

WATER PERMIT NO. 3984B-3

Name of Applicant: Big Sioux Community Water System Inc.

Address: 23343 479th Ave, Egan SD 57024 Phone: 605 864-1417

Amount of Water Claimed: no add'l Total Acres: NA

Source of Water Supply: Big Sioux:Moody Aquifer

Water to be used for: rural water system use County: Moody

Type of Waste Disposal System:

Location: 1/2 mile east of Egan

PRIORITY Date Received: 1-22-19 Application/License Fee: \$100

Corrected Application Received: Period of Annual Use: Jan 1- Dec 31

Remarks: Expand future use area authorized by No. 3984A-3

Diversion Point: W 1/2 Sec 8-T106N-R48W

Land to be Irrigated: NA

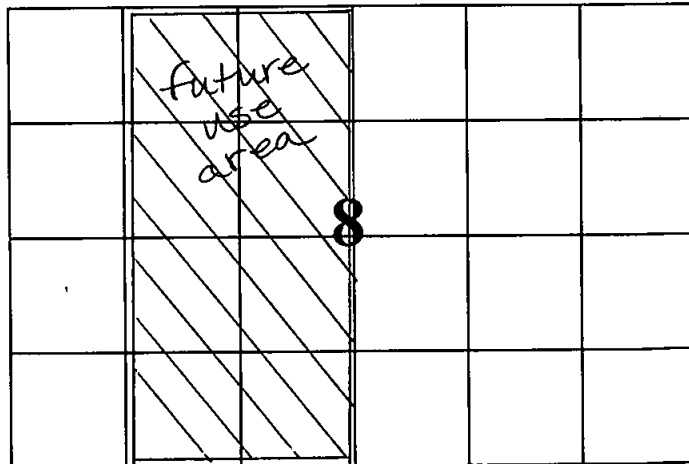
Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:



Reviewed and the Number Assigned on: 1-23-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

JAN 22 2019

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>3984B-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>see list</u>

Application For Permit To Appropriate Water Within The State Of South Dakota**Check use(s) of water:**

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>3984A-3</u>		

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Amend future use permit to include additional area. Add the west half of Section 8, T106N, R48W to those areas identified in future Use Permit 3984A-31. Name to Appear on Water Permit Big Sioux Community Water System, Inc.Mailing Address 23343 479th Avenue Egan SD 57024
(Address) (City) (State) (Zip Code)Phone 605-997-2098 Mobile 605-864-1417 Email bscws@bigsiouxews.com2. Amount of water claimed NA *CFS or NA **GPM and NA ***AF or NA Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)3. Source of water supply NA4. Location of point of diversion NA County Moody
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ NoIf "Yes," where will water be used? NA

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used NA6. Annual period during which water is to be used NA

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

Request is for an amendment to Future Use Permit 3984A-3. Area added includes properties purchased by Big Sioux Community Water System, Inc. for future well-filed development.

I, Martin Jarrett General Manager, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
FUTURE USE PERMIT NO. 3984B-3**

Date of first receipt of application January 22, 2019.

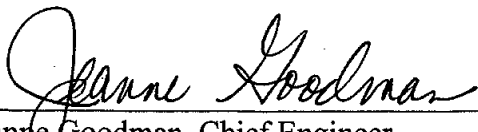
The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 3984B-3 to Big Sioux Community Water System, Inc., 23343 479th Ave, Egan SD 57024 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 3984B-3 amends Future Use Permit No. 3984A-3 by expanding the area reserved for future use. Permit No. 3984-3 and 3984A-3 reserve 889 acre-feet of water annually from the Big Sioux:Moody Aquifer 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. This permit includes the entire W 1/2 Section 8-T106N-R48W to the future use area with no increase in the amount of water reserved for future use by No. 3984-3.
2. The water appropriated shall be for the purpose of rural water system use serving users in Moody, Minnehaha, Brookings and Lake Counties and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 3984B-3 is March 18, 2019.
5. The date from which applicant may claim right is June 6, 1977 (established by No. 3984-3).
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3, combined, reserve 889 acre feet of water annually from the Big Sioux:Moody Creek aquifer.
2. Future Use Permit Nos. 3984-3, 3984A-3 and 3984B-3 are approved with the stipulation that the Permits are subject to review by the Water Management Board in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permits.
3. At such time as definite plans are made to construct works and put the water reserved by the permits to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 03 2019

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 22, 20 19

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

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

Fee for Application for Permit No. <u>3984B-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	100 00

No. **08976**

By Jeanne Goodman
Chief Engineer 7.5m



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3984B-3, Big Sioux Community Water System, Inc.**

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 Water Permit Application No. 3984B-3, Big Sioux Community Water System, Inc., c/o Martin Jarrett, 23343 479th Avenue, Egan SD 57024.

The Chief Engineer is recommending APPROVAL of Application No. 3984B-3 because 1) the applicant has demonstrated a reasonable need for the water reserved, 2) it is a beneficial use of water, and 3) it is in the public interest with the following qualifications:

1. Future Use Permit No. 3984A-3 and Water Permit No. 3984B-3, combined, reserve 889 acre feet of water annually from the Big Sioux:Moody Creek aquifer.
2. Future Use Permit No. 3984A-3 and Water Permit No. 3984B-3 are approved with the stipulation that the Permits are subject to review by the Water Management Board in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permits.
3. At such time as definite plans are made to construct works and put the water reserved by the permits to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
February 26, 2019

Report to the Chief Engineer
Water Permit Application No. 3984B-3
Big Sioux Community Water System
c/o Martin Jarrett, Manager
February 1, 2019

Application No. 3984B-3 proposes to amend Future Use Permit No. 3984A-3 by expanding the area reserved for future use. Permit No. 3984A-3 reserves 889 acre-feet of water annually from the Big Sioux: Moody aquifer management unit located in the E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8; all in T106N-R48W. This application requests including the entire W $\frac{1}{2}$ Section 8-T106N-R48W to the future use area with no increase in the amount of water reserved for future use by No. 3984A-3.

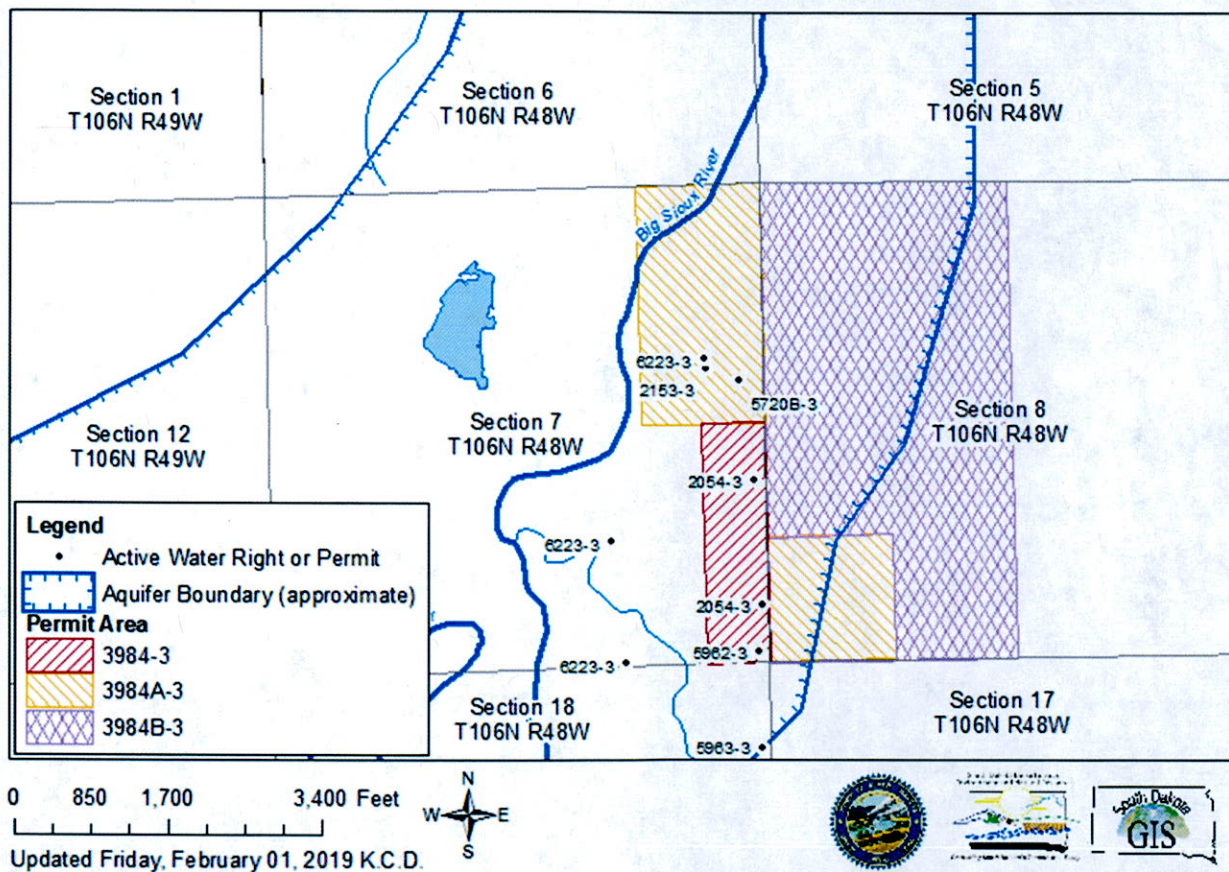


Figure 1: Permit area for Future Use Permit 3984-3, 3984A-3, and Application No. 3984B-3 (SD Water Rights, 2019a)

Aquifer: Big Sioux: Moody

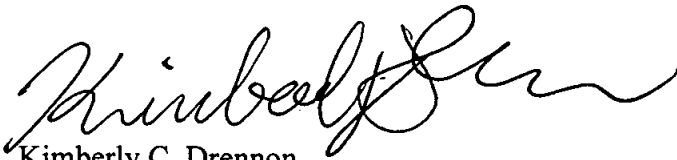
The Big Sioux: Moody aquifer management unit (Figure 1) is a glacial outwash that underlies 58 square miles below the Big Sioux River in Moody County with an average thickness of 22 feet (Hansen, 1986). The aquifer is under unconfined (water table) conditions in the sections related

to this application (Hansen, 1986) so it is unlikely the location of new wells in that area could have adverse drawdown impacts on existing water rights.

A future use permit can be considered a reservation of water with emphasis on the source aquifer over that of a specific location. In approval of Future Use Permit No. 3984-3, it was determined that the criteria established by SDCL 46-2A-10 were met, namely unappropriated water was available, the water was needed, and the use is a beneficial use and in the public interest (Selken, 1978). In 1993, Water Right No. 3984A-3 expanded the area of Future Use Permit 3984-3 (SD Water Rights, 2019b). The Water Management Board has allowed expansion of future use areas with the retention of the original priority dates in the past. This and any other amendments to Future Use Permit No. 3984-3 should retain the original 1977 priority date and the permit's qualifications.

Conclusions:

1. Application No. 3984B-3 does not propose any additional withdrawal from the Big Sioux: Moody aquifer management unit.
2. It is not likely wells in the proposed area will impact prior appropriative users.
3. Application No. 3984B-3 should contain the same qualifications as Future Use Permit 3984-3.



Kimberly C. Drennon
Natural Resources Engineer I

Bibliography

Hansen, D. S. (1986). *Water Resources of Lake and Moody counties, South Dakota*. Huron, South Dakota: U.S. Geological Survey.

SD Water Rights. (2019a). *Water Right/Permit files*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.

SD Water Rights. (2019b). *File for Water Right No. 3984A-3*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.

Selken, G. N. (1978). *Report on Water Permit Application No. 3640-3 and No. 3984-3*. Joe Foss Bldg., Pierre, South Dakota: SD DENR Water Rights Program.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 11:05 AM
To: Big Sioux Community Water System (bscws@bigsiouxaws.com)
Subject: Water Permit Applications
Attachments: Big Sioux applications.pdf

Martin Jarrett,

Attached is the letter and the two public notices regarding your 4 water permit applications. I have emailed each of the papers the two notices to be published on March 6, 2019. This is just a heads up to contact the papers ASAP to authorize publication and arrange for payment.

The reports and recommendations for each of the applications and the above are being mailed to you today.

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



Affidavit of Publication

State of South Dakota

ss

County of Brookings

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

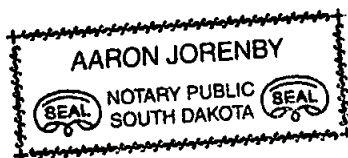
Leg#089 Notice of Application

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

March 6, 2019

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

Forty-One Dollars and Fifty-Nine Cents \$41.59



March

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

Legal 089, 1x, 3/6
NOTICE OF APPLICATION NO. 3984B-3 to Amend Future Use Area of Future Use Permit No. 3984A-3 and No. 8391-3 to Construct and Place to Beneficial Use Reserved Water
Notice is given that Big Sioux Community Water System Inc., c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 has filed the following applications for water permits. The Big Sioux Community Water System serves users in Lake, Moody, Minnehaha and Brookings Counties. Application No. 3984B-3 proposes to amend Future Use Permit No. 3984A-3 by expanding the area reserved for future use. Permit No. 3984A-3 reserves 889 acre-feet of water annually from the Big Sioux:Moody Aquifer 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. This application requests including the entire W 1/2 Section 8-T106N-R48W to the future use area with no increase in the amount of water reserved for future use by No. 3984A-3. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3984B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Application No. 8391-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from two wells to be completed into the Big Sioux:Moody Aquifer (30 and 36 feet deep) located in the W 1/2 NW 1/4 Section 8-T 1 0 6 N - R 4 8 W. Construction of the project is subject to

approval of Application No. 3984B-3 to expand the future use area. The water was appropriated and reserved by Future Use Permit No. 3984A-3. The water will be used to supply a dairy operation located in the NE 1/4 Section 30-T106N-R48W. The site of the new wells is approximately 1/2 mile east of Egan SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8391-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019.

RECEIVED

APR 04 2019

WATER RIGHTS
PROGRAM

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources.
Published once at the
total approximate cost
of \$41.59.

Argus Leader

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

RECEIVED

MAR 22 2019

WATER RIGHTS
PROGRAM

Account No.: 6059972098

Ad No.: 0003413889

PO #: 3984B-3

Lines : 151

Ad Total \$95.53

BIG SIOUX COMMUNITY WATER SYSTEM INC
23343 479TH AVE
EGAN, SD 57024

of Affidavits: 1

Account No.: 6059972098

Ad No.: 0003413889

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

I 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

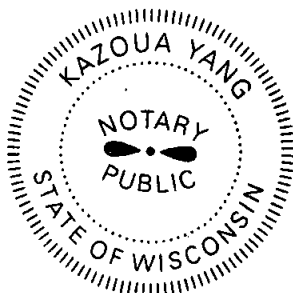
Thursday, March 7, 2019

Sworn to and subscribed before me this 18 day of March, 2019.

Shelly Hara
Legal Clerk

Kazoua Yang
Notary Public, State of Wisconsin, County of Brown

11/9/22
My Commission expires



NOTICE OF APPLICATION NO. 3984B-3 to Amend Future Use Area of Future Use Permit No. 3984A-3 and No. 8391-3 to Construct and Place to Beneficial Use Reserved Water

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Application No. 3984B-3 proposes to amend Future Use Permit No. 3984A-3 by expanding the area reserved for future use. Permit No. 3984A-3 reserves 889 acre-feet of water annually from the Big Sioux-Moody Aquifer 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, oil in T106N-R48W. This application requests including the entire W 1/2 Section 8-T106N-R48W to the future use area with no increase in the amount of water reserved for future use by No. 3984A-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3984B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 8391-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from two wells to be completed into the Big Sioux-Moody Aquifer (30 and 38 feet deep) located in the W 1/2 NW 1/4 Section 8-T106N-R48W. Construction of the project is subject to approval of Application No. 3984B-3 to expand the future use area. The water was appropriated and reserved by Future Use Permit No. 3984A-3. The water will be used to supply a dairy operation located in the NE 1/4 Section 30-T106N-R48W. The site of the new wells is approximately 1/2 mile east of Egan SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8391-3 with the following qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <http://denr.sd.gov> or by contacting Eric Groff for this information, or other information, of the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$95.53.

March 7, 2019

RECEIVED

AFFIDAVIT OF PUBLICATION

MAR 11 2019

Wednesday, March 6

STATE OF SOUTH DAKOTA }
 County of Lake } ss.

WATER RIGHTS
PROGRAMNOTICE OF APPLICATION
NO. 3984B-3

to Amend Future Use Area of
 Future Use Permit No. 3984A-3
 and No. 8391-3 to Construct and
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 Reserved Water

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 entire W 1/2 Section 8-T106N-R48W
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 3984A-3.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer recommends
 APPROVAL of Application No.
 3984B-3 because 1) existing rights
 will not be unlawfully impaired, 2)
 it is a beneficial use of water; and
 3) it is in the public interest.

Application No. 8391-3 proposes
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 at a maximum pump rate of 0.67
 cubic feet of water per second
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 (30 and 36 feet deep) located in the
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 The water will be used to supply a
 dairy operation located in the NE
 1/4 Section 30-T106N-R48W. The
 site of the new wells is
 approximately 1/2 mile east of
 Egan SD.

Aubrey Larsen

..... 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

Big Sioux Community Water System, Inc.

App. 3984B-3 to Amend Future Use Water Permit No 3984A-3

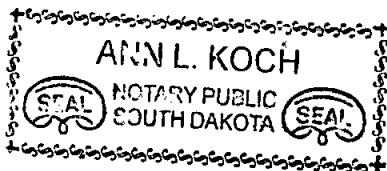
printed copy of which hereunto attached, was printed and published in the said
 newspaper for One successive weeks, once each week and on the
 same day of the week, on the following dates, to-wit:

On Wednesday, the 6th day of March, 2019;
 On day of 20.....;
 On day of 20.....;
 On day of 20.....;
 On day of 20.....;
 On day of 20.....;
 On day of 20.....;
 On day of 20.....;
 On day of 20.....;

That \$ 42.17 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.

Aubrey Larsen

Subscribed and sworn to before me this 7th day of
 March, 2019



Ann L. Koch
 Notary Public, Lake County, South Dakota
 Exp. 11-14-19

Publication Fees \$

Notary Fees \$

Total \$

Received Payment,

In Court
County of

AFFIDAVIT OF PUBLICATION

Filed in the office of
..... on the
..... day of
20

Attorneys for

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8391-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

STEVEN M. PIRNER,
Secretary
Department of Environment
and Natural Resources
Published once at the total
approximate cost of \$42.17

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 of Application Nos.
3984B-3 to Amend Future Use
Area of Future Use Permit No.
3984A-3 + No 8391-3

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:

3-6-19

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

\$ 38³⁸

M. Headrick bookkeeper

Subscribed and sworn to before me this

7th day of March AD 2019

[Signature]
Notary Public, County Moody, South Dakota

ROGER W JANSSEN
NOTARY PUBLIC
SOUTH DAKOTA
SEAL
My commission expires 2/14/24

NOTICE OF APPLICATION NO. 3984B-3 to Amend Future Use Area of Future Use Permit No. 3984A-3 and No. 8391-3 to Construct and Place to Beneficial Use Reserved Water

Notice is given that Big Sioux Community Water System Inc., c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 has filed the following applications for water permits. The Big Sioux Community Water System serves users in Lake, Moody, Minnehaha and Brookings Counties.

Application No. 3984B-3 proposes to amend Future Use Permit No. 3984A-3 by expanding the area reserved for future use. Permit No. 3984A-3 reserves 889 acre-feet of water annually from the Big Sioux:Moody Aquifer 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. This application requests including the entire W 1/2 Section 8-T106N-R48W to the future use area with no increase in the amount of water reserved for future use by No. 3984A-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3984B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 8391-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from two wells to be completed into the Big Sioux:Moody Aquifer (30 and 36 feet deep) located in the W 1/2 NW 1/4 Section 8-T106N-R48W. Construction of the project is subject to approval of Application No. 3984B-3 to expand the future use area. The water was appropriated and reserved by Future Use Permit No. 3984A-3. The water will be used to supply a dairy operation located in the NE 1/4 Section 30-T106N-R48W. The site of the new wells is approximately 1/2 mile east of Egan SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8391-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019.

RECEIVED

MAR 11 2019

WATER RIGHTS
PROGRAM

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published once at the cost of \$38.38

NOTICE OF APPLICATION NO. 3984B-3
to Amend Future Use Area of Future Use Permit No. 3984A-3
and No. 8391-3 to Construct and Place to Beneficial Use Reserved Water

Notice is given that Big Sioux Community Water System Inc., c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 has filed the following applications for water permits. The Big Sioux Community Water System serves users in Lake, Moody, Minnehaha and Brookings Counties.

Application No. 3984B-3 proposes to amend Future Use Permit No. 3984A-3 by expanding the area reserved for future use. Permit No. 3984A-3 reserves 889 acre-feet of water annually from the Big Sioux:Moody Aquifer 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. This application requests including the entire W 1/2 Section 8-T106N-R48W to the future use area with no increase in the amount of water reserved for future use by No. 3984A-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3984B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Application No. 8391-3 proposes to construct and place to beneficial use 300 acre-feet of water annually at a maximum pump rate of 0.67 cubic feet of water per second from two wells to be completed into the Big Sioux:Moody Aquifer (30 and 36 feet deep) located in the W 1/2 NW 1/4 Section 8-T106N-R48W. Construction of the project is subject to approval of Application No. 3984B-3 to expand the future use area. The water was appropriated and reserved by Future Use Permit No. 3984A-3. The water will be used to supply a dairy operation located in the NE 1/4 Section 30-T106N-R48W. The site of the new wells is approximately 1/2 mile east of Egan SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8391-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 10:13 AM
To: ads@madisondailyleader.com
Subject: 3984B-3 and 6834A-3, Big Sioux Community Water System
Attachments: 3984B-3public.short.docx; 6834A-3public.short.docx; FORM8.FRM.doc

Attached are TWO notices to be published on March 6, 2019.

Big Sioux Couumity Water System Inc, c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 (605 997-2098 or 605 864-1417) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 10:14 AM
To: mce6@mcisweb.com
Subject: 3984B-3 and 6834A-3, Big Sioux Community Water System
Attachments: 3984B-3public.short.docx; 6834A-3public.short.docx; FORM8.FRM.doc

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Big Sioux Community Water System Inc, c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 (605 997-2098 or 605 864-1417) has been notified to contact you to authorize publication and arrange for payment.

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

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 10:14 AM
To: allegals@argusleader.com
Subject: 3984B-3 and 6834A-3, Big Sioux Community Water System
Attachments: 3984B-3public.short.docx; 6834A-3public.short.docx; FORM8.FRM.doc

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

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

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, February 27, 2019 10:15 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 3984B-3 and 6834A-3, Big Sioux Community Water System
Attachments: 3984B-3public.short.docx; 6834A-3public.short.docx; FORM8.FRM.doc

Attached are TWO notices to be published on March 6, 2019.

Big Sioux Community Water System Inc, c/o Martin Jarrett, 23343 479th Ave, Egan SD 57024 (605 997-2098 or 605 864-1417) has been notified to contact you to authorize publication and arrange for payment.

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

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

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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

February 27, 2019

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

Dear Mr. Jarrett:

Water Permit Application Nos. 3984B-3, 8391-3, 6834A-3 and 8387-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Two separate notices have been sent to the following papers:

Madison Daily Leader 605 256-4555
Argus Leader 605 331-2200

Moody County Enterprise 605 997-3725
Brookings Register 605 692-6271

You will need to contact the newspapers and authorize publication of each of the notices. For your information, copies of the notices, the recommendations of the Chief Engineer and reports on each application are enclosed. Please review the notices prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notices and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notices. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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 57501-3182
<http://denr.sd.gov>

MAY 03 2019

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

Dear Mr. Jarrett:

Enclosed are Future Use Permit Nos. 3984B-3 and 6834A-3 authorizing expanding the area reserved for future use and Water Permit Nos. 8391-3 and 8387-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

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

enclosures



**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.

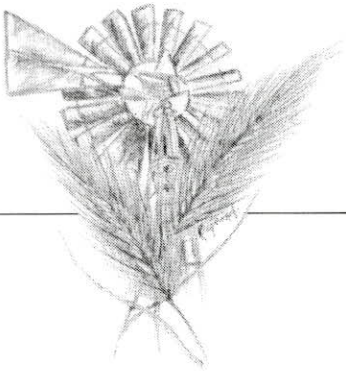
Please respond in writing by April 15, 2022, regarding the system's intention for the future use permits. If the system plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

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:

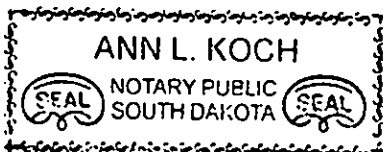
05/25/2022

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

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 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

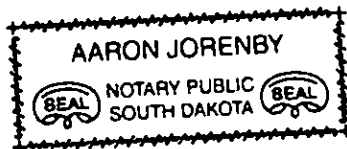
LEG#16523 Notice of Hearing to Review Future Water Use

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.

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.

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Argus Leader

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

RECEIVED

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

RECEIVED

MAY 27 2022

OFFICE OF
WATER

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMITS

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OFFICE OF
WATER

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Published once at the approximate cost of \$13.01

5263489 May 27, 2022

RECEIVED

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
Attachments: 3984-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

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(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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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 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

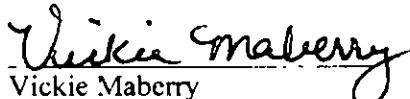
WEB Water Development Association Inc., Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57401

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

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

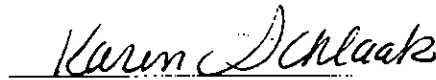
City of Volga, Michael Schulte, City Administrator, PO Box 217, Volga SD 57071

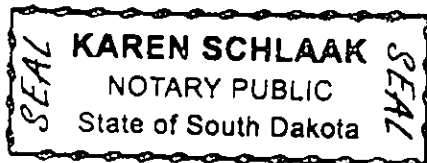
City of Burke, Wade Broome, Supt. Of Utilities, PO Box 312, Burke SD 57523


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