

WATER PERMIT NO. 4311A-3

Name of Applicant: Kingbrook RWS

Address: PO Box 299, Arlington SD 57212

Phone: 605 983-5074

Amount of Water Claimed: 266 AF

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: rural water system use

County: Lake

Type of Waste Disposal System:

Location: 12 miles southeast of Madison

PRIORITY

Date Received: 6-5-06

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: change use from irrigation to rural water

Diversion Point: NW ¼ ^ESW ¼ Sec 8-T105N-R51W

Land to be Irrigated: NA

Depth of Well: 75 feet deep

Well Driller: : Thein Well Co.

Remarks:

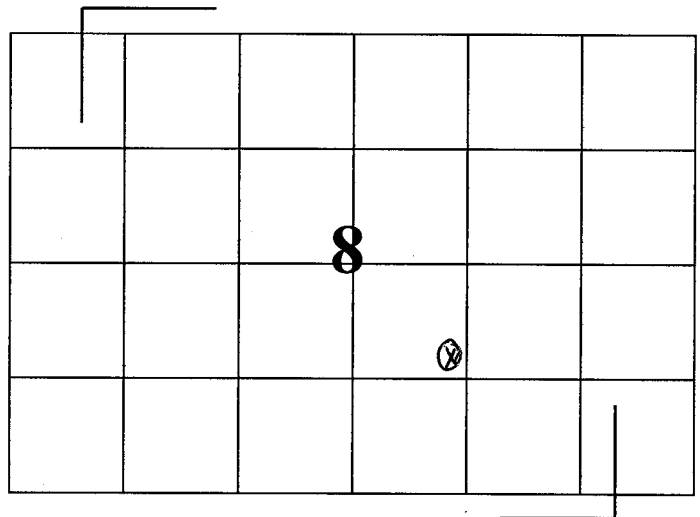
Type of Map: aerial

Prepared by: Bruce Jennings, PE

Reviewed and the Number Assigned on: 6-5-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



RECEIVED

JUN - 5 2006

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>4311A-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper _____	

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

Check use(s) of water:

- | | | | |
|--|---|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☒ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ 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. 4311-3

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

Change use from Irrigation to Rural Water System. Change Diversion Point. Establish annual diversion of 266 acre feet annually. Maintain existing diversion rate of 1.44 cfs. Existing irrigation well to be abandoned.

1. Name of Applicant Kingbrook Rural Water System, Inc. Phone (605) 983-5074
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 299 Arlington State SD 57212
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.440 *CFS or 266 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Groundwater, Big Sioux North Skunk Creek Unit
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lake
Well No. 5 located (NW1/4, SW1/4) 1,610 feet north and 1,350 feet west of the SE corner of Section 8, T105N, R51W. SE1/4
5. County or counties where water will be used Same as 6531-3
6. Annual period during which water is to be used year-around Jan 1- Dec 31
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)

Well 5 to connect to existing Rural Water System, Kingbrook Chester well field. Annual diversion rate of 266 afa, based on existing irrigation of 133 acres, with a priority date of June 26, 1978. Annual diversion for the Kingbrook Chester well field will be 1,041 afa as follows: 425 afa for 5643-3, and 5646-3, 350 afa for 6531-3 and 266 afa for this application.

FU

STATE OF SOUTH DAKOTA)

County of Kingsbury)

SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Jolene King for Kingbrook RWS, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

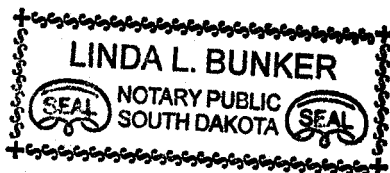
Applicant's signature

Jolene King

Subscribed and sworn to before me this 31 day of

May

20 06



Linda L. Bunker

Notary Public signature

8-1-2011

SOUTH DAKOTA
WATER PERMIT NO. 4311A-3

Date of first receipt of application June 5, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4311A-3 to Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4311A-3 changes the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second from one well completed into the Big Sioux-Northern Skunk Creek Aquifer (75 feet deep) located in the E ½ SE ¼ Section 8-T105N-R51W for irrigation use. This permit changes the use from irrigation to rural water system use and authorizes year round use from the well. The irrigation well will be abandoned and a new well will be drilled in the NW ¼ SE ¼ Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this permit.
2. The water appropriated shall be used for the purpose of rural water system use 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. 4311A-3 is November 27, 2006.
5. The date from which applicant may claim right is June 26, 1978 (established by No. 4311-3).
6. One-fifth of the construction is to be completed on or before May 27, 2009.
7. All construction is to be completed on or before November 27, 2011.
8. Water is to be put to beneficial use on or before November 27, 2015.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 4311A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

(continued)

Water Permit No. 4311A-3
Kingbrook Rural Water System, Inc.
Page 2

3. Water Right Nos. 5429-3 and 5646-3 and Water Permit Nos. 4311A-3, 6531-3 and 6730-3 authorize a total annual diversion of 1,041 acre-feet of water.
4. Water Permit No. 4311A-3 cancels irrigation use from Water Right No. 4311-3. The original well authorized by Water Right No. 4311-3 shall be plugged in accordance with SD Well Construction Standards.
5. Kingbrook Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Chester well field completed into the Big Sioux:Northern Skunk Creek Aquifer.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 22 2006

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17.5" Depth 75
- b) Casing Type Steel Diameter 12" Thickness .375
- c) Screen Type Stainless WW Diameter 12" Thickness 50 slot
- d) Gravel Pack Muscatine Length of Gravel Pack 25
- e) Depth to Top of Water Bearing Material 39
- f) Depth to Water (ground surface to water level) 30
- g) Distance to nearest existing domestic well:
- On applicants property N/A On property owned by others 1,200 feet

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

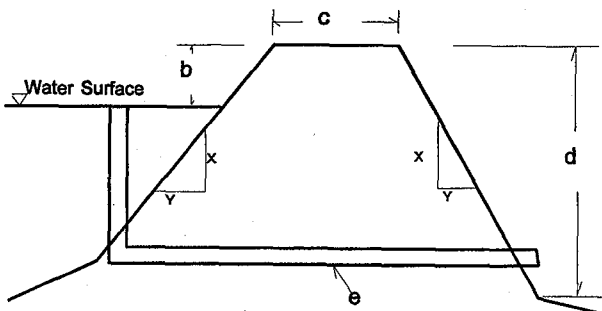
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 5, 92, 20 06

RECEIVED OF Kingbrook Rural Water System Inc, PO Box 299, Arlington SD 57212

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

Fee for Application for Permit No. <u>4311A-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4311A-3</u>	50	00
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.

02478

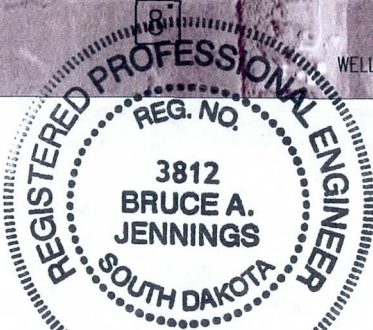
By

Donald E. Erbe
Chief Engineer *gm*



PROPOSED WELL 5 LOCATED 1,610 FEET NORTH AND 1,350 FEET WEST OF SE COR. SEC. 8, T105N, R51W

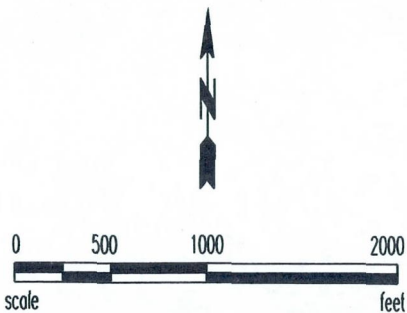
PROPOSED WELL 6 LOCATED 830 FEET NORTH AND 1,975 FEET WEST OF SE COR. SEC. 8, T105N, R51W



I hereby certify that this plan, specification, or report, was prepared by me or under my direct personal supervision, and that I am a duly Registered Professional Engineer under the laws of the State of South Dakota Registration No. 3812

By Bruce Jennings, P.E.
Date 5-19-2006

T 105 N
R 51 W
Sec. 8



DeWild Grant Reckert
and Associates Company
Consulting Engineers
Rock Rapids, Iowa

Date May 2006
Drawn By
Approved BAJ

P:\08\007\25\DWG\SE-RECORDS.DWG

KINGBROOK
RURAL WATER SYSTEM
ARLINGTON, SOUTH DAKOTA

10-86

Date _____



Kingbrook

Rural Water System, Inc.

PO Box 299 • Arlington, SD 57212 • Phone 605-983-5074 • 1-800-605-5279 • Fax 605-983-5636 • E-Mail: kbrw@mchsi.com

June 1, 2006

DENR – Water Rights
Attn: Karen Schlaak
523 East Capitol Ave.
Pierre, SD 57501

RECEIVED

JUN - 5 2006

WATER RIGHTS
PROGRAM

Dear Karen:

Enclosed please find applications for permit to appropriate water for De Smet well #9, and Chester wells 5 & 6. I have also enclosed a check for filing fee in the amount of \$500.00.

Chester Well #5 - \$100.00
Chester Well #6 - \$200.00
DeSmet Well #9 - \$200.00

If you have any questions, please give me or our engineer, Bruce Jennings, a call.

Sincerely,

Jolene King
Office Supervisor

Enclosures

REPORT ON APPLICATION NO. 4311A-3

For Kingbrook RWS

July 06, 2006

Application 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed in to the Big Sioux: Northern Skunk Creek Aquifer (approximately 75 feet deep) located in the E ½ SE ¼ Section 8, T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. The irrigation well will be abandoned and a new well will be drilled in the NW ¼ SE ¼ Section 8, T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by the application.

AQUIFER – BIG SIOUX: NORTHERN SKUNK CREEK (BS: NSC)

The Big Sioux: Northern Skunk Creek Aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 30,720 acres and contains an estimated 196,000 acre feet of water in storage in Lake County (Hansen, 1986). Groundwater movement is from northwest to southeast and may be hydraulically connected to Skunk Creek and area lakes Madison, Brant and Round.

Recharge to the Big Sioux: Northern Skunk Creek Aquifer has been estimated at 3.1 inches per year (7,936 acre-feet per year) (Hedges, 1983). The estimated water use from the aquifer was found to be approximately 3,630 acre-feet in 2004. Even with full development of Future Use permits (1,818 acre-feet remaining) there is water available from the aquifer.

The Water Rights Program monitors an observation well (LK-79C) completed into the Big Sioux: Northern Skunk Creek Aquifer located approximately ¾ mile south of this site. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). A hydrograph for this observation well is included in this report and labeled as Figure 1.

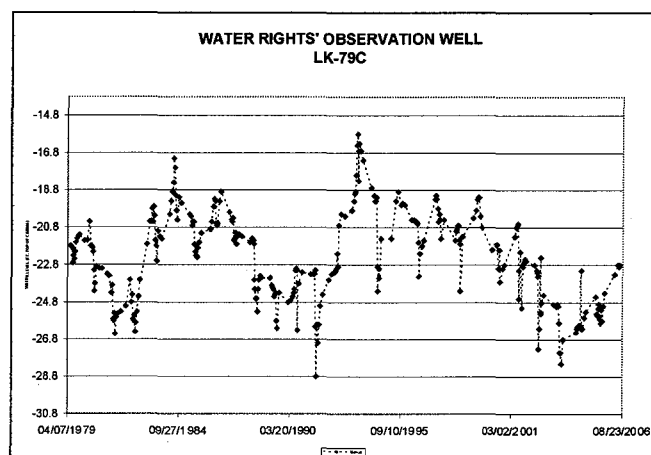


Figure 1. Hydrograph of observation well LK-79C.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing Water Rights appropriating ground water within a five mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Big Sioux: Northern Skunk Creek Aquifer is approximately ½ mile to the northeast. This well is for Water Rights No. 4367-3 (3.0 cfs for RWS). Interference is not expected to be a problem.

Table 1. Table identifying permits within a five mile radius of the application.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
4367-3	KINGBROOK RWS INC	BS: NSC	RWS	3.00
4943-3	BIG SIOUX COMMUNITY WATER	BS: NSC	RWS	0.44
4960-3	ALVERSON	BS: NSC	IRR	2.00
5429-3	KINGBROOK RWS INC	BS: NSC	RWS	1.11
5646-3	KINGBROOK RWS INC	BS: NSC	RWS	1.00
6152-3	BIG SIOUX COMMUNITY WATER	BS: NSC	RWS	0.50
6531-3	KINGBROOK RWS	BS: NSC	RWS	1.59

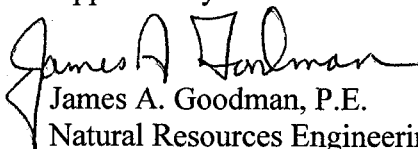
CONCLUSIONS

1. The Big Sioux: Northern Skunk Creek Aquifer is a viable groundwater source and water is available for this appropriation.
2. The aquifer is under unconfined conditions at this site. Interference should not be a concern.
3. The well authorized for this application is an existing well and appears to be completed in accordance with SD Well Construction Standards.
4. No increase in the diversion rate is authorized by the application, annual diversion rate of 266 acre feet based on existing irrigation of 133 acres.
5. Approval of this application cancels the irrigation portion of Water Right No. 4311-3. It appears the existing irrigation well will be abandoned and should be plugged in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, USGS WRI 84-4209, USGS, Huron, SD, 57350.

Hedges, L.S., 1983, Same, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.

Water Right, 2006, Unpublished Observation Well Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

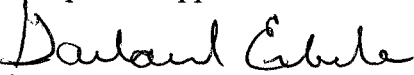
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4311A-3, Kingbrook Rural Water System, Inc.**

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. 4311A-3, Kingbrook Rural Water System, Inc., c/o Jolene King, PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending APPROVAL of Application No. 4311A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 4311A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Water Right Nos. 5429-3 and 5646-3 and Water Permit Nos. 4311A-3, 6531-3 and 6730-3 authorize a total annual diversion of 1,041 acre-feet of water.
4. Water Permit No. 4311A-3 cancels irrigation use from Water Right No. 4311-3. The original well authorized by Water Right No. 4311-3 shall be plugged in accordance with SD Well Construction Standards.
5. Kingbrook Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Chester well ~~filed~~ completed into the Big Sioux:Northern Skunk Creek Aquifer

See report on application for additional information.


Garland Erbele, Chief Engineer
August 7, 2006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

August 8, 2006

Kingbrook Rural Water System
% Jolene King
PO Box 299
Arlington SD 57212

Dear Ms. King:

Water Permit Application Nos. 4311A-3, 6730-3, & 6731-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Moody Co. Enterprise printed at Flandreau, SD (Ph # 605-997-3725), the Argus Leader printed at Sioux Falls, SD (Ph #605-331-2200), the Montrose Herald printed at Canisota, SD (Ph #605-296-3181), the Miner Co. Pioneer printed at Howard, SD (Ph #605-772-5644), the Daily Leader printed at Madison, SD (Ph #605-256-4555), Hamlin Co Republican printed at Castlewood, SD (Ph #605-793-2293), the DeSmet News printed at DeSmet, SD (605-854-3331), Brookings Register printed at Brookings, SD (Ph#605-692-6271) and the Clark Co. Courier printed at Clark, SD (Ph #605-532-3654). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, 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 application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 8, 2006

Montrose Herald
PO Box 128
Canisota SD 57012-0128

ATTENTION: Legal Public Notice

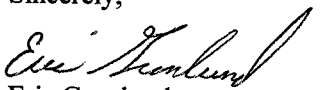
Enclosed is a Notice on Application Nos 4311A-3, 6730-3 & 6731-3 to Appropriate Water to be published twice. Please publish the first notice on August 17, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Kingbrook Rural Water System, % Jolene King, PO Box 299, Arlington, SD (Ph # 605-983-5074).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 4311A-3, 6730-3 & 6731-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of August 8, 2006 enclosing Notice to Appropriate Water by Application Nos. 4311A-3, 6730-3 & 6731-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 8, 2006

Miner Co Pioneer
PO Box 220
Howard SD 57349

ATTENTION: Legal Public Notice

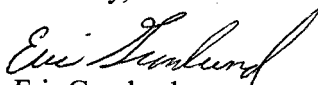
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 4311A-3, 6730-3 & 6731-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of August 8, 2006 enclosing Notice to Appropriate Water by Application Nos. 4311A-3, 6730-3 & 6731-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 2006

Moody Co. Enterprise
PO Box 71
Flandreau SD 57028-0071

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos 4311A-3, 6730-3 & 6731-3 to Appropriate Water to be published twice. Please publish the first notice on August 16, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Kingbrook Rural Water System, % Jolene King, PO Box 299, Arlington, SD (Ph # 605-983-5074).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 4311A-3, 6730-3 & 6731-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of August 8, 2006 enclosing Notice to Appropriate Water by Application Nos. 4311A-3, 6730-3 & 6731-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 2006

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

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Please BILL the APPLICANT for the cost of publication. The APPLICANT is Kingbrook Rural Water System, % Jolene King, PO Box 299, Arlington, SD (Ph # 605-983-5074).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 4311A-3, 6730-3 & 6731-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

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and NATURAL RESOURCES

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

August 8, 2006

Daily Leader
PO Box 348
Madison SD 57042-0348

ATTENTION: Legal Public Notice

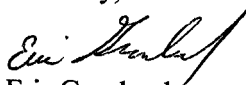
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PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 8, 2006

Hamlin Co. Republican
PO Box 50
Castlewood SD 57223-0050

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 8, 2006

DeSmet News
PO Box 69
DeSmet SD 57231-0069

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

August 8, 2006

Brookings Register
PO Box 177
Brookings SD 57006-0177

ATTENTION: Legal Public Notice

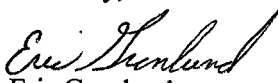
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and NATURAL RESOURCES**

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

August 8, 2006

Clark Co. Courier
119 1st Ave E
Clark SD 57225

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

August 10, 2006

Kingbrook Rural Water System
% Jolene King
PO Box 299
Arlington SD 57212

Dear Ms. King:

Enclosed is an **AMENDED** notice on Kingbrook Rural Water Systems Application Nos 14311A-3, 6730-3 & 6731-3 to Appropriate Water. The 3rd paragraph describing Application No. 6730-3 has been amended. The amended notice has been sent to the newspapers to be published.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 10, 2006

Montrose Herald
PO Box 128
Canisota SD 57012-0128

ATTENTION: Legal Public Notice

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Natural Resources Engineer
605 773-3352

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

August 10, 2006

Miner Co Pioneer
PO Box 220
Howard SD 57349

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Notice is given that Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 has filed the following applications for a water permit to appropriate water for rural water system use.

Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux:Northern Skunk Creek Aquifer (75 feet deep) located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. The irrigation well will be abandoned and a new well will be drilled in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Application No. 6730-3 proposes to increase the diversion rate and add a diversion point to Water Right No. 5429-3 and Water Permit No. 6531-3. Combined, these two existing water rights appropriate 1.11 cfs from a well completed into the Big Sioux:Northern Skunk Creek Aquifer located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T105N, R51W and is limited to a withdrawal volume of 350 acre feet of water annually. This application proposes to appropriate 0.80 cfs from one additional well (68 feet deep) completed into the same aquifer. This new well is located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8-T105N-R51W. No increase in annual volume of 350 acre feet of water is authorized by this application.

Application No. 6731-3 proposes to appropriate an additional 1.2 cfs from an additional well completed into the Vermillion:East Fork Aquifer (105 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6-T111N-R56W. This application is an increase in the diversion rate to what is currently authorized by Water Right No. 5785-3. This existing water right appropriates 1.4 cfs from two wells located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6-T111N-R56W. Water Right No. 5785-3 along with Water Right Nos; 4137-3 and 5186-3 are limited to a withdrawal volume of 1,350 acre feet of water annually. No increase in annual volume of 1,350 acre feet of water is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4311A-3, 6730-3 and 6731-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. 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.

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 September 5, 2006.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 10, 2006

Moody Co. Enterprise
PO Box 71
Flandreau SD 57028-0071

ATTENTION: Legal Public Notice

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

August 10, 2006

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

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Daily Leader
PO Box 348
Madison SD 57042-0348

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PO Box 50
Castlewood SD 57223-0050

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Brookings SD 57006-0177

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PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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Clark Co. Courier
119 1st Ave E
Clark SD 57225

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Affidavit of Publication

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF McCOOK:)

The undersigned, being first duly sworn, on his oath says: THE MONTROSE HERALD is a weekly newspaper of general circulation, printed and published in the City of Canistota, McCook County, South Dakota, by MATTHEW ANDERSON, and has been such newspaper during the times hereinafter mentioned: that it has bona fide circulation of more than 200 copies weekly; that it has been published within said County of McCook in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned, and has been printed during such period and at the present time in part in an office maintained at the said place of publication: that I, the undersigned, am either the publisher@ or an employee of the said publisher@ of said newspaper and have personal knowledge of all the facts stated in the affidavit: that the advertisement headed

Notice of Application

a printed copy of which is hereto attached, was printed and published in the said newspaper for two (2) successive weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication be made on 8-17

The second publication on 8-24

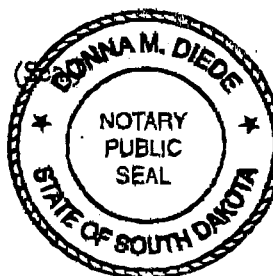
The third publication on _____

The fourth publication on _____

that 80.71 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whomsoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

Matthew Anderson
Subscribed and sworn to before me this 21

day of August 2006



Donna M. Diede
Notary Public, South Dakota

My commission expires 2-2-2010

NOTICE OF APPLICATION NOS. 4311A-3, 6730-3 and 6731-3 to Appropriate Water

Notice is given that Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 has filed the following applications for a water permit to appropriate water for rural water system use.

Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural

water system use. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Application No. 6730-3 proposes to increase the diversion rate and add a diversion point to Water Right No. 5429-3 and Water Permit No. 6531-3. Combined, these two existing water rights appropriate 1.11 cfs from a well completed into the Big Sioux: Northern Skunk Creek Aquifer located in the NW 1/4 NE 1/4 Section 17-T105N-R51W and is limited to a withdrawal volume of 350

acre feet of water annually. This application proposes to appropriate 0.80 cfs from one additional well (68 feet deep) completed into the same aquifer. This new well is located in SW 1/4 SE 1/4 Section 8-T105N-R51W. No increase in annual volume of 350 acre feet of water is authorized by this application.

Application No. 6731-3 proposes to appropriate an additional 1.2 cfs from an additional well completed into the Vermillion: East Fork Aquifer (105 feet deep) located in the SE 1/4 NW 1/4 Section 6-T111N-R56W. This application is an increase in the diversion rate to what is currently authorized by Water Right No. 5785-3. This existing water right appropriates 1.4 cfs from two wells located in the N 1/2 NW 1/4

Section 6-T111N-R56W. Water Right No. 5785-3 along with Water Right Nos. 4137-3 and 5186-3 are limited to a withdrawal volume of 1,350 acre feet of water annually. No increase in annual volume of 1,350 acre feet of water is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4311A-3, 6730-3 and 6731-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's

recommendations. 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.

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

September 5, 2006.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment, and Natural Resources. B-17-2tc

**NOTICE OF APPLICATION
NOS. 4311A-3, 6730-3 and
6731-3 to Appropriate
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Application No. 6731-3 proposes to appropriate an additional 1.2 cfs from an additional well completed into the Vermillion:East Fork Aquifer (105 feet deep) located in the SE 1/4 NW 1/4 Section 6-T111N-R56W. This application is an increase in the diversion rate to what is currently authorized by Water Right No. 5785-3. This existing water right appropriates 1.4 cfs from two wells located in the N 1/2 NW 1/4 Section 6-T111N-R56W. Water Right No. 5785-3, along with Water Right Nos. 4137-3 and 5186-3 are limited to a withdrawal volume of 1,350 acre feet of water annually. No increase in annual volume of 1,350 acre feet of water is authorized by this application.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Danny Schwans of said County and State, being duly sworn, on his oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Danny Schwans, and has been such newspaper during the time hereinafter mentioned; and that I, Danny Schwans, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice

headed Notice of Application Nos. 4311A-3, 6730-3 and 6731-3 to Appropriate Water

a printed copy of which is hereunto attached, was printed and publishing in the regular and entire issue of said newspaper and not in a supplement, once each week for.....

successive weeks, the first publication being made on the 17th day of Aug. 2006

and the last publication on the 24th day of Aug. 2006

The first publication being made on theday of.....20.....

The second publication being made on the.....day of.....20....

The third publication being made on theday of.....20.....

The fourth publication being made on the.....day of.....20.....

The fifth publication being made on the..... day of.....20.....

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$74.63 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Danny Schwans
Subscribed and swore to me this 24th day of Aug. 2006

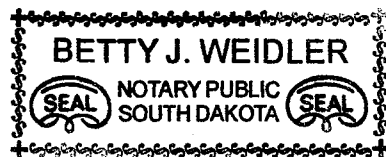
Betty J. Weidler

My Commission expires the 24th day of April 2010

RECEIVED

AUG 25 2006

WATER RIGHTS
PROGRAM



Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4311A-3, 6730-3 and 6731-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. 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.

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 September 5, 2006.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Aug. 17 & 24)

NOTICE OF APPLICATION NOS.

4311A-3, 6730-3 and 6731-3 to

Appropriate Water

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Application No. 6731-3 proposes to appropriate an additional 1.2 cfs from an additional well completed into the Vermillion: East Fork Aquifer (105 feet deep) located in the SE 1/4 NW 1/4 Section 6-T111N-R56W. This application is an increase in the diversion rate to what is currently authorized by Water Right No. 5785-3. This existing water right appropriates 1.4 cfs from two wells located in the N 1/2 NW 1/4 Section 6-T111N-R56W. Water Right No. 5785-3 along with Water Right Nos. 4137-3 and 5186-3 are limited to a withdrawal volume of 1,350 acre feet of water annually. No increase in annual volume of 1,350 acre feet of water is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends, APPROVAL of Application Nos. 4311A-3, 6730-3 and 6731-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. 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.

Any person interested in opposing or supporting these applications or

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SSCounty of Moody)I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County
Enterpriseprinted and published in FlandreauCounty of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 16, 2006August 23, 2006Cost of Printing \$79.78Angela Nibbelink
(Signature)Office Mgr.
(Title)8-23-2006
(Date Signed)RECEIVED
AUG 25 2006
WATER RIGHTS
PROGRAM

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 September 5, 2006.

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

(August 16 & 23, 2006)

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340
Invoice Number: 962124

Water Rights Pro

State Notices

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Betty Jones 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 16 day of August 2006,
Wednesday, the 23 day of August 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,

and that \$181.21 was charged for publishing the same

Betty Jones
Subscribed and sworn to before me
JACQUELINE ZIMMERMAN
NOTARY PUBLIC
SOUTH DAKOTA

8/23/2006

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2009

NOTICE OF APPLICATION
NOS. 4311A-3, 6730-3 and 6731-3

to Appropriate Water Notice is given that Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 has filed the following applications for a water permit to appropriate water for rural water system use.

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Application No. 6730-3 proposes to increase the diversion rate and add a diversion point to Water Right No. 5429-3 and Water Permit No. 6531-3. Combined, these two existing water rights appropriate 1.11 cfs from a well completed into the Big Sioux Northern Skunk Creek Aquifer located in the NW 1/4 NE 1/4 Section 17-T105N-R51W and is limited to a withdrawal volume of 350 acre feet of water annually. This application proposes to appropriate 0.80 cfs from one additional well (68 feet deep) completed into the same aquifer. This new well is located in SW 1/4 SE 1/4 Section 8-T105N-R51W. No increase in annual volume of 350 acre feet of water is authorized by this application.

Application No. 6731-3 proposes to appropriate an additional 1.2 cfs from an additional well completed into the Vermillion East Fork Aquifer (105 feet deep) located in the SE 1/4 NW 1/4 Section 6-T111N-R56W. This application is an increase in the diversion rate to what is currently authorized by Water Right No. 5785-3. This existing water right appropriates 1.4 cfs from two wells located in the N 1/2 NW 1/4 Section 6-T111N-R56W. Water Right No. 5785-3 along with Water Right Nos. 4137-3 and 5186-3 are limited to a withdrawal volume of 1,350 acre feet of water annually. No increase in annual volume of 1,350 acre

feet of water is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4311A-3, 6730-3 and 6731-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications

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962124 Aug. 16 & 23, 2006

RECEIVED
AUG 28 2006
WATER RIGHTS PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Kingsbury) SS

I, Dale Blegen

certify that the attached printed Notice was taken

from the De Smet News

printed and published in De Smet

County of Kingsbury and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 16, 2006

August 23, 2006

Cost of Printing 74.72

Dale Blegen
(Signature)

[Signature]
(Title)

9-1-06
(Date Signed)

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SEP - 5 2006
WATER RIGHTS
PROGRAM

1.44 x 266.12 = 41.51
x 80% = 33.21
74.72

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Seven M. Pirner
Secretary

RECEIVED

SEP - 5 2006

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, Lee Anne Archer

certify that the attached printed Notice was
taken

from the The Hamlin County
Republican

printed and published in Castwood

County of Hamlin and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

Aug. 16, 2006

Aug. 23, 2006

Cost of Printing \$ 72.57

Lee Anne Archer
(Signature)

Owner
(Title)

8/23/2006
(Date Signed)

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NOS. 4311A-3, 6730-3 and
6731-3 to Appropriate Water**

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

Form 8

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 City of Madison

County of Lake and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, August 16, 2006

Wednesday, August 23, 2006

Cost of Printing 82.76

Deanna Bergheim
(Signature)

Secretary
(Title)

8-23-06
(Date Signed)

Wed., Aug., 16, 23, 2006

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Appropriate Water**

Notice is given that Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 has filed the following applications for a water permit to appropriate water for rural water system use.

Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. no increase in the diversion rate is authorized by this application.

Application No. 6730-3 proposes to increase the diversion rate and add a diversion point to Water Right No. 5429-3 and Water Permit No. 6531-3. Combined, these two existing water rights appropriate 1.11 cfs from a well completed into the Big Sioux: Northern Skunk Creek Aquifer located in the NW 1/4 NE 1/4 Section 17, T105N, R51W and is limited to a withdrawal volume of 350 acre feet of water annually. This application proposes to appropriate 0.80 cfs from one additional well (68 feet deep) completed into the same aquifer. This new well is located in SW 1/4 SE 1/4 Section 8-T105N-R51W. No increase in annual volume of 350 acre feet of water is authorized by this application.

Application No. 6731-3 proposes to appropriate an additional 1.2 cfs from an additional well completed into the Vermillion: East Fork Aquifer (105 feet deep) located in the SE 1/4 NW 1/4 Section 6-T111N-R56W. This application is an increase in the diversion rate to what is currently authorized by Water Right No. 5785-3. This existing water right appropriates 1.4 cfs from two wells located in the N 1/2 NW 1/4 Section 6-T111N-R56W. Water Right No. 5785-3 along with Water Right Nos. 4137-3 and 5186-3 are limited to a withdrawal volume of 1,350 acre feet of water annually. No increase in annual volume of 1,350 acre feet of water is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Applications Nos. 4311A-3, 6730-3 and 6731-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendations. 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 application. Notice of the hearing will be given to the applicant and any person filing a petition.

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 September 5, 2006.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications.

Steven M. Pirner
Secretary
Department of Environment
and Natural Resources

RECEIVED
SEP - 5 2006
WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Amy B. Larsen 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

Legal #584 "App no. 4311A-3"

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit

said newspaper for _____ 2 times, to-wit:

August 16, 2006

August 23, 2006

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-five dollars and sixty-nine cents. \$75.69

Subscribed and sworn to before me this

12th day of

August

2006

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2012

RECEIVED
SEP - 8 2006
WATER RIGHTS
PROGRAM

Legal 584, 2x, 8/16, 23
NOTICE OF
APPLICATION NOS.
4311A-3, 6730-3
and 6731-3 to
Appropriate Water

Notice is given that Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 has filed the following applications for a water permit to appropriate water for rural water system use.

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Application No. 6730-3 proposes to increase the diversion rate and add a diversion point to Water Right No. 5429-3 and Water Permit No. 6531-3. Combined, these two existing water rights appropriate 1.11 cfs from a well completed into the Big Sioux:Northern Skunk Creek Aquifer located in the NW 1/4 NE 1/4 Section 17, T105N, R51W and is limited to a withdrawal volume of 350 acre feet of water annually. This application proposes to appropriate 0.80 cfs from one additional well (68 feet deep) completed into the same aquifer. The new well is located in SW 1/4 SE 1/4 Section 8-T105N-R51W. No increase in annual volume of 350 acre feet of water is authorized by this application.

Application No. 6731-3 proposes to appropriate an additional 1.2 cfs from an additional well completed into the Vermillion:East Fork Aquifer (105 feet deep) located in the SE 1/4 NW 1/4 Section 6-T111N-R56W. This application is an increase in the diversion rate to what is currently authorized by Water Right No. 5785-3. This existing water right appropriates 1.4 cfs from two wells located in the N 1/2 NW 1/4 Section 6-T111N-R56W. Water Right No. 5785-3 along with Water Right Nos;

4137-3 and 5186-3 are limited to a withdrawal volume of 1,350 acre feet of water annually. No increase in annual volume of 1,350 acre feet of water is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4311A-3, 6730-3 and 6731-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. 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.

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

**NOTICE OF APPLICATION
NOS. 4311A-3, 6730-3 AND 6731-3
TO APPROPRIATE WATER**

Notice is given that Kingbrook Rural Water System, Inc., P.O. Box 299, Arlington, SD 57212 has filed the following applications for a water permit to appropriate water for rural water system use.

Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

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Application No. 6731-3 proposes to appropriate an additional 1.2 cfs from an additional well completed into the Vermillion East Fork Aquifer (105 feet deep) located in the SE 1/4 NW 1/4 Section 6-T111N-R56W. This application is an increase in the diversion rate to what is currently authorized by Water Right No. 5785-3. This existing water right appropriates 1.4 cfs from two wells located in the N 1/2 NW 1/4 Section 6-T111N-R56W. Water Right No. 5785-3 along with Water Right Nos. 4137-3 and 5186-3 are limited to a withdrawal volume of 1,350 acre feet of water annually. No increase in annual volume of 1,350 acre feet of water is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 4311A-3, 6730-3 and 6731-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications,

as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. 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.

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

8-16-2t

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive 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

**KINGBROOK RURAL WATER SYSTEM
NOTICE OF APPLICATION
TO APPROPRIATE WATER**

a printed copy of which, taken from the paper in which 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

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

August 16, 2006

August 23, 2006

that the full amount of the fees for the publication of the annexed notice is

\$74.40

William J. Krikac

RECEIVED

SEP 25 2006

**WATER RIGHTS
PROGRAM**

Subscribed and sworn to before me this

21st day of September 2006

Lumberly Seefeldt

Notary Public
Clark County, South Dakota

My commission expires: 10-02-07



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 31, 2006

Kingbrook Rural Water System, Inc.
c/o Jolene King
PO Box 299
Arlington SD 57212

Dear Ms. King:

The original notice of hearing for Water Permit No. 4311A-3 was published with an error. The notice did not include that the water use would be year round. Therefore, the notice of hearing needs to be readvertised to include the year round water use. The notice for readvertisement has been sent to the same nine newspapers as the original notice back in August.

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

It will not be necessary for you to contact the newspapers because the cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on November 8, 2006 with the second publication 7 days later. The applicant is responsible for payment.

READVERTISEMENT NOTICE OF WATER PERMIT APPLICATION NO. 4311A-3

Notice is given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water System Inc., PO Box 299, Arlington SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux:Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 November 27, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 31, 2006

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 4311A-3 to be published twice. Please publish the first notice on November 8, 2006 with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. 4311A-3

Date _____

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of October 31, 2006 enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. 4311A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 31, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Moody Co. Enterprise
PO Box 71
Flandreau SD 57038-0071

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 4311A-3 to be published twice. Please publish the first notice on November 8, 2006 with the second publication 7 days later.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Montrose Herald
PO Box 128
Canisota SD 57012-0128

Attn: Legal Department

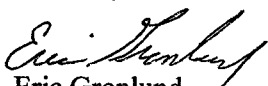
Enclosed is a Readvertisement of Notice of Hearing on Permit No. 4311A-3 to be published twice. Please publish the first notice on November 9, 2006 with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

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Sincerely,


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605 773-3352

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October 31, 2006

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and NATURAL RESOURCES**

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

Miner Co. Pioneer
PO Box 220
Howard SD 57349

Attn: Legal Department

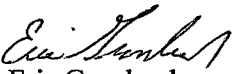
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and NATURAL RESOURCES**

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

Daily Leader
PO Box 348
Madison SD 57042-0348

Attn: Legal Department

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Name

Newspaper



October 31, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Hamlin Co. Republican
PO Box 50
Castlewood SD 57223-0050

Attn: Legal Department

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DeSmet News
PO Box 69
DeSmet SD 57231-0069

Attn: Legal Department

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Brookings Register
PO Box 177
Brookings SD 57006-0177

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 4311A-3 to be published twice. Please publish the first notice on November 8, 2006 with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. 4311A-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 31, 2006 enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. 4311A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 31, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Clark Co. Courier
119 1st Ave E
Clark SD 57225

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 4311A-3 to be published twice. Please publish the first notice on November 8, 2006 with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No. 4311A-3

Date _____

We are in receipt of your letter of October 31, 2006 enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. 4311A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, Lee Anne Archer

certify that the attached printed Notice was taken

from the Hamlin County
Republican

printed and published in Casskwood

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Nov. 8, 2006

Nov. 15, 2006

Cost of Printing 50.68

Lee Anne Archer
(Signature)

Owner
(Title)

11/15/06
(Date Signed)

READVERTISEMENT NOTICE OF WATER PERMIT APPLICATION NO. 4311A-3

Notice is hereby given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water System Inc., PO Box 299, Arlington SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed

opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 November 27, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources
(publish nov. 8 and 15, 2006)

RECEIVED

NOV 20 2006

WATER RIGHTS
PROGRAM

PAYMENT REQUEST FORM

PAYEE: Hamlin County Republican
PO Box 50
Castlewood SD 57223

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Readvertisement Notice of Water Permit Application No.
4311A-3

AMOUNT: \$50.68

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbara Ebel 11/27/24

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Kingsbury)

I, Dale Blegen

certify that the attached printed Notice was
 taken

from the De Smet News

printed and published in De Smet SD

County of Kingsbury and

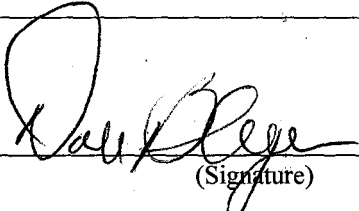
state of South Dakota. The notice was
 published

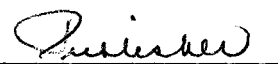
in the newspaper on the following two dates:

November 8, 2006

November 15, 2006

Cost of Printing 50.03


 (Signature)


 (Title)

11-20-06
 (Date Signed)

RECEIVED
 NOV 21 2006
 WATER RIGHTS
 PROGRAM

**READVERTISEMENT NOTICE
 OF WATER PERMIT
 APPLICATION NO. 4311A-3**

Notice is given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water System Inc., P.O. Box 299, Arlington, SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 Nov. 27, 2006.

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 x WEL 2
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 50.03

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

11-8-2wc-11-15

PAYMENT REQUEST FORM

PAYEE: The DeSmet News
PO Box 69
DeSmet SD 57231

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Readvertisement Notice of Water Permit Application No.
4311A-3

AMOUNT: \$50.03

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

David E. Ell 11/27/04

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Lake

ss.

.....Deanna Bergheim..... 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 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

.....Readvertisement Notice of...Water Permit.....

.....Application No. 4311A-3.....
printed copy of which hereunto attached, was printed and published in the said

newspaper fortwo..... 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...November.....20 06..;

On..Wednesday., the..15th day of...November.....20 06..;

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 \$51.98..... 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 Bergheim*.....

Subscribed and sworn to before me this16th..... day of

.....November....., 20 06..

ANN L. KOCH

NOTARY PUBLIC
SOUTH DAKOTA

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

READVERTISEMENT NOTICE OF
WATER PERMIT APPLICATION

NO. 4311A-3

Notice is given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water Systems Inc., PO Box 299, Arlington, SD 57121. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 November 27, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Received Payment,

RECEIVED

NOV. 20 2006

WATER RIGHTS
PROGRAM

PAYMENT REQUEST FORM

PAYEE: Madison Daily Leader
PO Box 348
Madison SD 57042-0348

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement Notice of Water Permit Application No. 4311A-3.

AMOUNT: \$51.98

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbara C. Gohl 11/27/94

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

AFFIDAVIT OF PUBLICATION-

Customer Number: **078340**
 Invoice Number: **983567**

Water Rights Program

Argus Leader **AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Betty Jones 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 8 day of November 2006 ,
Wednesday, the 15 day of November 2006 ,
 _____, the _____ day of _____ 2006 ,
 _____, the _____ day of _____ 2006 ,
 _____, the _____ day of _____ 2006 ,
 _____, the _____ day of _____ 2006 ,
 _____, the _____ day of _____ 2006 ,

and that \$126.05 was charged for publishing the same

Betty Jones
 Subscribed and sworn to before me 11/15/2006
JACQUELINE ZIMMERMAN
 NOTARY PUBLIC
 SOUTH DAKOTA

J. Zimmerman
 Notary Public, South Dakota

My Commission expires December 22, 2009

State Notices

READVERTISEMENT
NOTICE OF WATER PERMIT
APPLICATION NO. 4311A-3
 Notice is given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water System Inc., PO Box 299, Arlington, SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right N. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.
 983567 Nov. 8 & 15, 2006

PAYMENT REQUEST FORM

PAYEE: Argus Leader
PO Box 5034
Sioux Falls, SD 57117-5034

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement Notice of Water Permit Application No. 4311A-3

AMOUNT: \$126.05

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbault Eshel 11/27/64

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Danny Schwans of said County and State, being duly sworn, on his oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Danny Schwans, and has been such newspaper during the time hereinafter mentioned; and that I, Danny Schwans, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice

headed Readvertisement Notice of Water
Permit Application No. 4311A-3

a printed copy of which is hereunto attached, was printed and publishing in the regular and entire issue of said newspaper and not in a supplement, once each week for.....2.....

successive weeks, the first publication being made on the 9th day of Nov 2006

and the last publication on the 16th day of Nov 2006

The first publication being made on theday of.....20.....

The second publication being made on the.....day of.....20.....

The third publication being made on theday of.....20.....

The fourth publication being made on the.....day of.....20.....

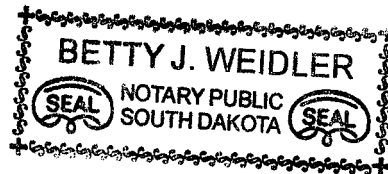
The fifth publication being made on the..... day of.....20.....

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$51.12 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Subscribed and swore to me this 16th day of Nov 2006

Betty J. Weidler

My Commission expires the 24th day of April 2010



**READVERTISEMENT
NOTICE OF WATER
PERMIT APPLICATION
NO. 4311A-3**

Notice is given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water System Inc., PO Box 299, Arlington SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux-Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition

is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner
Secretary
Department of Environment
and Natural Resources
(Nov. 9 & 16)

PAYMENT REQUEST FORM

PAYEE: Miner County Pioneer
PO Box 220
Howard SD 57349

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement Notice of Water Permit Application No. 4311A-3.

AMOUNT: \$51.12

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barclay Chiles 11/14/04

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

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 FlandreauCounty of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 8, 2006November 15, 2006Cost of Printing \$54.95Angela Nibbelink
(Signature)Boothkeeper/office mgr.
(Title)Nov. 15, 2006
(Date Signed)**READVERTISEMENT NOTICE OF
WATER PERMIT****APPLICATION NO. 4311A-3**

Notice is given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water Systems Inc., PO Box 299, Arlington SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary
Department of Environment and Natural Resources

(Nov. 8 & 15, 2006)

PAYMENT REQUEST FORM

PAYEE: Mood County Enterprise
PO Box 71
Flandreau SD 57028-0071

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement Notice of Water Permit Application No. 4311A-3.

AMOUNT: \$54.95

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Daral Ell 11/17/24

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF McCOOK:)

The undersigned, being first duly sworn, on his oath says: THE MONTROSE HERALD is a weekly newspaper of general circulation, printed and published in the City of Canistota, McCook County, South Dakota, by MATTHEW ANDERSON, and has been such newspaper during the times hereinafter mentioned: that it has bona fide circulation of more than 200 copies weekly; that it has been published within said County of McCook in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned, and has been printed during such period and at the present time in part in an office maintained at the said place of publication: that I, the undersigned, am either the publisher@ or an employee of the said publisher@ of said newspaper and have personal knowledge of all the facts stated in the affidavit: that the advertisement headed

Re-Advertisement Notice of Water
Permit Application No. 4311A-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for two (2) successive weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication be made on 11-9

The second publication on 11-16

The third publication on _____

The fourth publication on _____

that 72.00 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whomsoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

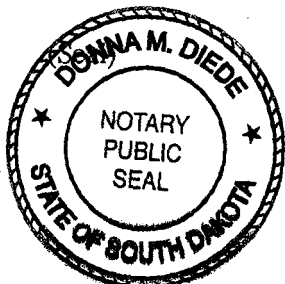
Matthew Anderson

Subscribed and sworn to before me this 21

day of November 2006

Donna M. Diede
Notary Public, South Dakota

My commission expires 2-2-2010



RECEIVED

NOV 30 2006

WATER RIGHTS
PROGRAM

RE-ADVERTISEMENT NOTICE OF WATER PERMIT APPLICATION NO. 4311A-3

Notice is given for re-advertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water System Inc., PO Box 299, Arlington SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux: Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Re-advertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Re-advertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 November 27, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

11-9-2tc

PAYMENT REQUEST FORM

PAYEE: Anderson Publications
PO Box 128
Canistota SD 57012

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Redadvertisement Notice of Water Permit Application no. 4311A-3-
Kingbrook Rural Water.

AMOUNT: \$72.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Darrel Chub 12/1/04

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brookings) SS

I, Amy B. Larsen

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:

Nov. 8, 2006

Nov. 15, 2006

Cost of Printing \$50.10

Amy B. Larsen
(Signature)

Classifieds
(Title)

11-28-06
(Date Signed)

Legal 784, 2x, 11/8,
11/15

READVERTISEMENT NOTICE OF WATER PERMIT APPLICATION NO. 4311A-3

Notice is given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water System Inc., PO Box 299, Arlington SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 November 27, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in

the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirer, Secretary, Department of Environment and Natural Resources.

PAYMENT REQUEST FORM

PAYEE: Brokings Register
PO Box 177
Brookings SD 57006

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Redadvertisement Notice of Water Permit Application no. 4311A-3-
Kingbrook Rural Water.

AMOUNT: \$50.10

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbale Chute 12/1/04

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Affidavit of Publication

State of South Dakota

§

County of Clark

READVERTISEMENT NOTICE OF WATER PERMIT APPLICATION NO. 4311A-3

Notice is given for readvertisement of Water Permit No. 4311A-3 held by Kingbrook Rural Water System Inc., PO Box 299, Arlington SD 57212. Application No. 4311A-3 proposes to change the water use and diversion point location authorized by Water Right No. 4311-3. Water Right No. 4311-3 appropriates 1.44 cubic feet of water per second (cfs) from one well completed into the Big Sioux Northern Skunk Creek Aquifer (75 feet deep) located in the E 1/2 SE 1/4 Section 8-T105N-R51W for irrigation use. This application proposes to change the use from irrigation to rural water system use. Readvertisement of the public notice published in August 2006 is necessary to reflect that water use will be year round instead of being limited to the irrigation season. The irrigation well will be abandoned and a new well will be drilled in the NW 1/4 SE 1/4 Section 8-T105N-R51W with an annual withdrawal volume of 266 acre feet of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Water Permit No. 4311A-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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineers recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting The Chief Engineer's recommendation. The Chief engineers 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 November 27, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary,

RECEIVED

DEC - 8 2006

WATER RIGHTS
PROGRAM

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive 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

KINGBROOK RURAL WATER WATER PERMIT

a printed copy of which, taken from the paper in which 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

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

November 8, 2006

November 15, 2006

that the full amount of the fees for the publication of the annexed notice is

\$50.80

William J. Krikac

Subscribed and sworn to before me this

6th day of December 2006

Kimberly Seefeldt
Notary Public
Clark County, South Dakota

My commission expires: 10-02-07

PAYMENT REQUEST FORM

PAYEE: Clark Co Courier
119 1st Ave E
Clark SD 57225

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

ReAdvertisement Notice of Water Permit Application No. 4311A-3,
Kingbrook Rural Water System Inc.

AMOUNT: \$50.80

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbaral Clark 12/08/04

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 22 2006

Kingbrook Rural Water System
% Jolene King
PO Box 299
Arlington SD 57212

Dear Ms. King:

Enclosed is Water Permit No. 4311A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license 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,

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

enclosures



Kingbrook

Rural Water System, Inc.

PO Box 299 • Arlington, SD 57212 • Phone 605-983-5074 • 1-800-605-5279 • Fax 605-983-5636 • E-Mail: kbrw@mchsi.com

October 31, 2007

RECEIVED

NOV - 1 2007

**WATER RIGHTS
PROGRAM**

Water Rights Program, DENR
Attn: Karen Schlaak
523 East Capitol Ave.
Pierre, SD 57501

Dear Karen:

Enclosed please find corrected Form 10 Notice of Completion of Works and Application of Water to Beneficial Use for Water Permit No. 4311A-3 Chester Well # 5 not De Smet well #9. Please make this correction in your records. Originally Form 10 for Water Permit No. 4311A-3 was sent to you on May 30, 2007.

Also find enclosed Form 10 for Water Permit No. 6730-3 Chester Well #6 and Form 10 for Water Permit No. 6731-3 for De Smet Well #9.

Again, here's a summary of the Form 10 enclosed:

4311A-3 – Chester Well #5
6730-3 – Chester Well #6
6731-3 – De Smet Well #9

I understand these form complete the required paperwork needed from Kingbrook. Please let me know if you have any questions.

Sincerely,

Jolene King
Office Supervisor

Enclosures

RECEIVED

NOV - 1 2007

WATER RIGHTS
PROGRAM

(corrected)

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

Date October 31, 2007

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Kingbrook Rural Water System, Inc
(name)

P.O. Box 249
(address)

Arlington, SD 57212
(city, state, zip)

605-9835074
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

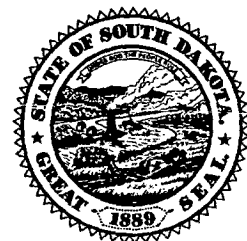
Water Permit No. 4311A-3 states that the water use system is to be constructed by
November 27, 2011 , and water is to be put to beneficial use by November 27, 2015 .
(date) (date)

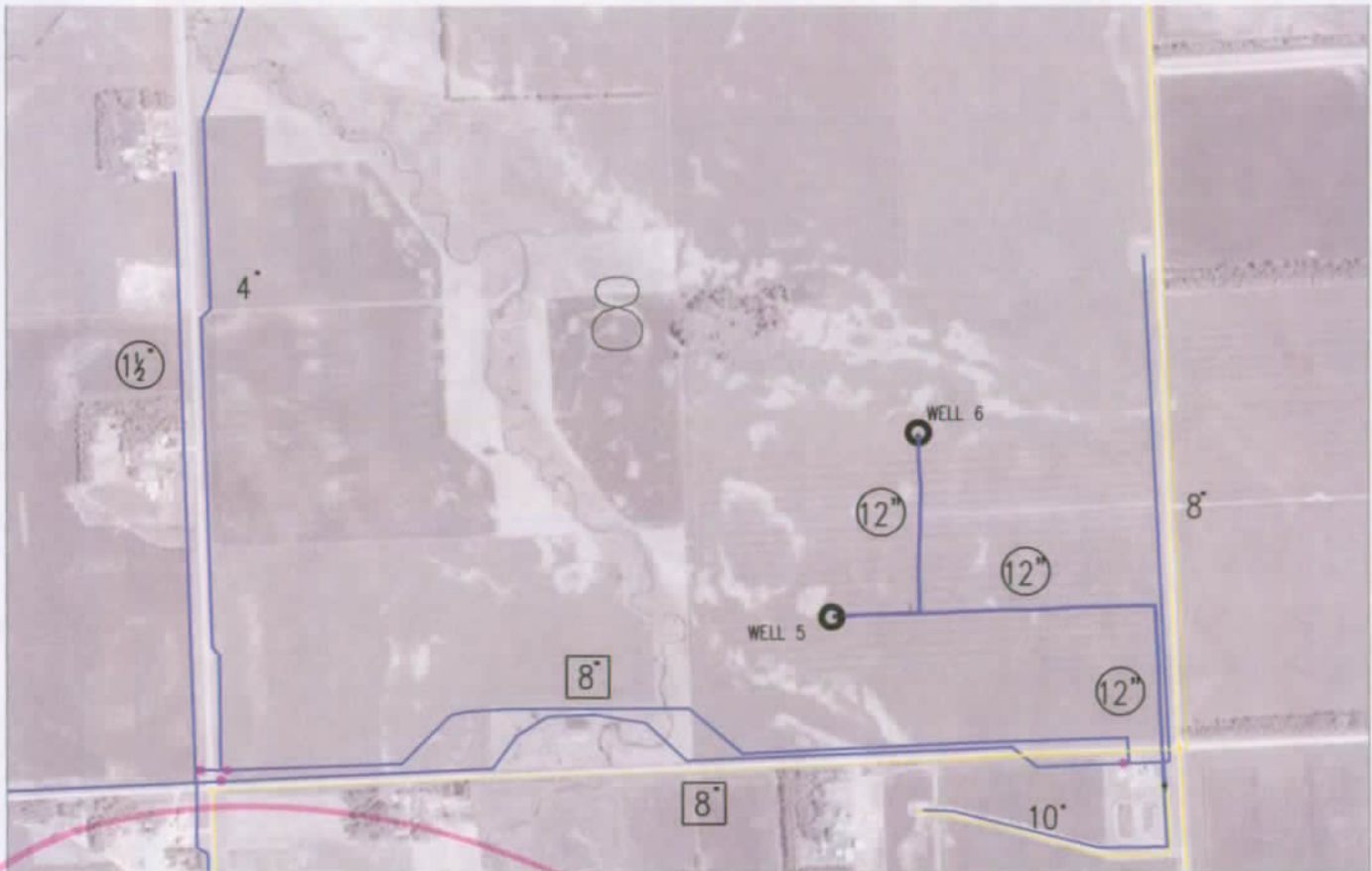
The water use system was completed on November 15, 2006 .
(date)

Applying the water to beneficial use was completed on August 31, 2007 .
(date)

You may schedule an investigation so that the water license may be issued.

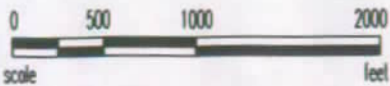
Jylene King, Office Supervisor
(signature)





WELL 6 LOCATED 1,745 FEET NORTH AND
1,425 FEET WEST OF SE COR. SEC. 8, T105N, R51W
95°58'27.31", 43°54'40.26", NAD83

WELL 5 LOCATED 750 FEET NORTH AND
1,900 FEET WEST OF SE COR. SEC. 8, T105N, R51W
96°58'34.33", 43°54'30.38", NAD83



T 105 N
R 51 W
Sec. 8



DeWild Grant Reckert
and Associates Company
Consulting Engineers
Rock Rapids, Iowa

Date May 2006
Drawn By
Approved BAJ

P:\08\007\25\DWG\SE-RECORDS.DWG

KINGBROOK
RURAL WATER SYSTEM
ARLINGTON, SOUTH DAKOTA

Permit No. 4311A-3
Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, July 27, 2012, made a thorough examination of the water use system constructed by Kingbrook Rural Water System of PO Box 299, Arlington, SD 57212 holder of Permit No. 4311A-3, bearing the priority of June 26, 1978 authorizing the diversion of 1.44 cubic feet per second (cfs) (266 acre-feet annually) of the waters of the Big Sioux:Northern Skunk Creek Management Unit for Rural Water System purposes, in Lake County.

Inspection contact & relationship **Randy Jencks, GM**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co.
- 2) No. of Wells 1
- 3) Depth(s) 78 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 60 feet
- 3) Type Steel

Screen:

- 1) Type Stainless Steel
- 2) Length 10 feet
- 3) Static water level 30 feet

Pump:

- 1) Make Grundfos
- 2) Model 520S250
- 3) Size 25 hp
- 4) Capacity 520 GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1,610 feet north and 1,350 feet west of the SE corner of Section 8-T105N-R51W
(N 43.91071, W -96.97409) (NW ¼ SE ¼)

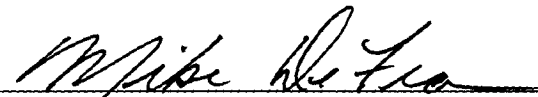
The works are capable of diverting and conveying to the place of use 1.15 cu. ft. per second of water which is to be used for rural water system purposes.

The license should be issued for 266 acre-feet of water annually.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

This permit appropriates additional water from one additional well completed into the Big Sioux:Northern Skunk Creek aquifer. As this well is capable of producing 520 gpm, the pump has been turned down to only produce 400 gpm when in use.

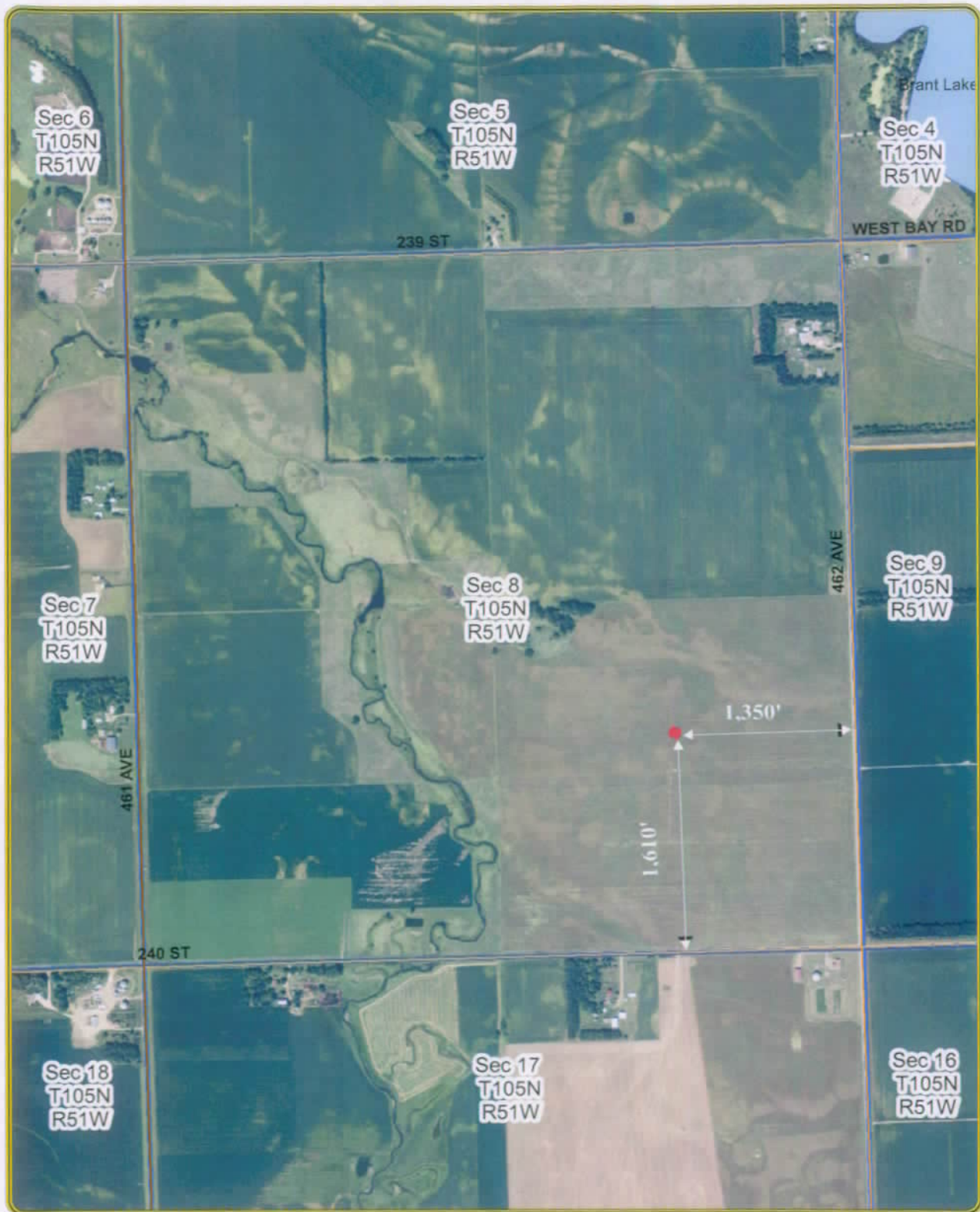


Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: August 8, 2012

Kingbrook RWS
Permit No. 4311A-3



0 0.2 0.4 0.8 Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 8, 2012



South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 14 2012

4311A-3

Randy Jencks, General Manager
Kingbrook Rural Water System Inc
PO Box 299
Arlington SD 57212 0299

Dear Mr. Jencks:

Enclosed is Water License No. 4311A-3. This is the final water right document completing your process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4311A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4311A-3

(1) Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212-0299 made Application No. 4311A-3, June 5, 2006 for a water permit to appropriate an annual volume of 266 acre feet of water from ground water (one well – Big Sioux Northern Skunk Creek Aquifer) in Lake County, South Dakota for rural water system purposes. Permit No. 4311A-3, with a priority date of June 26, 1978 was approved November 27, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 27, 2011 and for the application to beneficial use of said water on or before November 27, 2015.

No. 4311-3, with a priority date of June 26, 1978, authorized diversion of water for irrigation purposes. Water Permit No. 4311A-3 changed the use of water use from irrigation to rural water system use and authorized a new well. No. 4311A-3 did not allow for an increase in the diversion rate established under No. 4311-3. The applicable portions of No. 4311-3 are incorporated into this water license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.15 cubic feet of water per second (266 acre-feet annually) for beneficial use.

The location of the diversion point is 1,610 feet north and 1,350 feet west of the SE corner of Section 8, T105N, R51W (NW ¼ SE ¼).

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

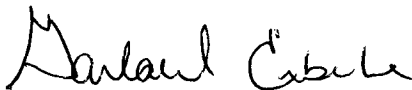
(4) Pursuant to South Dakota Water Law 46-5-30.1 Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 the holder and/or owner of Water Right No. 4311A-3 is issued a license to appropriate water, the right to use 1.15 cubic feet of water per second (266 acre feet annually) from ground water (one well – Big Sioux Northern Skunk Creek Aquifer) with a priority date of June 26, 1978 (established under Water Right No. 4311-3) from the location specified in (2) of this license for rural water system use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4311A-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 4311A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28. ***The well (Chester Well #5) was drilled by Thein Well Company in November 2005. A copy of the log is on file with the Water Rights Program.***

Kingbrook Rural Water System Inc.

- Water Right or Permit Nos. 5429-3, 5646-3, 4311A-3, 6531-3 and 6730-3 authorize a total annual diversion of 1,041 acre feet of water.
- No. 4311A-3 cancels irrigation use from Water Right No. 4311-3. The original well authorized by Water Right 4311-3 shall be plugged in accordance with SD Well Construction Standards.
- Kingbrook Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Chester well field completed into the Big Sioux: Northern Skunk Creek Aquifer.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 14 2012

date

