

Water Right Number 3984.3

1. Considered 7.27, 1977
2. Name of Applicant EAST DAKOTA CONS. SUB DISTRICT
3. Post Office Address BROOKINGS
4. Amount of water claimed ~~3~~ 2.6
5. Source of water supply 37' DEEP AQUIFER
6. Water to be used for RUIS - FU

Acres to be irrigated _____

7. Water to be diverted and used in MOODY County
about 1/2E Miles _____ of EGAN

8. Proof of Publication

Received 7-1-77

Not received _____

9. Application

Approved _____

Subject to _____

Not approved _____

Action deferred _____

**BIG SIOUX COMMUNITY
WATER SYSTEM**

10. Remarks:

Map No. 3238-3 Water Division No. 3 BIG SIOUX RIVER District Future Use
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

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

1. Name of Applicant East Dakota Conservation, 3rd District
Postoffice address 524-17th Ave 57006 State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Big Sioux Community Water System Inc.4. Amount of water claimed (cubic feet per second) 2.65. Source of water supply Big Sioux River Aquifer6. Location of point of diversion E² of E² of SE⁴ Sec 7-T106N-R48WCounty Moody7. Annual period or periods during which water is to be used Used entire year8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Rural Water System

9. For irrigation use, _____

Total number of acres to be irrigated _____

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

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

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Future Water years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Moody County Enterprise

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. Wells with electrically driven deep well turbines

B. Works proposed to transport water to place of use. Underground closed conduit

C. Works proposed to apply water to beneficial use. Underground plastic pipe distribution system

Estimated Total Cost \$ 40,000For wells

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

STATE OF SOUTH DAKOTA

County of Grant

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

Signed William AndersonSubscribed and sworn to before me this 2nd day of June 1977

Notary Public (or other qualified officer)

W. W. W.
My Commission Expires 9-13-1982

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3484-3

EAST DAKOTA CONSERVANCY SUB-DISTRICT
(Applicant)

524-17th AVE, BROOKINGS
(Post Office Address)

SOUTH DAKOTA 57006
(State)

With the following modifications:

Approval of Future Use Application No. 3984-3 for 2.6 c.f.s. with the qualification that at such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal must be submitted prior to construction of the facilities.

Date of first receipt of application JUNE 6, 19 77

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved MARCH 29, 19 78, Recorded in Book 19 Page 297

WATER RIGHT PERMIT NO. 3984-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3984-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim a right is JUNE 6, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOT APPLICABLE
3. The whole of said work is to be completed on or before NOT APPLICABLE
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOT APPLICABLE
5. The water appropriated shall be used for the purpose of A RURAL WATER SYSTEM-FUTURE USE

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

7. The amount of the appropriation herein granted shall not exceed 2.6 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~irrigation~~ irrigation and if for the irrigation purpose said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventh (1/7) of one cubic foot of water per second of time for each acre of lands to which water is

USED FOR RURAL WATER SYSTEM
WILL BE actually and beneficially applied for irrigation on or before _____, 19 _____ and water to be used during the following described seasonal period:

Witness my hand this 6th day of APRIL, 19 78

WATER RIGHTS COMMISSION

By:

John H. Hest
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Big Sioux Community Water System

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to Form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 37'
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 16" Thickness 1/4"
- (3) Perforated Screen.
Type Stainless steel, Diameter 16", Length 10'
- (4) Gravel Pack, Thickness 5", Length of gravel pack 12'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials water bearing sands
from about 15' to 37'

Depth to top of water bearing material 15'

Depth to bottom of water bearing material 37'

Thickness of water bearing material 22'

Depth to water (ground surface to water level) 15'

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

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

G. Water Storage Dams.

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

* Exact location not known - would be about the same as wells for present permit the system has.

X Walter Anderson Pres.
Signature of Applicant

Publish first publication, on or before **July 14, 1977**

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
June 14, 1977

Notice is hereby given that East Dakota Conservancy Sub-District whose

post office address is Brookings, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, Future Use 46-5-38, ~~Temporary Permit 46-5-39, 46-5-40~~; Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, Future Use 52:01:01:21 thru 52:01:01:24, for a permit to appropriate for/beneficial use 2.6 cubic feet of water per second of time from ~~xx~~ ground water through the Big Sioux Community Water System Inc., the point/of diversion of which ~~xx~~ are to be located in the

~~EX-EX-SEX~~

of Section 7, Twp. 106N, Range 48W. Said water to be used for ~~domestic~~
~~and irrigation purposes.~~
rural water system purposes.

This Application No. 3984-3 will be considered by the Water Rights Commission
the Stauroilite Inn, Brookings, S.D.

at ~~NEW YORK, NEW YORK~~ upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: East Dakota Conservancy Sub-District, 524 17th Ave. Brookings, S.D. 57006

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

No. 3984-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Moody) ss.

Dorothy M. Lyford hereby

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

Water was taken from the Moody County Enterprise

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

city of Flandreau

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

June 22, 1977

June 29, 1977

Dorothy M. Lyford
(Signature)

Bookkeeper
(Title)

June 29, 1977
(Date Signed)

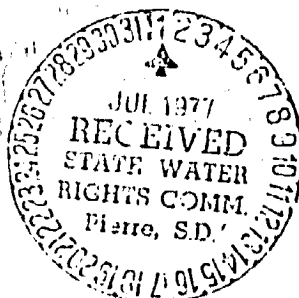
NOTICE OF HEARING
ON APPLICATION
TO APPROPRIATE WATER

No. 3984-3
Pierre, South Dakota 57501
June 14, 1977
Notice is hereby given that East
Dakota Conservancy - Sub-District
whose post office address is Brookings,
South Dakota, has made an application
in accordance with the provisions of
SDCL 46-1-1 thru 46-1-8; 46-2-9 thru
46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10
thru 46-5-22; 46-5-41; Future Use 46-5-38;
Ground Water 46-6-3, 46-6-5, 46-6-6.1,
46-6-10, 46-6-14 and Commission Rules
ARSD 52:01:01:01 thru 52:01:01:13; Fut-
ure Use 52:01:01:21 thru 52:01:01:24,
for a permit to appropriate for future
beneficial use 2 1/2 cu. ft. of water per
second of time from ground water
through the Big Sioux Community
Water System, the points of di-
version of which are to be located in the
E 1/2 E 1/2 SE 1/4 of Section 7, Twp. 106 N.,
Range 48 W. Said water to be used for
rural water system purposes.

This Application No. 3984-3 will be
considered by the Water Rights Com-
mission at the Steurolite Inn, Brook-
ings, S. D. upon the 27th day of July,
1977, at 10 A.M. The Commission is
authorized to make a determination on
this application at the hearing. All
interested persons may appear and be
heard. Any person who may be affected
by a Commission decision who desires
to present evidence or cross-examine
witnesses according to SDCL 1-16 may
notify the Commission in writing prior
to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

James Winterton
Water Rights Specialist
(June 22-29)



MOODY COUNTY DEFERRED APPLICATIONS

No. 3640-3 and No. 3984-3

March 5, 1978

Deferred applications No. 3640-3 and No. 3984-3 are located in the Sioux River Aquifer. Application No. 3640-3 proposes to irrigate 200 acres in Sec. 8, T106N, R48W from one, one hundred foot well. Test drilling has been done for the Big Sioux Community Water System in Sec. 7 and 8, T106N, R48W. The drilling indicates that the maximum thickness in the NW $\frac{1}{4}$ Sec. 8, T106N, R48W is 24 feet. The log¹ for test hole 3 is as follows:

0 - 10	Topsoil
10 - 15	Fine sand
15 - 34	Medium sand and gravel
34 -	Gray till

Static Water level 15.0 feet

The above test hole is located near the proposed production well. The application is requesting 2.28cfs or 1026gpm. Using aquifer test data from the rural water system, the safe yield from one well at this location would be approximately 400gpm. Therefore application no. 3640-3 should be limited on the diversion rate as the proposed diversion rate is not feasible.

Application 3984-3 is a future use application for 2.6cfs of water by East Dakota Conservancy Subdistrict on behalf of the Big Sioux Community Water System. The future use application is for the E $\frac{1}{2}$ of E $\frac{1}{2}$ Sec. 7, T106N, R48W. Part of the proposed area is covered under permit no. 2153-3.

Recommendations:

Unappropriated water is available and the staff recommends:

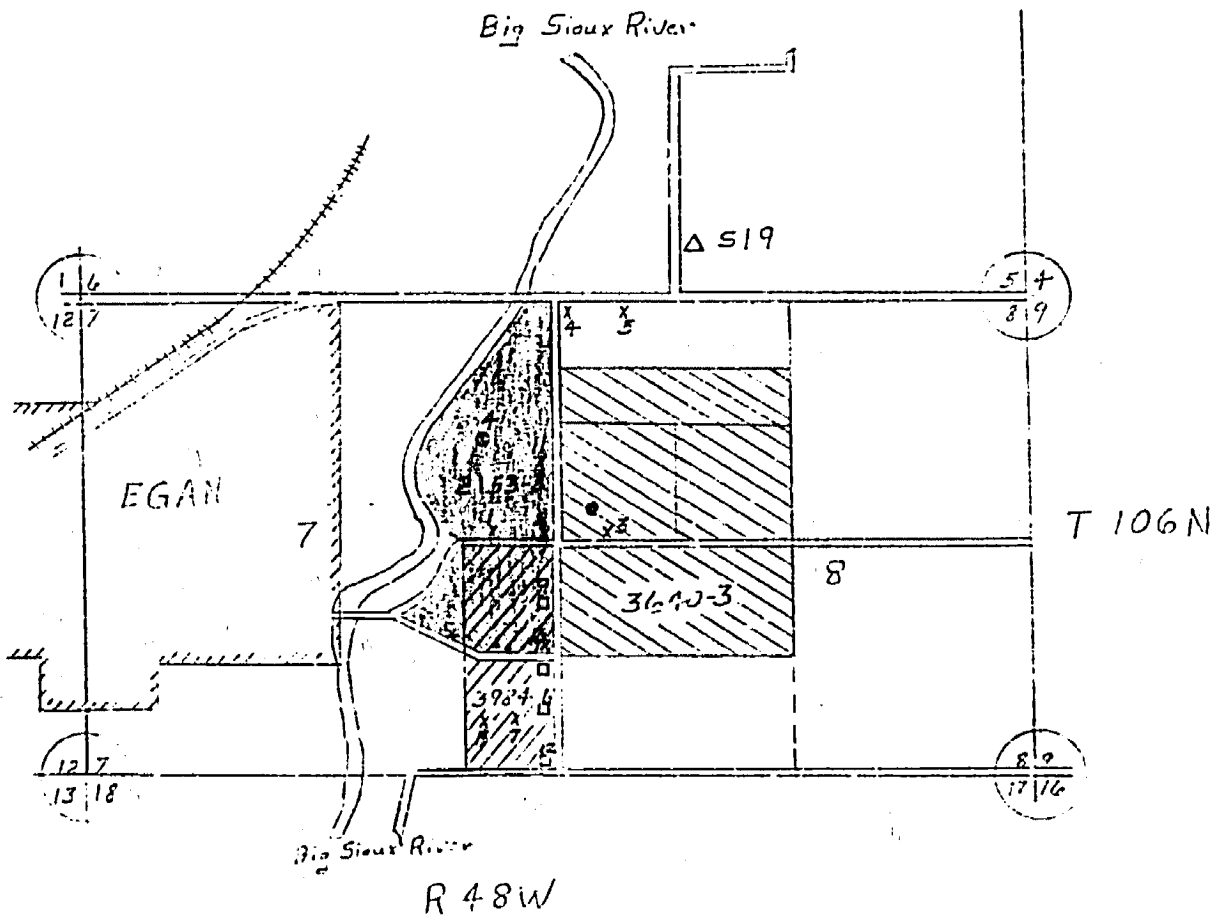
1. Approval of Application No. 3640-3 with the diversion rate reduced to .89cfs (400gpm) with the qualification: The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

1 Log information quoted from "Report of Water Exploration and Aquifer Testing" by D Wild, Grant, Reckert & Associates.

MOODY COUNTY DEFERRED APPLICATIONS
March 6, 1978
Page Two

2. Approval of Future Use Application No. 3984-3 for 2.6cfs with the qualification that at such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal must be submitted prior to construction of the facilities.

Gale N. Selken
Hydrologist



- Big Sioux Community Water wells
- 2153-3 Production well
- Δ Observation well
- x Test holes
- Proposed well

LOG OF BORINGS

<u>Test Hole No.</u>	<u>Depth</u>	<u>Material</u>
1	0-3	Topsoil
	3-37	Medium sand and gravel
	37-40	Grey till
	W.L. = 10.4 ft.	
2	0-5	Topsoil
	5-42	Medium sand and gravel
	42	Grey till
	W.L. = 12.6 ft.	
3	0-10	Topsoil
	10-15	Fine sand
	15-34	Medium sand and gravel
	34	Grey till
	W.L. = 15.0 ft.	
4	0-5	Topsoil
	5-21	Medium sand and gravel
	21	Grey till
	W.L. = 10.9 ft.	
5	0-10	Topsoil
	10-27	Medium sand and gravel
	27	Till
	W.L. = 10.5 ft.	
6	0-5	Topsoil
	5-32	Medium sand and gravel
	32	Till
	W.L. = 11.4 ft.	
7	0-5	Topsoil
	5-31	Medium sand and gravel
	31	Till
	W.L. = 11.75 ft.	

LOG OF BORINGS (cont'd)

<u>Test Hole No.</u>	<u>Depth</u>	<u>Material</u>
8	0-14	Topsoil
	14-20	Sand
	20-34	Medium sand and gravel
	34	Till
	W.L.	= 10.8 ft.
9	0-5	Topsoil
	5-36	Medium sand and gravel
	36	Till
	W.L.	= 11.7 ft.
10	0-10	Topsoil
	10-31	Medium sand and gravel
	31	Till
	W.L.	= 11.6 ft.
11	0-5	Topsoil
	5-34	Medium sand and gravel
	34	Till
	W.L.	= 10.2 ft.
12	0-5	Topsoil
	5-29	Medium sand and gravel
	29	Till
Production Test Well	0-5	Topsoil
	5-40	Medium sand and gravel
	40-45	Till
	W.L.	= 14.8 ft.

Well Number: S-10

County Moody

Legal location: SW 1 Section 5 T- 106 N 1/2 R- 48 E - W

Depth of well 18.0 Mean Sea Level Elevation of Measuring Point 1520.8

Pipe length above ground 2.2 Date Drilled August 12 19 57

Depth to top of aquifer 4' Thickness of aquifer 23'

Remarks: _____

Water Level Observations

Date	W/L Readings	Elevation	Date	W/L Readings	Elevation
8/29/57	12.1/9.9	1508.7	11/24/61	11.1/8.9	1509.7
11/5/57	13.1/10.9	1507.7	3/31/65	12.4/10.2	1508.4
3/11/58	14.1/11.9	1506.7	7/7/65	9.3/7.1	1511.5
7/21/58	14.2/12.0	1506.6	11/1/65	9.5/7.3	1511.3
11/29/58	15.1/12/9	1505.7	3/29/66	12.5/10.3	1508.3
3/12/59	15.2/13.0	1505.6	6/27/66	13.4/11.2	1507.4
7/14/59	15.5/13.3	1505.3	11/8/66	13.8/11.6	1507.0
11/17/59	15.5/13.3	1505.3	7/12/67	13.8/11.6	1507.0
5/4/60	13.6/11.4	1507.2	11/23/67	14.2/12.0	1506.6
7/8/60	13.5/11.3	1507.3	3/7/68	14.7/12.5	1506.1
11/1/60	13.9/11.7	1506.9	7/11/68	14.9/12.7	1505.9
3/7/61	13.6/11.4	1507.2	10/31/68	14.5/12.3	1506.3
7/12/61	13.7/11.5	1507.1	4/23/69	6.5/4.4	1514.2
11/2/61	13.9/11.7	1506.9	8/7/69	6.5/4.3	1514.3
4/12/62	11.8/9.5	1509.0	11/19/69	12.3/10.1	1508.5
7/10/62	9.4/7.2	1511.4	4/3/70	12.8/10.6	1508.0
10/30/62	12.0/9.8	1508.8	7/3/70	12.3/10.1	1508.5
3/7/63	13.3/11.3	1507.3	11/20/70	12.3/10.1	1507.5
7/15/63	13.2/11.0	1507.6	3/25/71	12.3/10.6	1508.0
11/14/63	13.7/11.5	1507.1	7/8/71	13.8/11.6	1507.0
3/16/64	14.1/11.9	1503.7	11/5/71	14.2/12.0	1506.6

Well Number S-19County Moody

Water Level Observation

Date	W/L Reading	Elevation	Date	W/L Reading	Elevation
4/5/72	13.8/11.6	1507.0			
7/18/72	11.4/9.2	1509.4			
11/21/72	12.4/10.2	1508.4			
5/2/73	12.2/10.0	1508.6			
7/10/73	12.8/10.6	1508.0			
11/28/73	13.7/11.5	1507.1			
4/16/74	13.8/11.6	1507.0			
7/9/74	13.7/11.5	1507.1			
12/5/74	14.5/12.3	1506.3			
5/14/75	13.5/11.3	1507.3			
7/9/75	13.5/11.3	1507.3			
12/11/75	14.1/11.9	1506.9			
5/11/76	13.6/11.4	1507.2			
7/26/76	14.1/11.9	1506.7			
11/30/76	15.0/12.8	1505.8			
2/10/77	13.6/11.4	1507.2			
6/21/77	15.1	1505.7			
8/10/77	15.2	1505.6			
9/28/77	15.2	1505.6			
12/13/77	14.6	1506.2			



3640-3 & 3984-3
MOODY CO.

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

March 21, 1978

TO: Persons concerned with deferred Application Nos. 3640-3 & 3984-3

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of deferred Application Nos. 3640-3 & 3984-3

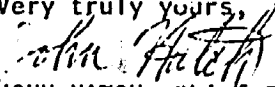
The Water Rights Commission will reconsider deferred Water Right Application Nos. 3640-3 & 3984-3 at 9:00 am, March 29, 1978 at the Guest House, 101 North Broadway, Watertown, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, 46-5-40; 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:15, 52:01:01:21.

Applications No. 3640-3 & 3984-3 were deferred by the Water Rights Commission during 1977, pending staff investigation.

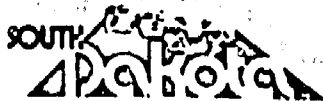
After reconsideration of Application Nos. 3640-3 & 3984-3 the Commission can approve, defer, or deny all or parts of the Applications. A copy of the "Report Moody County Deferred Applications" is enclosed for your information.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

enclosure



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

April 6, 1978

East Dakota Conservancy Sub-District
524 17th Ave.,
Brookings, South Dakota 57006

Dear Sirs:

Enclosed herewith is your Water Right Permit No. 3984-3 as approved by the Water Rights Commission, to withdraw 2.6 cubic feet of water per second, for future use.

Approval of this Permit does not in any way grant property rights to the land involved.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

Enclosure

RECEIPT

Division of Water Rights

No 4 9739

South Dakota Department of Water and Natural Resources

Pierre, August 29, 1984 19

RECEIVED OF East Dakota Conservancy Sub-District, 524 17th Ave., Brookings, SD 57006
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 3934-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Civil Engineer JOHN HATCH (ms)

RESOLUTION 84-4
EAST DAKOTA CONSERVANCY SUBDISTRICT

Title: Transfer of future use water permit No. 3984-3.

Whereas: The East Dakota Conservancy Subdistrict holds future use permit No. 3984-3 which reserves 2.6 cubic feet per second of groundwater for the Big Sioux Community Water System, and

Whereas: South Dakota law now provides that non-profit water supply companies can hold future use water permits, and

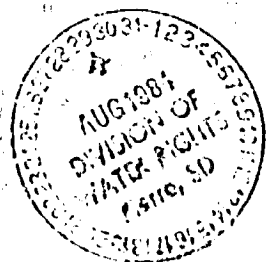
Whereas: The Directors of the East Dakota Conservancy Subdistrict deem it to be in the best interest of the citizens of the Subdistrict to transfer this future use permit to the rural water system,

Now therefore be it resolved that the East Dakota Conservancy Subdistrict does transfer future use permit No. 3984-3 to the Big Sioux Community Water System, Inc., and

Be it further resolved that the subdistrict manager is directed to file notice of this transfer with the South Dakota Division of Water Rights and to pay the \$2.50 filing fee therefore.

Attest: Edwin J. Rudd By Earl A. Larson
Secretary Chairman

Date August 16, 1984



3984-3

WATER RIGHTS DIVISION
(605) 773-3352

September 5, 1984

Big Sioux Community Water System
RR#1, Box 46
Dell Rapids, South Dakota 57022

Dear Sirs:

Future Use Water Permit No. 3984-3 has been transferred from the East Dakota Conservancy Sub-District to the Big Sioux Community Water System.

The receipt for the \$2.50 filing fee paid by the sub-district is being forwarded to them by copy of this letter.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
cc: Jerry Siegel, Mgr.-Treas.
East Dakota Conservancy Sub-Dist.

 **Department of
Water & Natural Resources**

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

February 13, 1987

Leonard Heinemann, Manager
Big Sioux Community Water System
RR 1, Box 46
Dell Rapids SD 57022

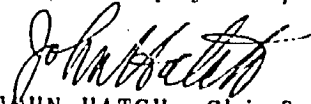
Dear Mr. Heinemann:

I am writing in regard to Future Use Water Permit No. 3984-3 held by the Big Sioux Community Water System. A copy of Permit No. 3984-3 is enclosed for your information.

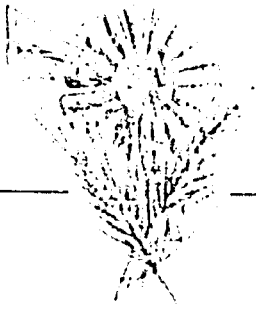
Future Use Permit No. 3984-3 will be scheduled for review on May 6, 1987 by the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the time and place. The purpose of this review is to determine if a reasonable need exists for maintaining the permit. The Board will also consider amending the permit to add the qualification that the permit be subject to review every seven years by the Board. No fee will be charged if the permit remains in effect after May 6, 1987. Thereafter, a fee of \$57.50 will be charged if the permit is to remain in effect following each seven year review.

Please advise in writing within 30 days of the Water System's intentions regarding Future Use Permit No. 3984-3. Let us know if you have any questions.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3252

enclosures



Big Sioux

Community Water System, Inc.

BOX 158 • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

Feb. 26, 1987



Mr. John Hatch
Water Rights Division DWR
Joe Foss Building
523 East Capital
Pierre, S. Dak. 57501

Dear Mr. Hatch:

This letter is in response to your letter of February 13 regarding our future use Permit No. 3984-3. Big Sioux Community Water System Inc., would prefer to keep that permit in effect for future use. We, at this time, have well capabilities which would exceed our original Water Right Permit No. 2054-3 which is 2.6 cubic feet per second. Our firm pumping capability from our main pumping station is 1000 gallons per minute. Our present well capability is 1450 gallons per minute. It is our intention, due to the growth that we have experienced in the last few years (140 new consumers in 1985-1986), that we will add another 60 hp pump giving us another 500 gallons per minute pumping capacity from our main pumping station.

Also, with regionalization of a water supply becoming a futuristic goal in South Dakota, it is conceivable the towns that lie within our service area could be served with rural water.

Therefore, it would be in our best interest to maintain that future water right. The review process made in seven years would be a method of maintaining this potential growth and need for the permit.

Sincerely,

Leonard R. Heinemann, Manager
Big Sioux Rural Water

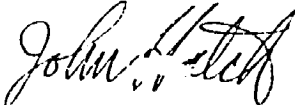
LRH/jf
cc/Jerry Siegel

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3984-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 3984-3, the Big Sioux Community Water System, Inc., Box 158, Egan SD.

The Chief Engineer is recommending that Future Use Permit No. 3984-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3984-3, 2) the Big Sioux Community Water System has demonstrated a reasonable need for the water reserved by Permit No. 3984-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. Permit No. 3984-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment upon expiration of seven years.
2. This permit is approved for groundwater from the Big Sioux-Moody Aquifer.


JOHN HATCH, Chief Engineer
March 31, 1987

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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3984-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 3984-3 held by the Big Sioux Community Water System, Inc., Box 158, Egan SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3984-3. This permit was approved March 29, 1978 to reserve 2.6 cfs (1882 acre feet) from the Big Sioux-Moody Aquifer for diversion from the E 1/2 E 1/2 SE 1/4 Section 7, T106N, R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 3984-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3984-3 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 pm.

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

The hearing to review Future Use Permit No. 3984-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

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

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

No. 1987-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Moody) ss.

I, Angela N ibbelink, bookkeeper hereby

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

Water was taken from the Moody County Enterprise

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

city Flendreau of _____

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

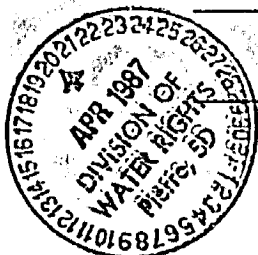
April 8, 1987

April 15, 1987

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

4-15-87
(Date Signed)



Cost of Printing: 34.72

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NO. 3984-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 3984-3 held by the Big Sioux Community Water System, Inc., Box 158, Egan, SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3984-3. This permit was approved March 29, 1978 to reserve 2.6 cfs (1882 acre feet) from the Big Sioux-Moody Aquifer for diversion from the Ely Ely SE 1/4 Section 7, T106N, R48W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 3984-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3984-3 in Room 216, Joe Foss Building, Pierre, SD on May 6, 1987 at 2:15 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. The petition may be in formal, 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. 3984-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74-02:01:27 and contested case procedures contained in SDCL 1-26.

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

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

(April 8-15, 1987)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Lake

Deanna Berghelm of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by the Madison Daily Leader, Inc., Merrill D. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader 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 time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the

Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this

affidavit and the advertisement headed Notice of Hearing to Review Future Use Water Permit No. 3984-3

printed copy of which hereunto attached, was printed and published in the said newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 8th day of April, 19 87;
On Wednesday, the 15th day of April, 19 87;
On _____, the _____ day of _____, 19 ____;
On _____, the _____ day of _____, 19 ____;
On _____, the _____ day of _____, 19 ____;
On _____, the _____ day of _____, 19 ____;
On _____, the _____ day of _____, 19 ____;
On _____, the _____ day of _____, 19 ____;

That \$ 36.85 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher 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.

Deanna Berghelm

Subscribed and sworn to before me this 15th

April, 19 87.

JOHANNA H. WILSON
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires Jan. 15, 1993

Johanna H. Wilson
Notary Public, Lake County, South Dakota.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3984-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 3984-3 held by the Big Sioux Community Water System, Inc., Box 158, Egan SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 3984-3. This permit was approved March 29, 1978 to reserve 2.6 cfs (1682 acre feet) from the Big Sioux-Moody Aquifer for diversion from the E 1/2 E 1/2 SE 1/4 Section 7, T166N, R48W.

Pursuant to SDCL 46-2A-3 the Chief Engineer, of the Water Rights Division recommends that Permit No. 3984-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3984-3 in Room 216, Joe Foss Building, Pierre SD on May 5, 1987 at 2:15 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect; 2) amend the permit by adding qualifications; 3) cancel the permit for no development or no planned future development; or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the 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. 3984-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

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

Total

Received Payment,



Department of Water & Natural Resources

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

May 18, 1987

NOTICE

Leonard R Heinemann, Manager
Big Sioux Community Water System, Inc.
Box 158
Egan SD 57024

Dear Mr. Heinemann:

This letter is in response to action taken by the Water Management Board at the May 6, 1987 hearing regarding review of Future Use Water Permit No. 3984-3. The Board allowed the permit to remain in effect and amended Permit No. 3984-3 by adding the qualifications on the enclosed "Attachment". The "attachment" should be placed with the permit. Future Use Permit No. 3984-3 is again subject to review in seven years.

Please contact us if you have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 3984-3

BIG SIOUX COMMUNITY RURAL WATER SYSTEM, INC.

Pursuant to the May 6, 1987 Water Management Board hearing, Future Use Permit No. 3984-3 was allowed to remain in effect and amended by adding the following qualifications:

1. Permit No. 3984-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment upon expiration of seven years.
2. This permit is approved for groundwater from the Big Sioux-Moody Aquifer.



3984-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 1994

Leonard Heinemann, Manager
Big Sioux Community Water Corporation
Box 158
Egan SD 57024

Dear Mr. Heinemann:

I am writing in regard to the seven year review of Future Use Water Permit No. 3984-3 from groundwater which is held by Big Sioux Community Water Corporation. Currently, our records show that 822 acre-feet remain in reserve under this future use permit which was issued in 1978.

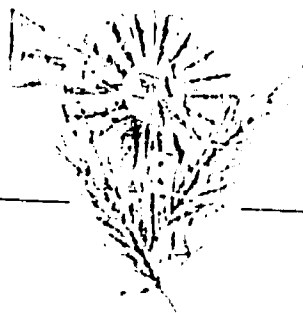
Permit No. 3984-3 will be scheduled for review by the Water Management Board this spring or summer pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 3984-3.

Please respond in writing by February 15, 1994, regarding the Corporation's intention for the future use permit. If the Corporation does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352



Big Sioux

Community Water System, Inc.

BOX 158 • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

January 11, 1994



Karen Schlaak
Natural Resources Analyst
Department of Environment and Natural Resources
Joe Foss Building, 523 East Capitol
Pierre, S. Dak. 57501-3181

Dear Ms. Schlaak:

This letter is in response to your letter regarding the seven year review of Future Use Water Permit No. 3984-3 currently held by Big Sioux Community Water System, Inc.

In 1993, we pumped 209,380,000 gallons of water from the Big Sioux Aquifer. This was our peak year in the seven years prior to and including 1993. In those seven years we added 226 new hookups and currently have 1449 paid up members. We expect that type of growth to continue into the foreseeable future. We have also added, in 1993, the town of Egan and hooked up Rutland residents on an individual basis. Based on Egan's usage the last couple months, we expect they will use an average of about 1 million gallons per month. We can easily expect to see future pumping in the neighborhood of 230-240 million gallons per normal weather type year without factoring in any growth.

We are also on the downhill side of completing a 1200 GPM lime softening treatment plant. It should be done in early 1994. The gallons per minute size was determined because we do expect to see continued growth of our system. There are towns within our distribution limits that still have the option of connecting to our system should the need arise.

Our pumping records will show total pumped of:

1991 - 208,942,340 gallons
1992 - 202,370,000 gallons
1993 - 209,380,000 gallons

We do hope to retain the permit as currently written. In 20 years we have doubled in size and tripled our water sales. Big Sioux is a dynamic rural water system and this growth trend will continue.

If you have questions, give me a call at 997-2098. Thank You.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Leonard Heinemann".

Leonard Heinemann, Manager
Big Sioux Community Water System, Inc.

LH/jf



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

January 15, 1993

Leonard Heinemann
Big Sioux Community Water Corporation
Box 158
Egan, SD 57024

Dear Mr. Heinemann:

Water Permit Application Nos. 3984A-3 and 5720 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Daily Register printed at Brookings, SD (Ph # 692-6271), Daily Leader printed at Madison, SD (Ph # 256-4555), Moody Co. Enterprise printed at Flandreau, SD (Ph # 997-3725), and Argus Leader printed at Sioux Falls, SD (Ph # 331-2200). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Dave Odens, Banner & Associates, Inc., PO Box 298, Brookings, SD 57006

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

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

Leonard Heinemann, Manager
Big Sioux Community Water Corporation
Box 158
Egan SD 57024

Dear Mr. Heinemann:

Future Use Permit No. 3984-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the following papers: Daily Register, Brookings SD (Ph # 692-6271), Daily Leader, Madison SD (Ph # 256-4555), Moody Co. Enterprise, Flandreau SD (Ph # 997-3725) and the Argus Leader, Sioux Falls SD, (Ph # 331-2200). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE 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

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

May 17, 1994

Moody Co. Enterprise
Box 71
Flandreau SD 57028

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3984-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Big Sioux Community Water Corporation, Box 158, Egan SD 57024 (Ph # 997-2098).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

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

Name

Newspaper

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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3984-3

Notice is given that the Water Management Board will review Future Use Permit No. 3984-3 held by the Big Sioux Community Water System, Inc., Box 158, Egan SD 57024 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. 3984-3. This permit was approved March 29, 1978 to reserve 2.6 cubic feet of water per second from the Big-Sioux Moody Aquifer located in the E 1/2 E 1/2 SE 1/4 Section 7-T106N-R48W. Water Permit No. 3984A-3 amends the future use area to include the E 1/2 NE 1/4 Section 7, SW 1/4 SW 1/4 Section 8; all in T106N-R48W. On March 3, 1993, the amount of water reserved by Permit No. 3984-3 was quantified to be 1,300 acre feet annually. Water Permit No. 5720-3 put a total of 478 acre-feet to beneficial use reserved by No. 3984-3 leaving 822 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 3984-3 REMAIN in EFFECT for 822 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. 3984-3 at the Ramkota Inn Best Western, Gallery D, 920 W Sioux, Pierre SD on June 28, 1994 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use 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. 3984-3 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 Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) ssI, Angela Nibbelink

certify that the attached printed Notice was

taken from the Moody County
Enterpriseprinted and published in FrederickCounty of Moody and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:May 24, 1994May 31, 1994Cost of Printing: 62.49Angela Nibbelink
(Signature)Bookkeeper
(Title)5-31-94
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3984-3

Notice is given that the Water Management Board will review Future Use Permit No. 3984-3 held by the Big Sioux Community Water System, Inc., Box 158, Egan, SD 57024 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. 3984-3. This permit was approved March 29, 1978 to reserve 2.6 cubic feet of water per second from the Big-Sioux Moody Aquifer located in the E 1/2 E 1/2 SE 1/4 Section 7-T106N-R46W. Water Permit No. 3984-3 amends the future use area to include the E 1/2 NE 1/4 Section 7, SW 1/4 SW 1/4 Section 8; all in T106N-R48W. On March 3, 1993, the amount of water reserved by Permit No. 3984-3 was quantified to be 1,300 acre feet annually. Water Permit No. 5720-3 put a total of 478 acre-feet to beneficial use reserved by No. 3984-3 leaving 822 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 3984-3 REMAIN IN EFFECT for 822 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. 3984-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD on June 28, 1994 at 10:00 a.m.

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

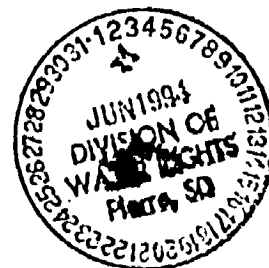
The hearing to review Future Use Permit No. 3984-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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 Division, DENR, Joe Foss Building, Pierre, SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994.

Russell L. Stone, Acting Secretary,
Department of Environment and Natural Resources

(May 24 & 31, 1994)





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

Daily Leader
PO Box 348
Madison SD 57042

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3984-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Big Sioux Community Water Corporation, Box 158, Egan SD 57024 (Ph # 997-2098).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name _____

Newspaper

OK

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Lake) ss

I, Deanna D Bergheim
 certify that the attached printed Notice was
 taken from the Madison Daily Leader

printed and published in Madison SD

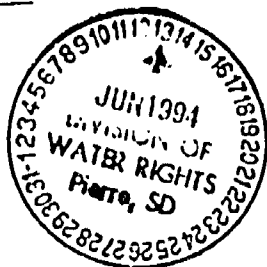
County of Lake and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

Wednesday, May 25, 94

Wednesday, June 1, 94

Cost of Printing: 60.86



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3984-3

Notice is given that the Water Management Board will review Future Use Permit No. 3984-3 held by the Big Sioux Community Water System, Inc., Box 158, Egan, SD 57024 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. 3984-3. This permit was approved March 29, 1978 to reserve 2.6 cubic feet of water per second from the Big-Sioux Moody Aquifer located in the E½ E½ SE ¼ Section 7-T106N-R48W. Water Permit No. 3984A-3 amends the future use area to include the E½ NE ¼ Section 7, SW ¼ SW ¼ Section 8; all in T106N-R48W. On March 3, 1993 the amount of water reserved by Permit No. 3984-3 was quantified to be 1,300 acre feet annually. Water Permit No. 5720-3 put a total of 478 acre-feet to beneficial use reserved by NO. 3984-3 leaving 822 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 3984-3 REMAIN in EFFECT for 822 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. 3984-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD on June 28, 1994 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses accordance to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use 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. 3984-3 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 Division, DENR, Joe Foss Building, Pierre, SD 605 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994.

RU3SELL L. STONE
 Acting Secretary
 Department of Environment
 and Natural Resources

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Brookings)

I, Nancy Skyberg

certify that the attached printed Notice was

taken from the Brookings Register

printed and published in Brookings

County of Brookings and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

May 25, 1994

June 1, 1994

Cost of Printing: \$62.72 (sixty-two
 dollars and seventy-two cents)

Nancy Skyberg
 (Signature)

Legal Ad Coordinator

(Title)

6-10-94

(Date Signed)



371, 2x, May 25, June 1 NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 3984-3

Notice is given that the Water Management Board will review Future Use Permit No. 3984-3 held by the Big Sioux Community Water System, Inc., Box 158, Egan, S.D. 57024 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. 3984-3. This permit was approved March 29, 1978 to reserve 2.6 cubic feet of water per second from the Big-Sioux Moody Aquifer located in the E 1/2 E 1/2 NE 1/4 Section 7-T106N-R48W. Water Permit No. 3984-3 amends the future use area to include the E 1/2 NE 1/4 Section 7, SW 1/4 SW 1/4 Section 8; all in T106N-R48W. On March 3, 1993, the amount of water reserved by Permit No. 3984-3 was quantified to be 1,300 acre feet annually. Water Permit No. 5720-3 put a total of 475 acre-feet to beneficial use reserved by No. 3984-3 leaving 822 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 3984-3 REMAIN IN EFFECT for 822 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. 3984-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, S.D. on June 28, 1994 at 10:00 a.m.

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

Russell L. Stone,
 Acting Secretary,
 Department of Environment
 and Natural Resources



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 3984-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Big Sioux Community Water Corporation, Box 158, Egan SD 57024 (Ph # 997-2098).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

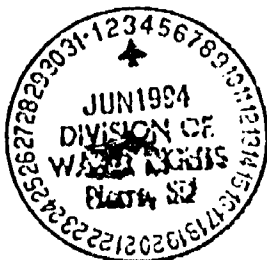
Date _____

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

Name

Newspaper

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA)
) ss
 County of Minnehaha)

I, D. Reicher

certify that the attached printed Notice was

taken from the Argos Leader

printed and published in Sioux Falls

County of Minnehaha and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

Wednesday, May 25, 1994

Wednesday, June 1, 1994

Cost of Printing: \$126.33

D. Reicher
 (Signature)

Asst. Controller

(Title)

10/1/94
 (Date Signed)

NOTICE OF HEARING TO
 REVIEW FUTURE USE WATER
 PERMIT NO. 3984-3

Notice is given that the Water Management Board will review Future Use Permit No. 3984-3 held by the Big Sioux Community Water System, Inc., Box 158, Egan SD 57024 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. 3984-3. This permit was approved March 29, 1978 to reserve 2.6 cubic feet of water per second from the Big Sioux Moody Aquifer located in the E 1/2 E 1/2 SE 1/4 Section 7-T106N R48W Water Permit No. 3984-3 amends the future use area to include the E 1/2 NE 1/4 Section 7, SW 1/4 SW 1/4 Section 8, all in T106N R48W. On March 3, 1993, the amount of water reserved by Permit No. 3984-3 was quantified to be 1,300 acre feet annually. Water Permit No. 5720-3 put a total of 478 acre-feet to beneficial use reserved by No. 3984-3 leaving 822 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 3984-3 REMAIN IN EFFECT for 822 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. 3984-3 at the Ramkota Inn Best Western Gallery D, 920 W Sioux, Pierre SD on June 28, 1994 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding on the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, Joe Foss Building, 523 E Capitol, 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. 3984-3 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, 60c, Rules ARSD 74 02 01 25 01 thru 74 02 01 25 03 and contested case procedures contained in SDCL 1-26.

The 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, unpaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 57501 773-3352 by June 20, 1994. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 1994.

Russell L. Stone, Acting Secretary
 Department of Environment
 and Natural Resources
 11258 May 25, June 1, 1994

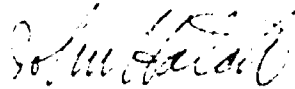
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 3984-3, BIG SIOUX COMMUNITY WATER CORPORATION

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 3984-3, Big Sioux Community Water Corporation, Box 158, Egan SD.

The Chief Engineer is recommending that Future Use Permit No. 3984-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 3984-3, 2) the Big Sioux Community Water Corporation has demonstrated a reasonable need for the water reserved by Permit No. 3984-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 3984-3 reserve for future use a total of 822 acre-feet of water annually.

And that maintaining the effectiveness of Future Use Permit No. 3984-3 is subject to payment of the \$35.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Big Sioux Community Water System, Inc.



JOHN HATCH, Chief Engineer
May 16, 1994

May, 1994

Big Stone RWS

3984-3 Future Use Approved 1978 2.6 cfs
(1882 AF)

4943-3 0.52 cfs (not from F.U.)

5679-3 360 AF Future Use permit
from different area

5720-3 From 3984-3 Approved 1993
remaining ~~1.1~~ 478 AF
~~1.5 cfs~~

3984A-3 Expands F.U. area Approved 1993
quantifies volume of 3984-3 to 1300 AF
from 5720-3 - 478
822 AF remaining

- Allowing all to
remain in reserve.

- Already quantified to
acre-feet basis



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 1994

NOTICE

Leonard Heinemann, Manager
Big Sioux Community Water Corporation
Box 158
Egan SD 57024

Dear Mr. Heinemann:

I am writing in response to action taken by the Water Management Board at the hearing on June 28, 1994 to review Future Use Permit No. 3984-3. The Board allowed the permit to remain in effect and amended Permit No. 3984-3 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 3984-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 3984-3 is \$35.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

for

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 3984-3

BIG SIOUX COMMUNITY WATER CORPORATION

Pursuant to the June 28, 1994 Water Management Board hearing, Future Use Permit No. 3984-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 3984-3 reserve for future use a total of 822 acre-feet of water annually.

CERTIFICATION

I hereby certify that on July 7, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing Notices dated July 7, 1994, regarding action taken by the Water Management Board at the hearing on June 28, 1994, to review Future Use Permits, along with the Amendment for these Future Use Permits, addressed as stated below:

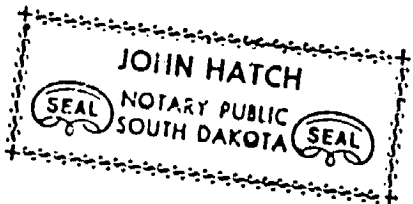
- 1442-2: Mike Kurle, Manager, West River Water Development District, Box 523, Murdo, SD 57559.
- 1622-2: Ernie Schweigert, Mayor, City of Gregory, Box 436, Gregory, SD 57533-0436.
- 2671-3 & 3429-3: Arden Wallum, Manager, WEB Water Development Association, Inc., P.O. Box 51, Aberdeen, SD 57402-0051.
- 3984-3: Leonard Heinemann, Manager, Big Sioux Community Water Corporation, Box 158, Egan, SD 57024.
- 4456-3: Wade J. Blasius, Manager, Aurora-Brule Rural Water System, Inc., P.O. Box 140, Kimball, SD 57355.
- 5113-3: Bonnie Nielsen, Finance Officer, Town of Pickstown, P.O. Box 107, Pickstown, SD 57367-0107.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 11th day of July, 1994.



John Hatch
Notary Public

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

RECEIPT

Division of Water Rights

414225

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 20, 1994

RECEIVED OF Big Sioux Community Water, Inc., P.O. Box 158, Egan, SD 57024
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>3934-3</u> after period of seven years.	35	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	35	00

By John Hatch
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 27, 1996

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan SD 57024

Dear Martin:

I am writing in response to my investigation of the rural water system's water right permits completed on June 12, 1996. The purpose of the investigation is to license the permits for the amount of water actually developed under each permit. As we discussed during our meeting, there are some issues that need to be addressed.

Water Permit No. 2054-3 was approved March 20, 1974, for construction of up to 4 wells in the E4E4SE1/4 section 7-T106N-R48W. Construction of the wells authorized by No. 2054-3 was to be completed by March 20, 1977. Based on the investigation, it was determined that well Nos. 3 and 4 were both constructed after the 1977 completion date. Well No. 3 was completed on May 13, 1978, and well No. 4 was completed on July 18, 1981 according to well completion reports filed by Lacey Well Drilling. I suspect that no one paid attention to the permitted completion date and well construction continued since No. 2054-3 was originally issued for four wells. No other permits are on file that authorize completion of well Nos. 3 and 4 after March 20, 1977.

There are several ways to handle covering well Nos. 3 and 4 by a water permit. I propose you use one of the following two options.

1. Complete a permit application for well No. 3 to place water to use that is currently reserved under Future Use Permit Nos. 3984-3 and 3984A-3. Well No. 3 is located within the future use area and, if approved, well No. 3 would take a priority date of June 6, 1977. Another permit application would be needed for Well No. 4 which is outside of the future use area. Therefore, well No. 4 would take a new priority date as of the date the application is received.
2. The second option involves applying for another expansion of the future use area to include the location of well No. 4. If the future use expansion is approved, then an application could be submitted for both Well No. 3 and 4 to place water to use from future use reserves. This option would result in well Nos. 3 and 4 both receiving a priority date of June 6, 1997. As you may recall, this is the same procedure that was used for well No. 5. The future use area was expanded by No. 3984A-3 and water was placed to beneficial use from well No. 5 by Permit No. 5720A-3.

After deciding how you want to proceed, let me know and I will complete the needed applications to the extent possible. I will then send the applications to you for your review, signature, and any other information that may be needed. I will also prepare the maps for the applications.

August 27, 1996
 Martin Jarrett
 Page 2 of 2

In order to complete the licenses for Permit Nos. 2054-3, 5720-3, 5720A-3, and 4943-3 (near Brandt Lake), I will need the following items in addition to the information I received during our meeting.

- Please provide the peak rate (gallons per minute) at which water can be treated at the treatment plant using well Nos. 1 through 5.
- Please provide the maximum pump rates (gallons per minute) for each well.
- I have a copy of the well completion reports filed by Lacey Drilling for well Nos. 3, 4, and 5. I do not have any information on the well construction for well Nos. 1 and 2. Please provide a copy of the well completion reports from Lacey Drilling, if available, otherwise complete as much of the following information as possible.

Casing:	Well No. 1	Well No. 2	Screen:	Well No. 1	Well No. 2
Type (eg steel)			Type		
Length (ft)			Length (ft)		
Diameter (in)					

- Permit Nos. 5720-3 and 5720A-3 (Well No. 5) place to beneficial use up to 478 acre-feet (AF) of water annually reserved for future use under Future Use Permit Nos. 3984-3 and 3984A-3. The difference between 478 AF of water and the amount actually being placed to use will be returned to the future use permits (478 AF minus actual use AF = amount returned to future use reservation.) Please specify the maximum annual volume of water that will be diverted from well No. 5. Also, please provide the size and type of submersible unit installed in well No. 5.

If you have any questions or concerns, please let me know. I can be reached at (605) 773-3352. Thank you for taking the time to show me around.

Sincerely,


 Ron Duvall
 Natural Resources Engineer
 Water Rights Program

6/5
7/8

T106N - R48W

N

Well
Field

7/8
18/17

SIOUX RIVER

Scale 8" = 1 mile

Well Field E² of E² of SE⁴
Sec 7 - T106N - R48W

5-31-77

Certified Correct

John Williams

Future Use Water Permit

for Big Sioux Community Water Supply

Applied for by

East Dakota Conservancy

Sub-District

524-17th Ave

57006

Brookings S. Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 12, 2015

Big Sioux Community Water System
Martin Jarrett, Manager
23343 479th Ave
Egan SD 57024

Dear Mr. Jarrett:

I am writing in regard to the seven year review of Future Use Water Permit No. 3984A-3 from groundwater (Big Sioux:Moody Aquifer) held by the Big Sioux Community 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 system. Currently, our records show that 889 acre-feet remain in reserve under this future use permit with a priority date of 1977 and last reviewed in 2008.

Please respond in writing by April 15, 2015 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. 3984A-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 889 acre-feet remain in reserve, the fee will be \$135.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 12, 2015

Big Sioux Community Water System
Martin Jarrett, Manager
23343 479th Ave
Egan SD 57024

Dear Mr. Jarrett:

On March 12, 2015, we notified you that Future Use Water Permit No. 3984A-3 held by Big Sioux Community 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 system in 1977 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the March 12th letter. 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.

The Water Management Board will not schedule Permit No. 3984A-3 for review until the above information has been submitted.

Please contact Eric Gronlund or me, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 15, 2015

Big Sioux Community Water System
Martin Jarrett, Manager
23343 479th Ave
Egan SD 57024

Dear Mr. Jarrett:

On March 12, 2015 and May 12, 2015, DENR notified you that Future Use Permit No. 3984A-3 held by Big Sioux Community Water System was to be scheduled for review by the Water Management Board and requested the system's intentions regarding the permit. As of today, we have not received a response from you.

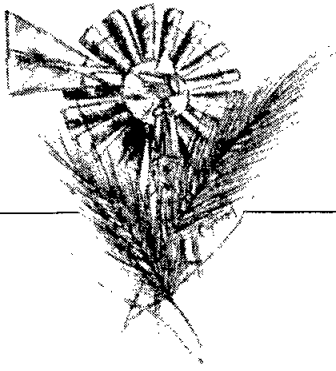
Future Use Permit No. 3984A-3 was obtained by the system in 1977 and currently reserves 889 acre-feet of groundwater from the Big Sioux:Moody Aquifer for future development.

By state law, future use permits are subject to review every seven years. 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. If the entire 889 acre-feet remains in reserve, the fee will be \$135.00.

Please respond by September 1, 2015 so we can public notice for the October 14-15, 2015 Water Management Board meeting and comply the regulation regarding review of the future use permit. If you have any questions, please contact Karen Schlaak or me.

Sincerely,

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



Big Sioux
Community Water System, Inc.

23343 479TH AVE. • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

RECEIVED

JUL 23 2015

WATER RIGHTS
PROGRAM

Eric Gronlund
Water Rights Program
DENR, Joes Foss Bldg.,
523 East Capitol
Pierre, SD 57501-3182

7/20/15

Dear Mr. Gronlund

Thank you for the letter reminding me again that Future Use Water Permit No. 3984A-3 is up for review. I apologize most sincerely for this oversight. This permit was last renewed in 2008, and Big Sioux Community Water System Inc., would like to keep this permit in effect into the future.

When this permit was renewed in 1994 there was 1300 acre feet held in reserve under this permit. Today, as you stated, there are 889 remaining in reserve.

Since 1994 Big Sioux Community water system has shown a steady increase in both customers and water sales. In 1994 we had 1450 customers and sales of 175 million gallons per year. In 2001 we had 1710 customers and sales of over 300 million gallons. We now have over 2100 individual hookups with expected potable water sales of over 350 million gallons as well as expected non-potable water sales to Dakota Ethanol of over 300 million gallons.

In 2014 we completed an assessment of increasing the size of our Egan well-field and this future use permit would be key in moving ahead with a well-field expansion.

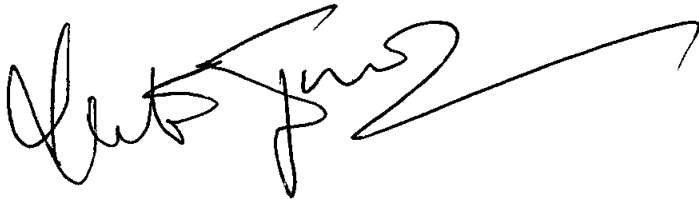
This area also continues to add population. In 2015 we will also be adding three additional confined hog units, and Moody County is continually being looked at for additional large scale Dairy operations.

Given the ongoing demand for additional high quality potable water in our service area, I feel it is imperative that we try and retain this future use permit for all the 889 acre-feet.

Please find enclosed a check for the renewal fee of \$135.00. If I can answer any further questions, please contact me at the above address.

Thank you again for your consideration in this matter

Sincerely,

A handwritten signature in black ink, appearing to read 'Martin Jarrett', with a long, sweeping horizontal stroke extending to the right.

Martin Jarrett
Manager

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/23, 20 15

RECEIVED OF Big Sioux Comm Water Inc 23343 479th Ave Egan SD 57024

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	135	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>3984A-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	135 00

No. 07450

By Jean Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 3984-3 and 3984A-3, Big Sioux Community 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. 3984-3 and 3984A-3, Big Sioux Community Rural Water System, c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024.

The Chief Engineer is recommending that Future Use Permit Nos. 3984-3 and 3984A-3 REMAIN in EFFECT for 889 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under the Permits, 2) the rural water system has demonstrated a reasonable need for the water reserved by the Permits, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 3984-3 and 3984A-3 is subject to payment of the \$135.00 fee pursuant to SDCL 46-2-13(2). Big Sioux Community Rural Water System has already submitted this fee.

Jeanne Goodman, Chief Engineer
September 14, 2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 14, 2015

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

Big Sioux Community Rural Water System, Inc.
c/o Martin Jarrett, Manager
23343 479th Ave
Egan SD 57024

Dear Mr. Jarrett:

Future Use Permit Nos. 3984-3 and 3984A-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 following papers:

Moody County Enterprise – 605 997-3725
Argus Leader – 605 331-2200
Daily Leader – 605 256-4555
Brookings Register – 605 692-6271

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

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on September 23, 2015. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

RECEIVED

AFFIDAVIT OF PUBLICATION

Madison Daily Leader 1M

SEP 28 2015

AFFIDAVIT OF PUBLICATION

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA }
County of Lake } ss.

Wednesday, Sept. 23

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER
PERMIT NOS. 3984-3 and
3984A-3

Judy Dahl of the City of Madison, County of Lake,
State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation,
printed and published in the City of Madison, in said County of Lake, by Hunter
Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper
during the times hereinafter mentioned; that the said Madison Daily Leader 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 time had, and
how has, more than 200 bona fide subscribers; that the undersigned, the affiant,
is the Secretary of the said newspaper, in charge of the advertis-
ing department thereof and has personal knowledge of all the facts stated in this
affidavit and the advertisement headed

Notice is given that the Water
Management Board will review
Future Use Permit Nos. 3984-3 and
3984A-3 held by Big Sioux
Community Rural Water System
Inc., c/o Martin Jarrett, Manager,
23343 479th Ave, Egan SD 57024 for
progress made in the development
of the water reserved and future
plans for development of the water
reserved by the permits. Permit
No. 3984-3 was approved 1978
currently reserves 889 acre feet
from groundwater (Big
Sioux/Moody Aquifer). Permit No.
3984A-3 expanded the future use
area which is located in the E 1/2
E 1/2 SE 1/4, E 1/2 NE 1/4 Section
7, SW 1/4 SW 1/4 Section 8; all in
T106N-R48W for rural water
system use. This system serves
users in, Moody, Minnehaha,
Brookings and Lake Counties.

SD Water & Natural Resources

Review Water Permits # 3984-3 & 3984A-3

printed copy of which hereunto attached, was printed and published in the said
newspaper for One successive weeks, once each week and on the
same day of the week, on the following dates, to-wit:

On Wednesday, the 23rd day of September, 2015;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;
On , the day of , 20;

That \$ 41.09 being the full amount of the fees for publication of the
attached notice inures solely for the benefit of the publisher 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.

Judy Dahl

Subscribed and sworn to before me this 23rd day of
September, 2015

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Program recommends that
Permit Nos. 3984-3 and 3984A-3
REMAIN in EFFECT for 889 acre-
feet annually because 1) the
reserved water may be developed,
2) there is need for the reserved
water 3) the proposed use will be a
beneficial use and 4) it is in the
public interest.

The Water Management Board
will conduct the hearing to review
Future Use Permit Nos. 3984-3 and
3984A-3 at 9:00 am on October 14,
2015 at the Pierre Chamber of
Commerce, 800 West Dakota Ave,
Pierre SD.

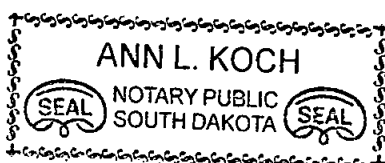
The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) allow the
permit to remain in effect, 2)
amend the permit by adding
qualifications, 3) cancel the permit
for no development or no planned
future development, or 4) take no
action after it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

Publication Fees \$

Notary Fees \$

Total \$

Received Payment,



Ann L. Koch
Notary Public, Lake County, South Dakota

In Court

County of

LOCATION

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 October 5, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 3984-3 and 3984A-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 October 5, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 5, 2015.

STEVEN M. PIRNER,
Secretary,

Department of Environment
and Natural Resources

Published once at the total
approximate cost of \$41.09

on the

day of

20

Attorneys for

Affidavit of Publication

10/

State of South Dakota

Exhibit "A"

ss

County of Brookings

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

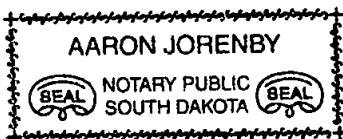
Leg#214 Permit Nos: 3984-3 and 3984A-3

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

September 23, 2015

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Thirty-Nine Dollars and Three Cents \$39.03



Katherine Foiles

24 day of

September

2015

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

Legal 214, 1x, 9/23
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NOS. 3984-3 and
3984A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 3984-3 and 3984A-3 held by Big Sioux Community Rural Water System Inc., c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits. Permit No. 3984-3 was approved 1978 currently reserves 889 acre feet from groundwater (Big Sioux/Moody Aquifer). Permit No. 3984A-3 expanded the future use area which is located in the E 1/2 E 1/2 SE 1/4, E 1/2 NE 1/4 Section 7, SW 1/4 SW 1/4 Section 8; all in T106N-R48W for rural water system use. This system serves users in Moody,

Minnehaha, Brookings and Lake Counties. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 3984-3 and 3984A-3 REMAIN in EFFECT for 889 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 3984-3 and 3984A-3 at 9:00 am on October 14, 2015 at the Pierre Chamber of Commerce, 800 West Dakota 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 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 October 5, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of con-

RECEIVED

SEP 28 2015

WATER RIGHTS
PROGRAM

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

The hearing to review Future Use Permit Nos. 3984-3 and 3984A-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 October 5, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 5, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the

total approximate cost of \$39.03.

CUSTOMER NUMBER:	078200	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	727788		
	9/23, 2015		\$99.15

Big Sioux CWS
% Martin Jarrett, Manager
23343 479th Ave
Egan, SD 57024

RECEIVED
OCT 08 2015
WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200

Invoice Number: 727788

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday	the	23	day of	September	2015
	the		day of		2015
	,the		day of		2015
	,the		day of		2015
	,the		day of		2015
	,the		day of		2015
	,the		day of		2015
	,the		day of		2015

and that \$99.15 was charged for publishing the same including a \$10.00 affidavit fee.

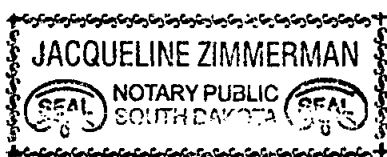
Linda Schulte
Subscribed and sworn to before me 9/23/2015

[Signature]
Notary Public, South Dakota

My Commission expires December 22, 2015

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 3984-3 AND 3984A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 3984-3 and 3984A-3 held by Big Sioux Community Rural Water System Inc., c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits. Permit No. 3984-3 was approved 1978 currently reserves 889 acre feet from groundwater (Big Sioux: Moody Aquifer). Permit No. 3984A-3 expanded the future use area which is located in the E 1/2 E 1/2 SE 1/4, E 1/2 NE 1/4 Section 7, SW 1/4 SW 1/4 Section 8; all in T106N-R48W for rural water system use. This system serves users in Moody, Minnehaha, Brookings and Lake Counties. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 3984-3 and 3984A-3 REMAIN in EFFECT for 889 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board will conduct the hearing to review Future Use Permit Nos. 3984-3 and 3984A-3 at 9:00 am on October 14, 2015 at the Pierre Chamber of Commerce, 800 West Dakota Ave, Pierre SD. The recommendation of the Chief Engineer is not 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 October 5, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition to support or oppose the future use permit. The request for a delay must be filed with the Chief Engineer by October 5, 2015. The hearing to review Future Use Permit Nos. 3984-3 and 3984A-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 Grantlund, Water Rights Program, (605 773-3352) by October 5, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuing the future use permit. The request for a delay must be filed with the Chief Engineer by October 5, 2015. Published once at the approximate cost of \$99.15.



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice hearing to
review future
water use permit

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

September 23, 2015

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are:

\$ 41.66

M. Headrick bookkeeper
Subscribed and sworn to before me this

23rd day of September AD 2015

Roger W. Janssen
Notary Public, County Moody, South Dakota

ROGER W. JANSSEN
NOTARY PUBLIC
SOUTH DAKOTA
My commission expires 8/1/16

RECEIVED

OCT 05 2015

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 3984-3 and 3984A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 3984-3 and 3984A-3 held by Big Sioux Community Rural Water System Inc., c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits. Permit No. 3984-3 was approved 1978 currently reserves 889 acre feet from groundwater (Big Sioux: Moody Aquifer). Permit No. 3984A-3 expanded the future use area which is located in the E 1/2 E 1/2 SE 1/4, E 1/2 NE 1/4 Section 7, SW 1/4 SW 1/4 Section 8; all in T106N-R48W for rural water system use. This system serves users in Moody, Minnehaha, Brookings and Lake Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 3984-3 and 3984A-3 REMAIN in EFFECT for 889 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 3984-3 and 3984A-3 at 9:00 am on October 14, 2015 at the Pierre Chamber of Commerce, 800 West Dakota 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 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 October 5, 2015.

The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 3984-3 and 3984A-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 October 5, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 5, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$25

County of _____

Affidavit of Publication

Filed in the office of _____

on the _____ day of _____

Attorney for _____

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 15, 2015 8:23 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 3984A-3, Big Sioux Community Water System
Attachments: 3984A-3.fu.doc; FORM8 FRM.doc

Attached is a notice to be published on September 23, 2015.

Big Sioux CWS, c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024 (605 997-2098) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 15, 2015 8:22 AM
To: 'ads@madisondailyleader.com'
Subject: 3984A-3, Big Sioux Community Water System
Attachments: 3984A-3.fu.doc; FORM8 FRM.doc

Attached is a notice to be published on September 23, 2015.

Big Sioux CWS, c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024 (605 997-2098) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 15, 2015 8:21 AM
To: allegals@argusleader.com
Subject: 3984A-3, Big Sioux Community Water System
Attachments: 3984A-3.fu.doc; FORM8 FRM.doc

Attached is a notice to be published on September 23, 2015.

Big Sioux CWS, c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024 (605 997-2098) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 15, 2015 8:20 AM
To: mce6@mcisweb.com
Subject: 3984A-3, Big Sioux Community Water System
Attachments: 3984A-3.fu.doc; FORM8 FRM.doc

Attached is a notice to be published on September 23, 2015.

Big Sioux CWS, c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024 (605 997-2098) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Instruction to Newspaper - Publish the Notice on September 23, 2015. The applicant is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 3984-3 and 3984A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 3984-3 and 3984A-3 held by Big Sioux Community Rural Water System Inc., c/o Martin Jarrett, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits. Permit No. 3984-3 was approved 1978 currently reserves 889 acre feet from groundwater (Big Sioux:Moody Aquifer). Permit No. 3984A-3 expanded the future use area which is located in the E 1/2 E 1/2 SE 1/4, E 1/2 NE 1/4 Section 7, SW 1/4 SW 1/4 Section 8; all in T106N-R48W for rural water system use. This system serves users in Moody, Minnehaha, Brookings and Lake Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 3984-3 and 3984A-3 REMAIN in EFFECT for 889 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 3984-3 and 3984A-3 at 9:00 am on October 14, 2015 at the Pierre Chamber of Commerce, 800 West Dakota 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 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 October 5, 2015. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 3984-3 and 3984A-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 October 5, 2015. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by October 5, 2015. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 15, 2015

NOTICE OF ENTRY OF ORDER

Big Sioux Community Rural Water System, Inc.
c/o Martin Jarrett, Manager
23343 479th Ave
Egan SD 57024

Dear Mr. Jarrett:

I am writing in response to action taken by the Water Management Board at the hearing on October 14, 2015 to review Future Use Permit Nos. 3984-3 and 3984A-3. The Board allowed the permits to remain in effect for 889 acre-feet of water annually. Future Use Permit No. 3984-3 and 3984A-3 are subject to another review in seven years.

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 October 15, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated October 15, 2015 regarding Future Use Permits addressed as stated below:

Permit No's 3984-3 & 3984A-3

Big Sioux Community Rural Water Systems, Inc., Martin Jarrett, 23343 479th Ave, Egan SD 57024

Jul. Jackson

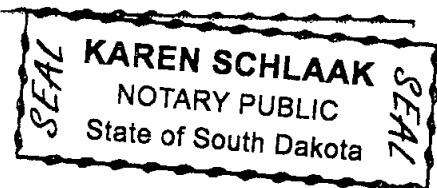
Gail Jacobson
Secretary/Water Rights

[illegible]

Sworn to, before me, this 15th day of October, 20 15.

Kaum Schmutz

Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 17, 2022

Big Sioux Community Water System Inc
c/o Jodi Johanson, Manager
23343 379th Ave
Egan SD 57024-0158

Dear Ms. Johanson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 3984-3 and 3984A-3 from the Big Sioux:Moody Aquifer held by Big Sioux Community Water System Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the rural water system. Currently, our records show that 589 acre-feet remain in reserve under these future use permits last reviewed in 2015.

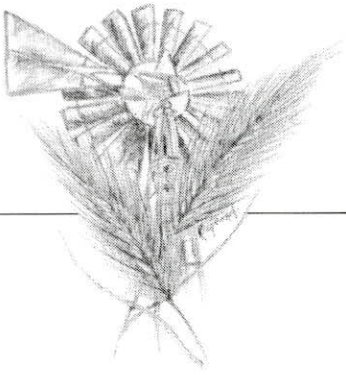
Please respond in writing by April 15, 2022, regarding the system's intention for the future use permits. If the system plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 3984-3 and 3984A-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 permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 589 acre-feet remain in reserve, the fee will be \$105.00.

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

Sincerely,

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



Big Sioux
Community Water System, Inc.

23343 479TH AVE. • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

RECEIVED

MAR 24 2022

WATER RIGHTS
PROGRAM

Karen Schlaak
Water Rights Program
Department of Agriculture & Natural Resources
Joe Foss Building, 523 East Capitol
Pierre, SD 57501

March 21, 2022

Dear Ms. Schlaak,

Thank you for the letter concerning our Future Use Water Permits, No. 3984-3 and 3984A-3, both from the Moody County Aquifer held by Big Sioux Community Water System.

We are currently seeing increase water usage from current consumer. If the dry conditions continue, we will most likely be utilizing that area of the aquifer in the near future. There also is increasing interest from new consumers building new homes and developments in the area due to the large commercial growth north of Sioux Falls. These future use permits are needed to ensure we have ample water to provide those needs. A new treatment plant is also possible in the near future for which further allocation from the water supply in that area could be utilized.

The future use permits are a valuable tool when planning for the future economy and livelihood of this company and all the residents of Moody County, South Dakota.

Big Sioux Community Water System Inc. strongly wants to retain these future use permits and would very much appreciate the Board allowing us to retain them.

If I can be of any further assistance, please don't hesitate to contact me at the above address,

Sincerely

Jodi Johanson
General Manager

Big Sioux Community Water System, Inc.



**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
NOS. 3984-3, 3984A-3 and 3984B-3**

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 Nos. 3984-3, 3984A-3 and 3984B-3, Big Sioux Community Water System, Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024.

The Chief Engineer is recommending that Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3 REMAIN in EFFECT for 589 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under the permits, 2) the system has demonstrated a reasonable need for the water reserved by the permits, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3 is subject to payment of the \$105.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Eric Gronlund, Chief Engineer
May 16, 2022

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 9:36 AM
To: Big Sioux Community Water System (bscws@bigsiouxcws.com)
Subject: Future Use Permit Nos. 3984-3, 3984A-3 & 3984B-3
Attachments: 3455.pdf

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

Karen Schlaak

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 17, 2022

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

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

Dear Mr. Johanson:

Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-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 each county where water will be diverted and/or used. Notice of this review has been sent to the following papers:

- | | |
|-------------------------------------|---|
| ✓ Madison Daily Leader 605 256-4555 | ✓ Moody County Enterprise 605 9997-3725 |
| ✓ Argus Leader 605 331-2200 | ✓ Brookings Register 605 692-6271 |

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

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

*Big Sioux Water
Public Hearing*

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

May 25, 2022

that the full amount of the fee charged for the publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 71.02

RECEIVED

MAY 31 2022

OFFICE OF
WATER

myHeadrick bookkeeper

Subscribed and sworn to before me this day

MAY 26, 2022

[Signature]
Notary Public, County Moody, South Dakota
ROGER W JANSSEN
NOTARY PUBLIC
SOUTH DAKOTA

My commission expires 2-16-2024

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3 held by the Big Sioux Community Rural Water System Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 3984-3 was approved in 1978 and currently reserves 589 acre-feet from the Big Sioux/Moody Aquifer. Permit Nos. 3984A-3 and 3984B-3 expanded the future use area which is located in the E 1/2 E 1/2 SE 1/4, E 1/2 NE 1/4 Section 7 and the W 1/2 Section 8; all in T106N-R48W with no increase in the amount of water reserved by No. 3984-3. This rural water system serves users in Moody, Minnehaha, Brookings and Lake Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 3984-3, 3984A-3 and 3984B-3 REMAIN in EFFECT for 589 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 Nos. 3984-3, 3984A-3 and 3984B-3 on July 6, 2022 at 9:30 (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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

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

The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, 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 Nos. 3984-3, 3984A-3 and 3984B-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 Permits. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

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

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

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

Published once at the cost of \$71.02

RECEIVED

Madison Daily Leader 1M

AFFIDAVIT OF PUBLICATION

MAY 31 2022

Wednesday, May 25

STATE OF SOUTH DAKOTA)
) ss.
County of Lake)

OFFICE OF
WATER

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMITS

Michelle Albers, of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Wick Communications, Michelle Albers, Business Manager, and has been such legal newspaper during the times hereinafter mentioned; That the said Madison Daily Leader 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 time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Business Manager of the said newspaper, a member of the Daily Leader staff thereof, and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

NTC REVIEW FUT WTR PERMTS
BIG SIOUX RURAL WTR-DANR

printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

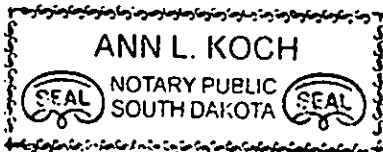
05/25/2022

That \$ 72.42 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication 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.

Michelle Albers

Subscribed and sworn before me this 25th day of

May, 2022



Ann L Koch
Notary Public, Lake County, South Dakota
Exp. 11-14-25

Notice is given that the Water Management Board will review Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3 held by the Big Sioux Community Rural Water System Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 3984-3 was approved in 1978 and currently reserves 589 acre-feet from the Big Sioux/Moody Aquifer. Permit Nos. 3984A-3 and 3984B-3 expanded the future use area which is located in the E 1/2 E 1/2 SE 1/4, E 1/2 NE 1/4 Section 7 and the W 1/2 Section 8; all in T106N-R48W with no increase in the amount of water reserved by No. 3984-3. This rural water system serves users in Moody, Minnehaha, Brookings and Lake Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 3984-3, 3984A-3 and 3984B-3 REMAIN in EFFECT for 589 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 Nos. 3984-3, 3984A-3 and 3984B-3 on July 6, 2022 at 9:30 (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 permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches

a conclusion based upon facts presented at the public hearing.

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

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, 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 Nos. 3984-A-3, 3984-B-3 and 3984-B-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

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Published once at the total approximate cost of \$72.42

JUN 06 2022

OFFICE OF Affidavit of Publication

State of South Dakota WATER

ss

County of Brookings

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

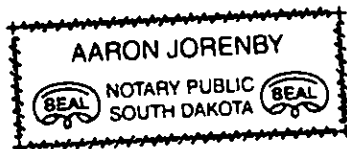
LEG#16523 Notice of Hearing to Review Future Water Use

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

May 25, 2022

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Seventy-Four Dollars and Forty-Two Cents \$74.42



June

1 day of

2022

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

PUBLIC NOTICES

Legal 16523 IX
5/25

NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMITS

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 3984-3, 3984A-3 and 3984B-3 REMAIN in EFFECT for 589 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.

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Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

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MAY 27 2022

OFFICE OF
WATER

Account No.: 6059972098

Ad No.: 0005263489

PO #: 3984-3

Lines : 243

Ad Total: \$73.01

BIG SIOUX COMMUNITY WATER SYSTEM
INC
523 E CAPITOL
PIERRE, SD 57501

This is not an invoice

of Affidavits 1

Account No.: 6059972098

Ad No.: 0005263489

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper issue(s) :

Sunday, May 22, 2022

Sworn to and subscribed before me this 22 day of May, 2022.

Michelle Jacobs

Legal Clerk

Shelly Hora

Notary Public, State of Wisconsin, County of Brown

8-25-23

My Commission expires

SHELLY HORA
Notary Public
State of Wisconsin

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MAY 27 2022

OFFICE OF
WATER

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3 held by the Big Sioux Community Rural Water System Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan, SD 57024 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 3984-3 was approved in 1978 and currently reserves 589 acre-feet from the Big Sioux Moody Aquifer. Permit Nos. 3984A-3 and 3984B-3 expanded the future use area which is located in the E 1/2 E 1/2 SE 1/4, E 1/2 NE 1/4 Section 7 and the W 1/2 Section 8, all in T106N-R43W with no increase in the amount of water reserved by No. 3984-3. This rural water system serves users in Moody, Minnehaha, Brookings and Lake Counties.

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MAY 27 2022

OFFICE OF
WATER

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Published once at the approximate cost of \$13.01

5263489 May 27, 2022

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MAY 27 2022

**OFFICE OF
WATER**

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 8:35 AM
To: registerclassifieds@brookingsregister.com
Subject: 3984-3, Big Sioux CWS
Attachments: 3984-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

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

Big Sioux Community Water System Inc, c/o Jodi Johanson, General Mgr, 23343 479th Ave, Egan SD 57024 (605 997-2098) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 8:36 AM
To: 'ads@madisondailyleader.com'
Subject: 3984-3, Big Sioux CWS
Attachments: 3984-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 8:34 AM
To: 'legals@argusleader.com'
Subject: 3984-3, Big Sioux CWS
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DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 8:33 AM
To: mce6@mcisweb.com
Subject: 3984-3, Big Sioux CWS
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DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>



The Big Sioux Community Rural Water System is responsible for payment.

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Published once at the approximate cost of ____.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 7, 2022

NOTICE OF ENTRY OF ORDER

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

Dear Ms. Johanson:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2022, to review Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3. The Board allowed the permits to remain in effect for 589 acre-feet of water annually. The Future Use Permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3 is \$105.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

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

CERTIFICATION

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

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

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

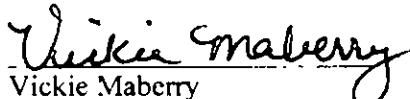
WEB Water Development Association Inc., Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57401

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

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

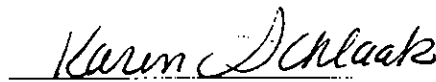
City of Volga, Michael Schulte, City Administrator, PO Box 217, Volga SD 57071

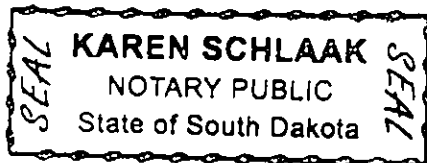
City of Burke, Wade Broome, Supt. Of Utilities, PO Box 312, Burke SD 57523


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Karen Schlaak Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 18, 2022

RECEIVED OF Big Sioux Community Water Inc. 23343 479th Ave., Egan SD 57024

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>3984-3, 3984A-3, 3984B-3</u> after period of seven years.	<u>\$105.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$105.00</u>

By Eric Gronlund
Chief Engineer

vm