit No. 3574A-3 from the Missouri River which is held by the system. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the district. Currently, our records show that 1,000 acre-feet remain in reserve under this future use permit that was issued in 1977 and last reviewed in 2003.

Please respond in writing by November 1, 2010, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 3574A-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

RECEIVED

OCT - 1 2010

WATER RIGHTS
PROGRAM



CRWS

Clay Rural Water System

30376 SD HWY 19
Wakonda SD 57073-6416
Phone: 605-267-2088
Fax: 605-267-2085
Email: office@clayruralwater.com

September 29, 2010

Eric Gronlund
SD DENR – Water Rights Program
PMB 2020
Foss Building – 523 E Capitol
Pierre SD 57501-3182

RE: Future Use Permit

Dear Mr. Gronlund:

In response to Karen Schlaak's letter of September 21, 2010, regarding the review of our Future Use Permit No. 3574A-3, I offer the following information in support of the renewal of the permit.

The permit is for future withdrawals from the Missouri River. The Missouri River forms the southern boundary of our service area from near Gayville, SD to near North Sioux City, SD, a distance of approximately 46 miles. This area has historically shown consistent growth and need for reliable water supplies. Retaining this permit will allow us to meet future demand from this source.

The Clay RWS currently has groundwater withdrawal permits for its water treatment plants located near Wakonda and McCook Lake. By retaining the Missouri River permit, we will have an alternate source in the event one of our groundwater sources would become contaminated.

And finally, the Clay RWS tries to play an active role in economic development in our service area. The water available from the future use permit can be an important tool in attracting development to our area.

For these reasons, we wish to request renewal of the Future Use Permit.

Thank you for your consideration and please contact me if you need any additional information.

Sincerely,

Greg Merrigan
System Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3574A-3, Clay Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 3574A-3, Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073.

The Chief Engineer is recommending that Future Use Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3574A-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 3574A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 3574A-3 is subject to payment of the \$145.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Garland Erbele, Chief Engineer
October 28, 2010

Instruction to Newspaper-Publish first publication of the following Notice on January 27, 2011 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 currently reserves 1,000 acre feet of Missouri River water from not yet specified points in Clay or Union Counties for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on December 8, 2010, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Heather Heimes

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Yankton Media, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

DENR

NOTICE OF HEARING - CLAY RURAL WATER

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 28 day of January, 20 11, and that the succeeding publications were severally

on Friday, the 4 day of February, 20 11,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Seventy-Six dollars and 90 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Heather Heimes

Subscribed and sworn to before me

this 10th day of February, 20 11

Benjamin Schilke

My Commission Expires 8-19-2015

RECEIVED

FEB 18 2011

WATER RIGHTS
PROGRAM

Notary Public

1+28 & 2+4

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, 30376 SD Hwy 19,

Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 currently reserves 1,000 acre feet of Missouri River water from not yet specified points in Clay or Union Counties for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 9, 2011, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process

rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$76.90.

Estimated publishing cost per published copy: \$0.0207

RECEIVED

Form 8

FEB - 7 2011

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of _____ Union) SS

I, Susan Odson

certify that the attached printed Notice was
taken

from the Southern Union County

Leader-Courier

printed and published in Elk Point

County of _____ Union _____ and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

January 27, 2011

February 3, 2011

Cost of Printing \$74.33

Susan Odson

(Signature)

Affidavits Coordinator

(Title)

February 3, 2011

(Date Signed)

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT
NO. 3574A-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 currently reserves 1,000 acre feet of Missouri River water from not yet specified points in Clay or Union Counties for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 9, 2011, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish January 27 and February 3, 2010
Published twice at the total approximate cost of \$74.33
4-1-111

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF TURNER

RECEIVED

FEB 16 2011

WATER RIGHTS
PROGRAM

I, Robin Schneider of the City of Parker, County of Turner, State of South Dakota

being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

5066 Notice of hearing to review future use water permit No. 3574A-3
printed copy of hereto attached, is printed and published in the said newspaper for two successive weeks, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 27th day of Jan., 2011

On Thursday, the 3rd day of Feb., 2011

On Thursday, the day of , 2011

On Thursday, the day of , 2011

On Thursday, the day of , 2011

That \$89.25 being the full amount of the fees for publication of the attached notices insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Robin Schneider

Subscribed and sworn to before me this 15th

Day of February 2011

Paul R. Harms

Notary Public, Turner County, South Dakota

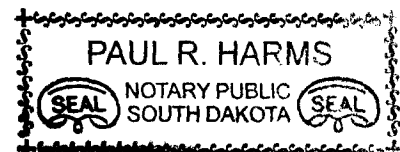
Publication Fee....\$
Notary Fees.....\$
Total.....\$ 89.25

Received Payment Date

My Commissioner

Expires:

February 10, 2012



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT

NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 currently reserves 1,000 acre feet of Missouri River water from not yet specified points in Clay or Union Counties for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10 a.m. on March 9, 2011, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by Feb. 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program,

(605 773-3352) by Feb. 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by Feb. 28, 2011. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$89.25.

(#5066, 01/27/11, 02/03/11, The New Era)

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

**Clay Rural Water System
DENR Notice Permit No. 3574A-3**

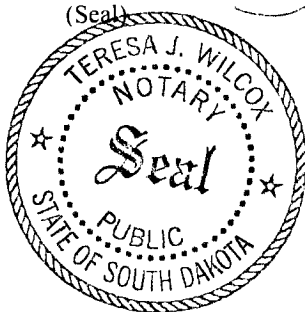
a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive week(s) upon the following dates, to-wit:

January 27, 2011
February 3, 2011

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$64.98** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this **3rd** day of
February, 2011.

Notary Public, South Dakota



My Commission Expires
12/9/2014

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water
Management Board will review Future

Use Permit No. 3574A-3 held by Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 currently reserves 1,000 acre feet of Missouri River water from not yet specified points in Clay or Union Counties for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 9, 2011, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources

Published in the Sioux Valley News on
January 27 and February 3, 2011 at the
total approximate cost of \$64.98.

RECEIVED

FEB 14 2011

WATER RIGHTS
PROGRAM

RECEIVED

FEB - 4 2011

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 currently reserves 1,000 acre feet of Missouri River water from not yet specified points in Clay or Union Counties for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 9, 2011, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED Notice of Hearing

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 3rd DAY OF February 2010 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$76.90 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/27/2011 & 2/3/2011

FILED ON: 2/3/2011

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF February 2011

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$76.90.

Estimated publishing cost per published copy:
\$0.0045



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2011

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

Clay Rural Water System
c/o Greg Merrigan, System Manager
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Merrigan:

Future Use Permit No. 3574A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Plain Talk, Vermillion SD 605 624-2695
Southern Union Co. Leader Courier, Elk Point SD 605 356-2632
The New Era, Parker SD 605 297-4015
Sioux Valley News, Canton SD 605 764-2000
Daily Press & Dakotan, Yankton SD 605 665-7811

For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2011

Sioux Valley News
PO Box 255
Canton SD 57013

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574A-3 to be published twice. Please publish the first notice on January 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Clay Rural Water System, c/o Greg Merrigan, 30376 SD Hwy 19, Wakonda SD 57073.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 14, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2011

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574A-3 to be published twice. Please publish the first notice on January 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Clay Rural Water System, c/o Greg Merrigan, 30376 SD Hwy 19, Wakonda SD 57073.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 14, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2011

The New Era
PO Box 579
Parker SD 57053

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574A-3 to be published twice. Please publish the first notice on January 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Clay Rural Water System, c/o Greg Merrigan, 30376 SD Hwy 19, Wakonda SD 57073.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 14, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2011

Southern Union Co. Leader-Courier
PO Box 310
Elk Point SD 57025

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574A-3 to be published twice. Please publish the first notice on January 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Clay Rural Water System, c/o Greg Merrigan, 30376 SD Hwy 19, Wakonda SD 57073.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 14, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2011

Plain Talk
201 W Cherry St
Vermillion SD 57069

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3574A-3 to be published twice. Please publish the first notice on January 28, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Clay Rural Water System, c/o Greg Merrigan, 30376 SD Hwy 19, Wakonda SD 57073.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 14, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 3574A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2011

NOTICE

Clay Rural Water System
c/o Greg Merrigan, System Manager
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Merrigan:

I am writing in response to action taken by the Water Management Board at the hearing on March 9, 2011 to review Future Use Permit No. 3574A-3. The Board allowed the permit to remain in effect for 1,000 acre-feet of water annually. Future Use Permit No. 3574A-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 3574A-3 is \$145.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on March 10, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 10 2011 regarding future use permits addressed as stated below:

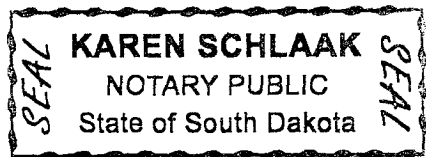
South Lincoln RWS, T Rausch, PO Box 15, Canton SD 57013	4817-3
Clay RWS, G Merrigan, 30376 Hwy 19, Wakonda SD 57073	3574A-3
City of Hoven, W Rausch, PO Box 157, Hoven SD 57450	4860-3
East Dakota WDS, 132 B Airport Dr., Brookings SD 57006	3574-3
City of Parker, J Duchscher, PO Box 265, Parker SD 57053	4798-3


Gail Jacobson
Secretary/Water Rights

[illegible]

Sworn to, before me, this 10th day of March, 20 11.

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



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/25, 20 11

RECEIVED OF Clay Rural Water System Inc 30376 SD Hwy 19 Wakonda SD 57073

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	145	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ <u>3574A-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	145	00
(Any Other Work Provided by Law)		
TOTAL	145	00

No. 04956

By Harold Erbe
Chief Engineer

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

December 6, 2017

Clay Rural Water System
c/o Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Merrigan:

I am writing in regard to the seven year review of Future Use Water Permit No. 3574A-3 from the Missouri River held by the Clay Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 1,000 acre-feet remain in reserve under this future use permit that was issued in 2004 and last reviewed in 2011.

Please respond in writing by January 6, 2018 regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 3574A-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,000 acre-feet remain in reserve, the fee will be \$145.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



CRWS

Clay Rural Water System

30376 SD HWY 19
Wakonda SD 57073-6416
Phone: 605-267-2088
Fax: 605-267-2085
Email: office@clayruralwater.com

December 19, 2017

Eric Gronlund
DENR – Water Rights Program
Foss Building – 523 E Capital
Pierre SD 57501-3182

RE: Future Use Permit

Dear Mr. Gronlund:

In response to Karen Schlack's letter of December 6, 2017, regarding review of our Future Use Permit No. 3574A-3, I offer the following information in support of the renewal of the permit.

The permit is for future withdrawals from the Missouri River. The Missouri forms the southern border of our service area from near Gayville, SD to near North Sioux City, SD, approximately 46 miles. This area has historically shown consistent growth and a need for reliable water supplies. Retaining this permit will allow us to meet future demand from this source.

The Clay RWS currently has groundwater withdrawal permits for its water treatment plants located near Wakonda and McCook Lake. By retaining the Missouri River permit, we will have an alternate source in the event one of our groundwater sources would become contaminated.

And finally, the Clay RWS tries to play an active role in economic development in our service area. The water available from the future use permit can be an important tool in attracting development to our area.

For these reasons, we wish to request renewal of the future use permit.

Thank you for your consideration and feel free to contact me if you need any additional information.

Sincerely,

Greg Merrigan
System Manager

RECEIVED
DEC 22 2017
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2018

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

Clay Rural Water System
c/o Greg Merrigan, System Manager
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Merrigan:

Future Use Permit No. 3574A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice the counties where water will be diverted or used. Notice of this review has been sent to the following papers:

- ✕ Plain Talk, Vermillion 605 624-2695
- ✕ Southern Union Co. Leader Courier, Elk Point 605 356-2632
- ✕ New Era, Parker 605 297-4419
- ✕ Sioux Valley News, Canton 605 764-2000
- ✕ Press & Dakotan, Yankton 605 665-7811

For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 25 or 26, 2018. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on January 25 or 26, 2018. The Clay Rural Water System is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, c/o Greg Merrigan, System Manager, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet of Missouri River water from not yet specified points in Clay or Union County for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 7, 2018 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:25 AM
To: 'Tera Schmidt'
Subject: 3574A-3, Clay RWS
Attachments: 3574A-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

Clay Rural Water System, c/o Greg Merrigan , Manager, 30376 SD Hwy 19, Wakonda SD 57073 (605 267-2088) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:25 AM
To: svn@siouxvalleynewsonline.com
Subject: 3574A-3, Clay RWS
Attachments: 3574A-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

Clay Rural Water System, c/o Greg Merrigan , Manager, 30376 SD Hwy 19, Wakonda SD 57073 (605 267-2088) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:24 AM
To: sebeling@ncppub.com
Subject: 3574A-3, Clay RWS
Attachments: 3574A-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

Clay Rural Water System, c/o Greg Merrigan , Manager, 30376 SD Hwy 19, Wakonda SD 57073 (605 267-2088) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:23 AM
To: G5 (leader1@iw.net)
Subject: 3574A-3, Clay RWS
Attachments: 3574A-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

Clay Rural Water System, c/o Greg Merrigan , Manager, 30376 SD Hwy 19, Wakonda SD 57073 (605 267-2088) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:22 AM
To: classifieds@plaintalk.net
Subject: 3574A-3, Clay RWS
Attachments: 3574A-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 26, 2018.

Clay Rural Water System, c/o Greg Merrigan , Manager, 30376 SD Hwy 19, Wakonda SD 57073 (605 267-2088) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3574A-3, Clay Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 3574A-3, Clay Rural Water System, c/o Greg Merrigan, System Manager, 30376 SD Hwy 19, Wakonda SD 57073.

The Chief Engineer is recommending that Future Use Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3574A-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 3574A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 3574A-3 is subject to payment of the \$145.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Jeanne Goodman, Chief Engineer
January 17, 2018

Form 8

RECEIVED

JAN 31 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Dawn Rye

certify that the attached printed Notice was taken

from the New Century Press,
publisher

printed and published in The New Era

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

Thurs. Jan. 25th 2018

Cost of Printing \$ 54.61

Dawn Rye
(Signature)

Office Manager
(Title)

1/25/18
(Date Signed)

**Notice of hearing to review
future use water permit NO.
3574A-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, c/o Greg Merrigan, System Manager, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet of Missouri River water from not yet specified points in Clay or Union County for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10 a.m. on Wednesday, March 7 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by

Monday, Feb. 26.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by Monday, Feb. 5. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$54.61
(N0125-5)

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing to Review

Future Use Water Permit No. 3574A-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 25 day of January, 2018

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 42.71, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 25 day of January, 2018

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, c/o Greg Merrigan, System Manager, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet of Missouri River water from not yet specified points in Clay or Union County for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 7, 2018 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

RECEIVED
JAN 29 2018
WATER RIGHTS
PROGRAM

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in

SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources.

Publish Jan. 25, 2018

Published once at the total
approximate cost of \$42.71
4-5-139

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Hearing Water Permit NO. 3574A-3

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

January 25, 2018

that the full amount of the fees charged for publishing the same to-wit: the sum of \$43.56 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Andy Wilcox

Ascribed and sworn to before me this 25th day of
January, 2018.

[Signature]

Notary Public, South Dakota

(Seal)



My Commission Expires
December 9, 2020

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, c/o Greg Merrigan, System Manager, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet of Missouri River water from not yet specified points in Clay or Union County for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 7, 2018 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for

RECEIVED
JAN 29 2018
WATER RIGHTS
PROGRAM

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

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on January 25, 2018, at the total approximate cost of \$43.56.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

JAN 29 2018

WATER RIGHTS
PROGRAM

CLAY RURAL WATER SYSTEM
30376 SD HWY 19
WAKONDA SD 57073

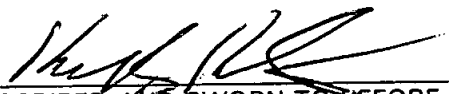
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

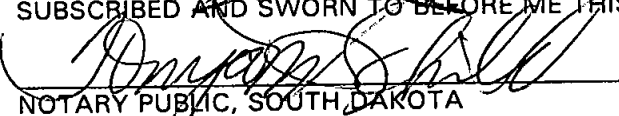
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
1 + 25 NOTICE OF HEARING TO

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 25th DAY OF January, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$42.19 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 01/25/2018

FILED ON: 01/25/2018


SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF January, 2018


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/2021

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 3574A-3

RECEIVED
JAN 29 2018
WATER RIGHTS
PROGRAM

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, c/o Greg Merrigan, System Manager, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet of Missouri River water from not yet specified points in Clay or Union County for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 7, 2018 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$42.19.

AFFIDAVIT OF PUBLICATION

PLAIN TALK

RECEIVED

JAN 29 2018

WATER RIGHTS
PROGRAM

*CLAY RURAL WATER SYSTEM
30376 SD HWY 19
WAKONDA SD 57073-6416

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF HEARING TO REVI
WATER PERMIT NO 3574A-3
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 26th DAY OF January, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$41.32 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 01/26/2018

FILED ON: 01/26/2018

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF January, 2018

Angela Schild

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 08/19/2021

Ad text : NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 3574A-3

RECEIVED
JAN 29 2018
WATER RIGHTS
PROGRAM

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by Clay Rural Water System, c/o Greg Merrigan, System Manager, 30376 SD Hwy 19, Wakonda SD 57073 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet of Missouri River water from not yet specified points in Clay or Union County for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 at 10:00 am on March 7, 2018 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$41.32.

Publish: January 26, 2018.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

NOTICE OF ENTRY OF ORDER

Clay Rural Water System
c/o Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Merrigan:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2018 to review Future Use Permit No. 3574A-3. The Board allowed the permit to remain in effect for 1,000 acre-feet of water annually. Future Use Permit No. 3574A-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 3574A-3 is \$145.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated March 8, 2018 addressed as stated below:

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

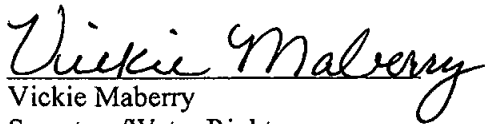
Clay Rural Water System
c/o Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 57073

City of Parker
Adam Jans, Finance Officer
PO Box 265
Parker SD 57053

South Lincoln Rural Water System Inc
c/o Tom Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Wendy Rausch, Finance Officer
City of Hoven
PO Box 157
Hoven SD 57450

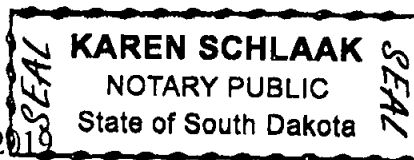
Lewis & Clark Regional Water System
Jim Auen, Operations Manager
46986 Monty St
Tea SD 57064


Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 2018.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





3574A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 8, 2018

Clay Rural Water System
c/o Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Merrigan:

On March 8, 2018 we requested the fee for maintaining the effectiveness of Future Use Permit No. 3574A-3. To date, we have not received this payment.

Please submit the \$145.00 fee as soon as possible to avoid jeopardizing the rural water system's future use permit. If you have questions, please contact Eric Gronlund or me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Clay Rural Water System, Inc. 39376 SD Hwy 19 Wakonda, SD 57073-6416 Date May 17, 2018

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	145	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>3574A-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____	145	00
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08685**

By Jeanne Goodman
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

Clay Rural Water System
Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Merrigan,

I am writing in regard to the seven year review of Future Use Water Permit No. 3574A-3 from the Missouri River held by Clay Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 1,000 acre-feet remain in reserve under this future use permit that was issued in 2004 and last reviewed in 2018.

Please respond in writing by January 31, 2025, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 3574A-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,000 acre-feet remain in reserve, the fee will be \$145.00.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 12, 2025

Clay Rural Water System
c/o Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 5073

Dear Mr. Merrigan,

On January 14, 2025, we notified you that Future Use Water Permit No. 3574A-3 held by Clay Rural Water System was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

The future use permit was obtained by the rural water system in 2004 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the January 14th letter. If the rural water system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

The Water Management Board will not schedule Permit No. 3574A-3 for review until the above information has been submitted.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

enclosure



CRWS
Clay Rural Water System, Inc.

30376 SD HWY 19
Wakonda, SD 57073-6416
Phone: 605-267-2088
Fax: 605-267-2085
Email: office@clayruralwater.com

RECEIVED

FEB 21 2025

OFFICE OF
WATER

February 18, 2025

Water Management Board
SD DANR-Water Rights Program
523 E Capitol Ave
Pierre, SD 57501

Water Management Board,

Regarding the letter received February 17, 2025, and The Future Use Water Permit No. 3574A-3. Clay Rural Water System Inc. requests to retain the future use permit for expanding growth in the area. The Missouri River is the southern boundary of our system. As we currently use ground water to supply our two treatment facilities, we have been seeing substantial growth from the North Sioux City Area where our Wynstone Water Treatment Plant is located, to the Gayville/Yankton Area that is supplied by our Wakonda Water Treatment Plant located north of Vermillion.

With the development and economic growth in these areas we may have to rely on this water use permit for future needs in the area. This permit is also considered to be an alternate source of supply in the event of a ground water source becoming contaminated.

For these reasons, we request the renewal of Future Use Permit 3574A-3.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

Steve Muilenburg
General Manager

Steven Muilenburg:
General Manager
Clay Rural Water System
30376 SD HWY 19
Wakonda, SD 57073
Office: 605-267-2088
Cell: 605-670-2644



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3574A-3, Clay Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 3574A-3, Clay Rural Water System, 30376 SD Hwy 19, Wakonda SD 57073.

The Chief Engineer is recommending that Future Use Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3574A-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 3574A-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 3574A-3 is subject to payment of the \$145.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Eric Gronlund, Chief Engineer
March 7, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2025

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

Clay Rural Water System
c/o Steven Muilenburg
30376 SD Hwy 19
Wakonda SD 57073

Dear Muilenburg:

Future Use Permit No. 3574A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the following newspapers:

Plain Talk, Vermillion 605-624-2695

So. Union Co. Leader-Courier, Elk Point 605-356-2632

Sioux Valley News, Canton 605-764-2000

Daily Press & Dakotan, Yankton 605-665-7811

New Era, Parker 605-297-4419

For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on March 20 or 21, 2025. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on March 20 or 21, 2025. The Clay Rural Water System is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by the Clay Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet from the Missouri River from not yet specified points in Clay or Union County for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that “if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.” This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 9:18 AM
To: Kelly Kronaizl
Subject: 3574A-3 Clay RWS - Public Notice
Attachments: 3574A-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on March 21, 2025, in the Plain Talk and Daily Press & Dakotan.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 9:34 AM
To: SVN@midconetwork.com
Subject: 3574A-3 Clay RWS - Public Notice
Attachments: 3574A-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025, in the Sioux Valley News.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 9:36 AM
To: New Era
Subject: 3574A-3 Clay RWS - Public Notice
Attachments: 3574A-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025, in the New Era.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 9:38 AM
To: Shannon Jost
Subject: 3574A-3 Clay RWS - Public Notice
Attachments: 3574A-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025, in the Southern Union County Leader-Courier.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

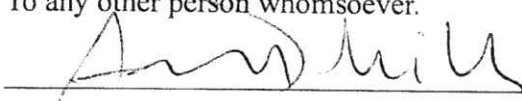
I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0320-12 Notice of Hearing 3574-3

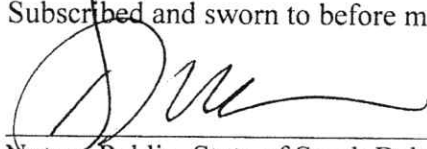
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 20th day of March, 2025

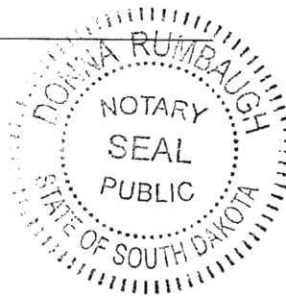
That \$53.76 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 24th day of March, 2025



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$53.76
Notary Fee...\$
Total \$53.76

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Amber D. Miller

certify that the attached printed Notice was taken
from the The New Era

printed and published in Parker
County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

March 20, 2025

Cost of Printing 53.76

Amber D. Miller

(Signature)

office assistant

(Title)

March 24, 2025

(Date Signed)

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NO. 3574A-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by the Clay Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet from the Missouri River from not yet specified points in Clay or Union County for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition

form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit

on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$53.76 and may be viewed free of charge at www.sdpublicnotices.com.

(N0320-12)

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 24 2025

OFFICE OF
WATER

YANKTON DAILY PRESS AND DAKOTAN

CLAY RURAL WATER SYSTEM
30376 SD HWY 19
WAKONDA SD 57073

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

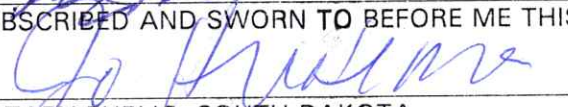
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF HEARING TO REVI

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF March, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$62.88 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 03/21/2025

FILED ON: 03/21/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF March, 2025


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh; Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17. This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$62.88 and can be viewed free of charge at www.sdpublicnotices.com

Published March 21, 2025.

RECEIVED

MAR 24 2025

OFFICE OF
WATER

RECEIVED

MAR 24 2025

OFFICE OF
WATER

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by the Clay Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet from the Missouri River from not yet specified points in Clay or Union County for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501? or call (605) 773-3352. The permit holders mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address

AFFIDAVIT OF PUBLICATION

PLAIN TALK

RECEIVED

MAR 24 2025

OFFICE OF
WATER

CLAY RURAL WATER SYSTEM
30376 SD HWY 19
WAKONDA SD 57073-6416

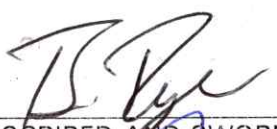
STATE OF SOUTH DAKOTA
COUNTY OF CLAY

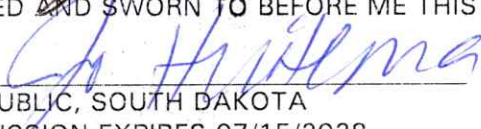
BETH RYE, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF HEARING TO REVI

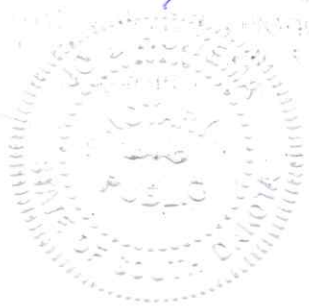
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 21st DAY OF March, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$62.88 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 03/21/2025

FILED ON: 03/21/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF March, 2025


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



NOTICE OF HEARING TO
REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

RECEIVED

MAR 24 2025

OFFICE OF
WATER

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by the Clay Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet from the Missouri River from not yet specified points in Clay or Union County for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501? or call (605) 773-3352. The permit holders mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address

provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17. This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$62.88 and can be viewed free of charge at www.sdpublicnotices.com

Published March 21, 2025.

RECEIVED

MAR 24 2025

OFFICE OF
WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Clay Rural Water Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive week(s) upon the following dates, to-wit:

March 20, 2025

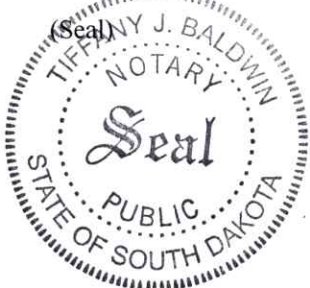
that the full amount of the fees charged for publishing the same to-wit: the sum of **\$69.03** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this **20th** day of
March, 2025.



Notary Public, South Dakota



My Commission Expires
January 12, 2030

Notice of Hearing

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by the Clay Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet from the Missouri River from not yet specified points in Clay or Union County for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN IN EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner

shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17."

RECEIVED

MAR 26 2025

OFFICE OF
WATER

and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writing and

This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published in the Sioux Valley News on March 20, 2025, at the total approximate cost of \$69.03 and may be viewed free of charge at www.sdpublicnotices.com.

My Commission Expires
January 15, 2025

AFFIDAVIT OF PUBLICATION

State of South Dakota)
:ss
County of Union)

Shannon L. Jost,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing

Water Permit 3574A-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 20 day of March, 2025

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 66.48, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me

this 20 day of March, 2025

Notary Public

RECEIVED

MAR 31 2025

OFFICE OF
WATER

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3574A-3

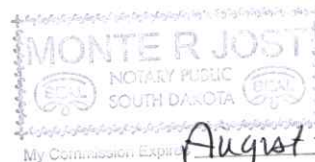
Notice is given that the Water Management Board will review Future Use Permit No. 3574A-3 held by the Clay Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3574A-3. This permit was approved 1977 and currently reserves 1,000 acre-feet from the Missouri River from not yet specified points in Clay or Union County for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3574A-3 REMAIN in EFFECT for 1,000 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3574A-3 on May 7, 2025, at 9:30 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

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



concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by March 31, 2025.

The petition shall be in writ-

ing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 3574A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Per-

mit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is March 31, 2025. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Publish March 20, 2025

Published once at the total approximate cost of \$66.48 and may be viewed free of charge at www.sdpublicnotices.com
12-3-206

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 10:38 AM
To: office@clayruralwater.com
Subject: 3574A-3 Clay RWS - Public Notice
Attachments: 3574A-3 Rec.pdf; 3574A-3 Ltr.pdf; 3574A-3 PubNotice.pdf

Good morning,

Attached is a copy of the chief engineer's recommendation and information regarding the public notice for Future Use Permit No. 3574A-3. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOTICE OF ENTRY OF ORDER

MAY 13 2025

Clay Rural Water System
c/o c/o Steven Muilenburg
30376 SD Hwy 19
Wakonda SD 57073

Dear Mr. Muilenburg,

I am writing in response to action taken by the Water Management Board at the hearing on May 7, 2025, to review Future Use Permit No. 3574A-3. The Board allowed the permit to remain in effect for 1,000 acre-feet of water annually. Future Use Permit No. 3574A-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 3574A-3 is \$145.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Mark Mayer, PE
Director of Office of Water

CERTIFICATION

I hereby certify that on May 13th, 2025, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated May 13th, 2025 involving action taken by the Water Management Board hearing on March 7th, 2025:

City of Parker, C/O Adam Jans, PO Box 265, Parker SD 57053

South Lincoln Rural Water System, C/O John Stearns, 28647 472nd Avenue, Beresford SD

City of Hoven, Wend Rausch, Finance Officer, PO Box 157, Hoven SD 57450

Clay Rural Water System, C/O Steven Muilenburg, 30376 SD Hwy 19, Wakonda SD 57073

City of Madison, C/O Rick Nighbert Water Supt, 503 S Highland Avenue, Madison SD 57042


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of May, 20 25.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 3574A-3

Name of Applicant: Clay Rural Water System, Steven Muilenburg

Date of Posting: 3/17/2025

Date of Removal: 5/13/2025



Ron Duvall, Engineer III

5/13/2025

Date

Subscribed and sworn to before me, a notary public, this 13th day of May, 2025.



Notary Public - South Dakota
My commission expires: **Rachel Rodriguez
My Commission Expires
May 16, 2029**

(SEAL)



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 27th, 2025

RECEIVED OF Clay RWS 30376 SD Hwy 19 Wakonda SD 57073

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. <u>3574A-3</u> to Appropriate Water for Future use	\$ <u>145.00</u>
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>145.00</u>

By Mark Mayek
Chief Engineer