

Water Right No. 4456-3

FUTURE USE

1. Considered January 30 1980
2. Name of Applicant Aurora-Brule R.W.S., Inc.
3. Post Office Address Kimball
4. Amount of Water Claimed 2.4 — MORE THAN 2 TIMES PREVIOUS DIV DATE
5. Source of Water Supply Missouri River
6. Water to be used for R.W.S.
7. Acres to be irrigated — maximum acre feet —
8. Water to be diverted and used in Brule County about 1/2 miles SW of Chamberlain
9. PROOF OF PUBLICATION Received ☒ 1-22-80

Not Received —

APPLICATION Approved 1-30-80

Subject to —

Not Approved —

Action deferred —

Priority

12-17-79

Date Received 12-17-79 Application Complete yes — no — FEE —

Remarks Feasibility Report in Office of Water Development

Date information and/or fee or corrected Application received 12-28-79 - Trap
Period of Annual use —

~~WATER QUALITY~~
NA

Received yes — no — APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes — no — Remarks —

Disapproved —

Returned —

Diversion Point —

SW⁴SW⁴ Sec. 20 T10 4N - R71W

Lands to be irrigated —

Remarks —

Driller — Licensed yes — no —

Depth —

~~WELL LOG~~

MAP Map No. 7/11 Map located in Water Right _____ Map file _____
Type of Map _____ Prepared by _____

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1-30-80.

Lwesthine
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC. Remarks _____

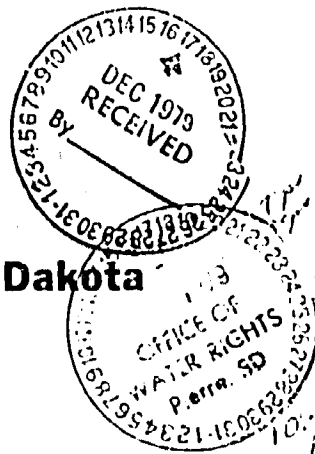
No. 4456-3Map No. F/U Water Division No. 3 MISSOURI RIVER District

Above for Office Use

A FUTURE USE

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☒Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant Aurora-Brule Rural Water System, Inc. Phone No. (605) 778-6316Post Office Address c/o Miller, Miller & Sebastian State Kimball, SD 57355

(Street, RR, or Box)

(Town)

(Zip Code)

If a corporation show date and place of incorporation Kimball, SD 57355 - June 5, 19722. Method of accomplishing work (contract, employment of others, or by direct labor) Contract.3. Name of diversion work Aurora-Brule Rural Water System, Inc., Proj. II, Intake Facilities.4. Amount of water claimed (cubic feet per second) 2.4cfs5. Source of water supply Lake Francis Lake (Missouri River)6. Location of point of diversion Southwest Quarter of Southwest Quarter of Section 20, Township 104 North, Range 71, West of the 5th Principal Meridian.Brule County South Dakota.7. Annual period or periods during which water is to be used Throughout the year.8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Rural Water System and Municipal.9. For irrigation use, None. Total number of acres to be irrigated N.A.

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

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 9 1/4 years. Additional time required to complete application of water to the proposed beneficial use N.A. years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Chamberlain Register.

12. Principal Features of the Proposed Water Supply System.

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

Intake Screens, Lake Pumps (2), Encasement Pipes, Pump Discharge Lines.

B. Works proposed to transport water to place of use.

Raw Water Booster Station, Raw Water Pipeline.

C. Works proposed to apply water to beneficial use.

Water Treatment Facility, Water Distribution System.

Estimated Total Cost \$ N.A.

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

STATE OF SOUTH DAKOTA)

County of Brule)I, Ronald K. Miller

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

Signed

Subscribed and sworn to before me this 14th day of December, 1979.

(SEAL)

Notary Public (or other qualified officer)
My Commission Expires: 8-11-83

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4456-3

AURORA-BRULE RURAL WATER SYSTEM-% MILLER, MILLER & SEBASTIAN
(Applicant) (Post Office Address)
SOUTH DAKOTA 57355
(State) KIMBALL
..With the following qualifications.

At such times as definite plans are made, specific applications for all or any part of the water granted under this withdrawal must be submitted prior to construction of facilities.

This Future Use Permit No. 4456-3 is approved with the stipulation that this Permit to Appropriate Water is subject to review by the Water Management Board as to accomplishment thereunder, upon expiration of Seven (7) years.

Date of first receipt of application DECEMBER 17, 1979
Date of return to applicant for correction, amendments or changes required DECEMBER 17, 1979
Date of receipt of corrected application DECEMBER 28, 1979
Approved JANUARY 30, 1980, Recorded in Book 21 Page 113

WATER RIGHT PERMIT NO. 4456-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4456-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 17, 1979
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before N/A, 19
3. The whole of said work is to be completed on or before N/A, 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is N/A, 19
5. The water appropriated shall be used for the purpose of MUNICIPAL USE

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

7. The amount of the appropriation herein granted shall not exceed 2.4 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one seventh (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied~~ FOR MUNICIPAL USE

For irrigation on or before THIS DATE; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 4th day of FEBRUARY, 1980

THE BOARD OF WATER MANAGEMENT

By John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19__

No. 4458-3

Publish first publication, on or before January 10, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

12/31/79

Inc.

Notice is hereby given that the Aurora-Brule Rural Water System, whose post office

address is Kimball, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, 52:01:01:21 thru 52:01:01:24, for a permit to appropriate future use

for beneficial use 2.4 cubic feet of water per second of time from the Aurora-Brule RWS Inc., Proj. II -
Missouri River through the Intake Facilities the point(s) of diversion

of which is (SSE) to be located in the SW 1/4 SW 1/4

of Section 20, Twp. 104 N, Range 71 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

water supplies for a Rural Water System & Municipal use

This Application No. 4458-3 will be considered by the Water Management Board at the Kneip Building,
Meeting Room #1, Church & Illinois, Pierre, SD upon 30th day of January

at 10 AM. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

BETTY WESTLUND

Water Rights Specialist

cc: Aurora-Brule Rural Water System
c/o Miller, Miller & Sebastian
Kimball, SD 57355

FORM 6 - Notice of Intent to Appropriate Water
(FUTURE USE-SURFACE WATER)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brule) ss.

I, E. J. Buckingham, Jr. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Chamberlain Register

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

city of Chamberlain

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

January 10, 1980

January 17, 1980

E. J. Buckingham, Jr.
(Signature)

Public
(Title)

1/17/80
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota
Dec. 31, 1979

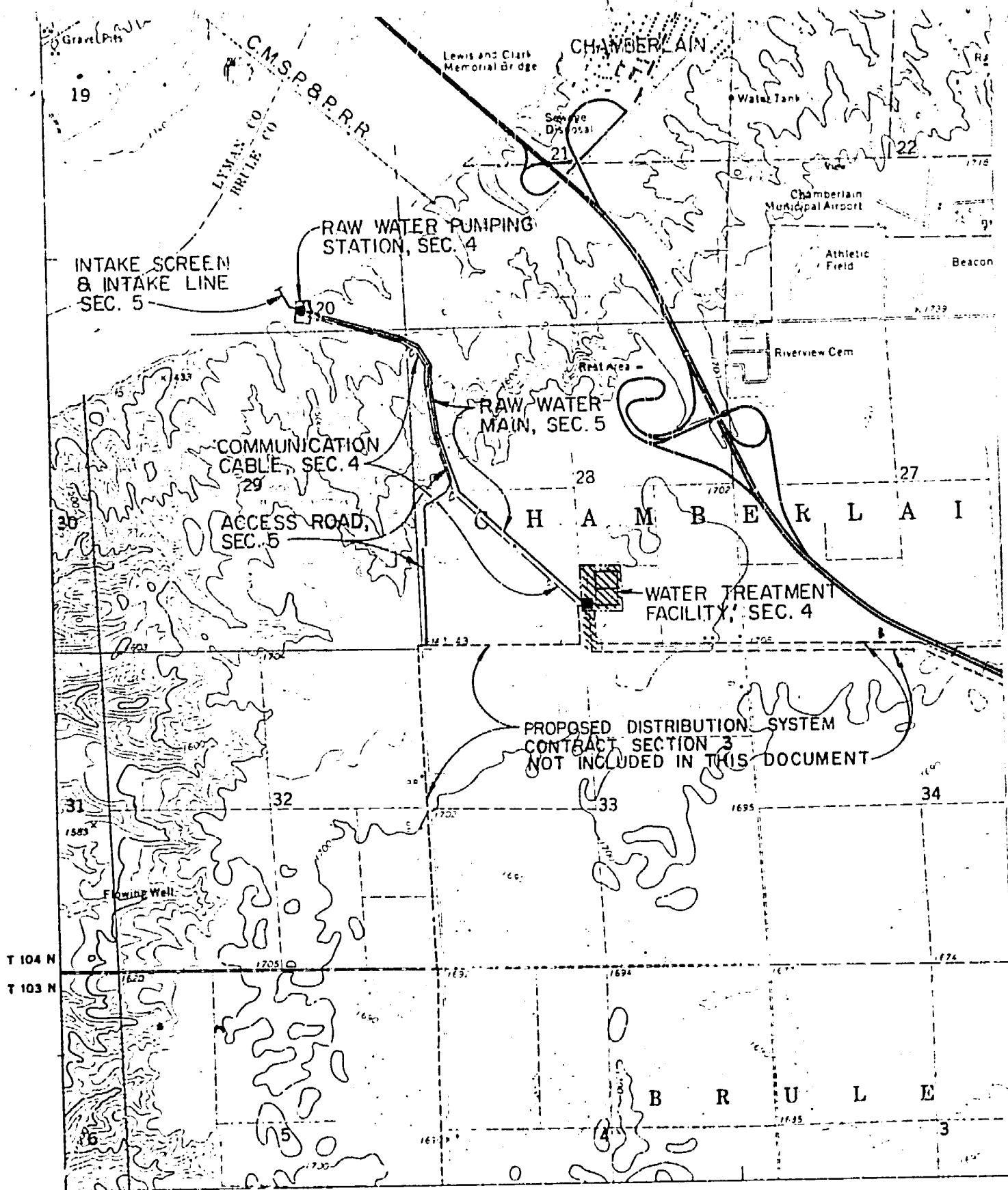
Notice is hereby given that
the Aurora-Brule Rural Water
System, Inc., whose post office
address is Kimball, South Dako-
ta, has made an application in
accordance with the provisions
of SDCL 46-1-1 through 46-1-9,
46-1-14; 46-2-9 through 46-2-11,
46-2-13; 46-5-1 through 46-5-8,
46-5-10 through 46-5-22,
46-5-41, 46-5-38, and Board
Rules ARSD 52:01:01:01
through 52:01:01:13,
52:01:01:21 through 52:01:01:24
for a future use permit to
appropriate for beneficial use
2.4 cubic feet of water per
second of time from the Mis-
souri River through the Aurora-
Brule RWS Inc., Proj. II - Intake
Facilities, the point of diversion
of which is to be located in the
SW 1/4 SW 1/4 of Section 20, Twp.
104 N, Range 71 W. Said water
to be used for the purpose of
providing water supplies for a
Rural Water System and muni-
cipal use.

This Application No. 4456-3
will be considered by the Water
Management Board at the
Knep Building, Meeting Room
#1, Church and Illinois, Pierre,
SD, upon 30th day of January,
1980, at 10 a.m. The Board is
authorized to make a determina-
tion on this application at the
hearing. All interested persons
may appear and be heard. Any
person who may be affected by a
Board decision who desires to
present evidence or cross-
examine witnesses according to
SDCL 1-26 may notify the Board
in writing prior to the hearing or
orally at the hearing.

This hearing is an adversary
proceeding. Any person has the
right to be present or to be
represented by a lawyer. These
and other due process rights will
be forfeited if they are not
exercised at the hearing. Deci-
sions of the Board may be
appealed to the Courts as pro-
vided by law.

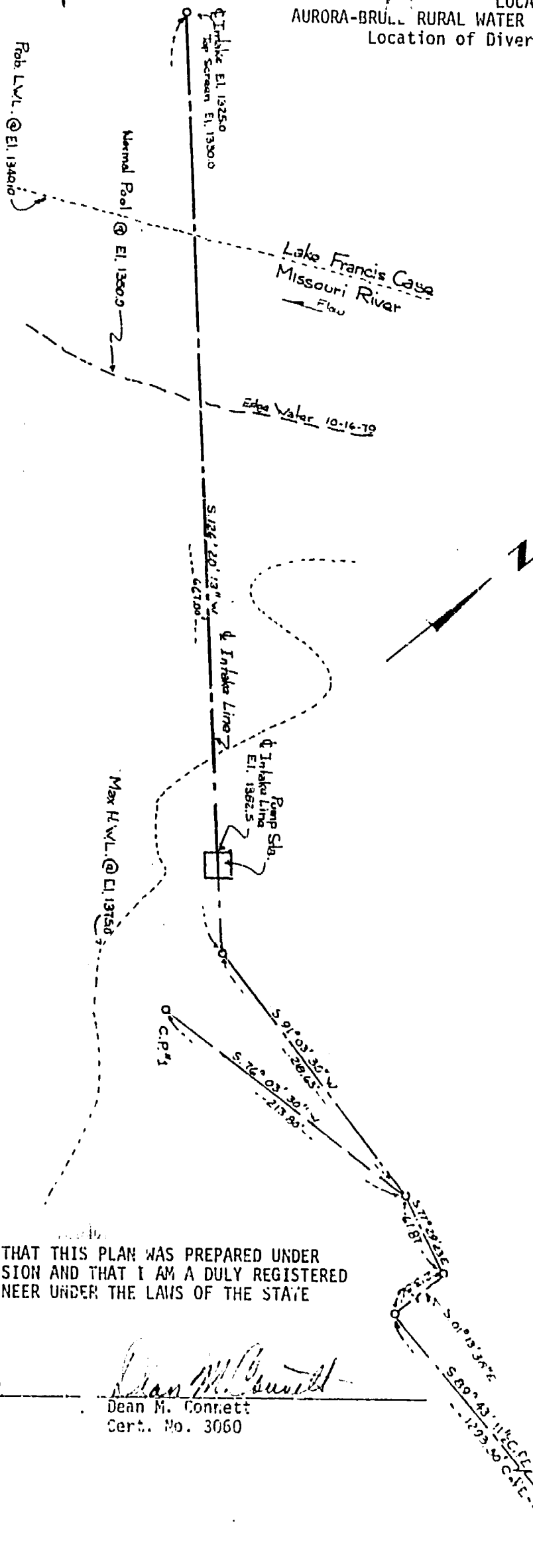
Water Management Board
Betty Westlund
Water Rights Specialist
(Jen. 10-17)





LOCATION MAP
SCALE: 1" = 2 000'

LOCATION MAP
AURORA-BRULL RURAL WATER SYSTEM INC.
Location of Diversion Point



CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

DATE: 12-24-79

Dean M. Connett
Dean M. Connett
Cert. No. 3060

SE Corner Sec 22
T 104 N
R 12 W

Form 10.

No. _____

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

Post Office Box 109
Kimball, South Dakota 57355
Date June 25, 1982

TO: Water Rights [REDACTED]
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4456-3.

Water Right Permit No. 4456-3 states that the diversion system is to be constructed by N/A, 19 and that the water is to be put to beneficial use by N/A, 19 .

The diversion system was completed on June, 1981.
Applying the water to beneficial use was completed on June,
1981.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.



Donald S. Miller
(Signature)
Attorney for Aurora-Brule Rural
Water System, Inc.

7.11 d

Attorneys at Law

WALTER S MILLER
PLANKINTON 80 DAK 57368
PHONE 942-4881

June 25, 1982

RONALD K MILLER
MICHAEL E. SEBASTIAN
KIMBALL B DAK 87355
PHONE 778 8315

Mr. John Hatch, Chief Engineer
Water Rights, WMD
S. D. Department of Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

Re: Aurora-Brule Rural Water System, Inc.

Dear Mr. Hatch:

Pursuant to the enclosed letter, please find enclosed Notice of Completion of Works and/or Application of Water to Beneficial Use for the above-entitled water system.

Very truly yours,

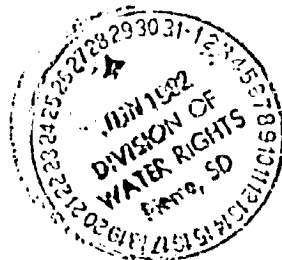
MILLER, MILLER & SEBASTIAN

Donald E. Miller

Ronald K. Miller

RKM:ma;

Enclosures.





Department of Water & Natural Resources

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

January 22, 1987

Wade Blasius, Manager
Aurora-Brule Rural Water System
Kimball, SD 57355

Dear Mr. Blasius:

This letter is in regard to Future Use Water Permit No. 4456-3 held by the Aurora-Brule Rural Water System. A Copy of Permit No. 4456-3 is enclosed for your information.

Future Use Permit No. 4456-3 will be scheduled for review on May 6, 1987 by the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the time and place. The purpose of this review is to determine if a reasonable need exists for maintaining the permit. A fee will be charged if Permit No. 4456-3 remains in effect after May 6, 1987. The fee assessed if Permit No. 4456-3 remains in effect will be \$55.00.

Please advise in writing within 30 days of the rural water system's intentions regarding Future Use Permit No. 4456-3. Let us know if you have any questions.

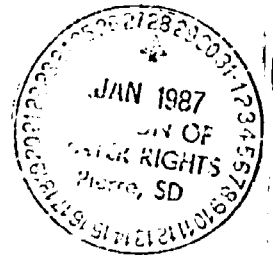
Very truly yours,

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

JH:rd

January 27, 1987

South Dakota Department
of Water & Natural Resources
Water Rights Division
Attn: John Hatch



Dear Mr. Hatch;

This letter is in regard to Water Use Permit No. 4456-3 held by Aurora-Brule Rural Water System, Inc. I received your letter informing of the permit review to be held May 6, 1987.

It is Aurora-Brule Rural Water System, Inc. intention to request continuation or renewal of Permit No. 4456-3. Please advise on the time and place of review.

Sincerely,

A handwritten signature in cursive script that reads "Wade J. Blasius".

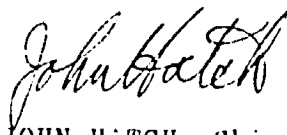
Wade J. Blasius, Manager
Aurora-Brule Rural
Water System, Inc.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4456-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 4456-3, Aurora-Brule Rural Water System, Kimball SD.

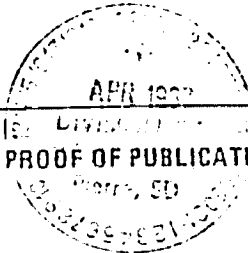
The Chief Engineer is recommending that Future Use Permit No. 4456-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4456-3, 2) Aurora-Brule Rural Water System has demonstrated a reasonable need for the water reserved by Permit No. 4456-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That the fee of \$55.00 for maintaining the effectiveness of Future Use Permit No. 4456-3 is paid within 60 days of notice to Aurora-Brule Rural Water System.



JOHN HATCH, Chief Engineer
March 31, 1987

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



No. 4456-3

STATE OF SOUTH DAKOTA)
County Brule) ss.

I, Harold E. Alquist hereby

certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the Chamberlain Register

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

City of Chamberlain

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

April 9 1987

April 16 1987

[Signature]
(Signature)

[Title]
(Title)

[Date Signed]
(Date Signed)

Cost of Printing: 93 lines x .411 =
38.22

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4456-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Brule Rural Water System, Inc., Kimball, SD, for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved Jan. 30, 1980, to reserve 2.40 cfs (1737 acre feet) from the Missouri River for diversion from the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T104N, R71W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4456-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 in Room 216, Joe Foss Building, Pierre, SD, on May 6, 1987, at 2:15 p.m.

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

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74-02:01:27 and contested case procedures contained in SDCL 1-26.

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

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

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

No. 4456-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brule) ss.

I, Holly K. Huyck hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brule County News
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

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

April 9
April 16

Holly K. Huyck
(Signature)

Editor
(Title)

4/9/87
(Date Signed)



Cost of Printing: _____

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 4456-3**

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Brule Rural Water System, Inc., Kimball, SD, for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved January 30, 1980 to reserve 2.40 cfs (1737 acre feet) from the Missouri River for diversion from the SW 1/4 SW 1/4 Section 20, T104N, R71W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4456-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 in Room 216, Joe Foss Building, Pierre, SD, on May 6, 1987 at 2:15 p.m.

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

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD, 605-773-3352 for assistance prior to the hearing date. The time of the hearing

will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by April 24, 1987.

(April 9, 1987)



NO. 4456-3

Date 4/9/87

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

We are in receipt of your letter of 4/2/87 enclosing Notice of Hearing to Review Future Use Permit No. 4456-3 which was first published in our issue of April 9. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME Holly Huyck

NEWSPAPER Brule County News

NOTICE OF HEARING TO REVIEW FUTURE USE

WATER PERMIT NO. 4456-3

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

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

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

April 9, 1987

April 16, 1987

Anna Van Leeuwen
(Signatuur)

(Signature)

Deplinski
(Tit)

(Title)

4-16-87

(Date Signed)

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

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

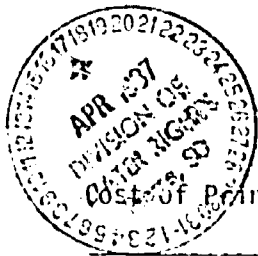
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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No.4456-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No.4456-2 in Room 216, Joe Foss Building, Pierre, SD on May 6, 1987 at 2:15 pm.

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

The hearing is to review Future Use Permit No.4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-2-26.



WNR-808-7/79
Proof of Publication

Instruction to Newspaper-Publish first publication of the following Notice on or before April 9, 1987 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4456-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Brule Rural Water System, Inc., Kimball SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved January 30, 1980 to reserve 2.40 cfs (1737 acre feet) from the Missouri River for diversion from the SW 1/4 SW 1/4 Section 20, T104N, R71W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4456-3 remain in effect because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 in Room 216, Joe Foss Building, Pierre SD on May 6, 1987 at 2:15 pm.

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

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

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

Aurora-Brule
Rural Water System, Inc.

P.O. Box 140 • Kimball, South Dakota 57355

May 11, 1987

Water Rights Division
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S.D. 57501-5181

Enclosed, is a check in the amount of
\$55. from Aurora-Brule Rural Water System, Inc.
for maintaining the effectiveness of Future
Use Permit No. 4456-3.

Sincerely,

Wade J. Blasius

Wade J. Blasius Mgr.

Aurora-Brule Rural Water System, Inc.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 13, 1937

RECEIVED OF Aurora Brule Rural Water System, Box 140, Kimball, SD 57355

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. 4456-3 after period of seven years.	55	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Ccopy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	55 00

By ()
Chief Engineer JOHN HATCH (MS)



Department of Water & Natural Resources

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

May 18, 1987

NOTICE

Wade Blasius, Manager
Aurora-Brule Rural Water System
Kimball SD 57355

Dear Mr. Blasius:

This letter is in response to action taken by the Water Management Board at the May 6, 1987 hearing regarding review of Future Use Water Permit No. 4456-3. The Board allowed the permit to remain in effect. Future Use Permit No. 4456-3 is again subject to review in seven years.

The fee of \$55.00 for maintaining the effectiveness of Future Use Permit has been paid. Enclosed is the receipt.

Please contact us if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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



4456-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 1994

Richard Ekstrom, Chairman
Aurora-Brule Rural Water System, Inc.
PO Box 140
Kimball SD 57355

Dear Mr. Ekstrom:

I am writing in regard to the seven year review of Future Use Water Permit No. 4456-3 from the Missouri River which is held by Aurora-Brule Rural Water System, Inc. Currently, our records show that 2.40 cubic feet of water per second (1737 acre feet) remain in reserve under this future use permit which was issued in 1980.

Permit No. 4456-3 will be scheduled for review by the Water Management Board this spring or summer pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 4456-3.

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

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

c: Wade Blasius, Manager

Rural Water System, Inc.

P.O. Box 140

Kimball, South Dakota 57355

Karen Schlaak
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Department of Environment & Natural Resources

Joe Foss Building

523 East Capitol

Fierre, SD 57501-3181

I received your letter dated January 1, 1994 regarding Aurora-Brule Rural Water System, Inc. future water use permit Number 4456-3.

Our need for retaining this permit is to continue providing water to some 900 farms and 6 communities for domestic use and livestock watering.

Attached is a record of the water pumped from the river each month for the past three years.

Wm. J. Blount

Wade J. Blasius, Manager

INTAKE PUMPING RECORD 1991-1992-19993

U.S. Gallons

1991	Jan.	18,555,000	1992	Jan.	18,230,000	1993	Jan.	20,955,000
	Feb.	16,561,000		Feb.	17,423,000		Feb.	18,067,000
	Mar.	20,495,000		Mar.	19,859,000		Mar.	19,020,000
	Apr.	16,932,000		Apr.	21,681,000		Apr.	17,929,000
	May	17,694,000		May	26,990,000		May	20,769,000
	June	24,139,000		June	23,955,000		June	18,882,000
	July	27,380,000		July	19,322,000		July	20,327,000
	Aug.	27,380,000		Aug.	18,847,000		Aug.	24,216,000
	Sept	19,328,000		Sept	19,328,000		Sept	18,561,000
	Oct.	20,069,000		Oct.	19,094,000		Oct.	19,963,000
	Nov.	18,532,000		Nov.	18,179,000		Nov.	18,911,000
	Dec.	<u>19,849,000</u>		Dec.	<u>20,276,000</u>		Dec.	<u>20,351,000</u>
Total		247,477,000 Gal.	Total		243,184,000 gal.	Total		237,951,000 ga

7/12, 9/11

Dec 1
4600
14



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 22, 1994

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

Dear Mr. Blasius:

I am writing in regard to the seven year review of Future Use Water Permit No. 4456-3 from the Missouri River which is held by the Aurora-Brule Rural Water System, Inc. We have received your January 10, 1994 letter requesting the retention of this permit. A copy of the draft recommendation is enclosed for your review.

As a part of the review of future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the rural water system's flexibility when placing reserved water to beneficial use. We have used a 60% pumping rate in making this conversion from a diversion rate to acre-feet annually.

If you believe the recommended amount to remain in reserve does not adequately meet the rural water system's future development needs, please provide additional justification for a greater amount. This draft recommendation is to provide you the opportunity to comment on our recommendation prior, to publishing the notice of hearing.

If we do not receive comments from you by May 10, 1994 we will schedule the publication of the notice of hearing with the recommendation as enclosed. The review of this permit will then be scheduled for the July 6 & 7, 1994 Water Management Board meeting.

Please contact me, if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

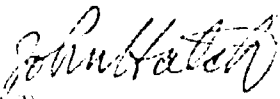
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4456-3, Aurora-Brule Rural Water System, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4456-3, Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball SD 57355.

The Chief Engineer is recommending that Future Use Permit No. 4456-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4456-3, 2) the Aurora-Brule Rural Water System, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 4456-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 4456-3 reserve for future use a total of 1,042 acre-feet annually. The diversion rate of 2.40 cfs is deleted from Permit No. 4456-3.

And that maintaining the effectiveness of Future Use Permit No. 4456-3 is subject to payment of the \$40.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Aurora-Brule Rural Water System, Inc.


JOHN HATCH, Chief Engineer
May 16, 1994

NOTE: The maximum annual acre-feet of full-time pumping represented by 2.40 cubic feet of water per second (cfs) reserved by No. 4456-3 is 1,737 acre-feet. Assuming that the total amount pumped annually would equal 60% of 1,737 acre-feet, then expected developed pumping of water reserved under Permit No. 4456-3 would be about 1,042 acre-feet per year.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 17, 1994

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

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

Dear Mr. Blasius:

Future Use Permit No. 4456-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publishers of the South Dakota Mail printed at Plankinton (Phone # 942-7770) and the Chamberlain Register printed at Chamberlain (Phone #734-6360). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

South Dakota Mail
Box 367
Plankinton SD 57368-0367

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4456-3 to be published twice. Please publish the first notice on May 26, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball SD 57351 (phone 778-6110).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
505 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE
No. _____ TO: Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to to
Review Future Use Water Permit No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 1994

Chamberlain Register
Box 550
Chamberlain SD 57325-0550

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4456-3 to be published twice. Please publish the first notice on May 25, 1994 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball SD 57355 (phone 778-6110).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

Date _____

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

Name _____

Newspaper _____

L

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

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4456-3

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved in January, 1980 to reserve 2.40 cubic feet of water per second (1,737 acre feet) from the Missouri River located in the SW 1/4 SW 1/4 Section 20-T104N-R71W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4456-3 REMAIN in EFFECT for 1.042 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 at the Ramkota Inn Best Western, Gallery D, 920 W Sioux, Pierre SD on June 28, 1994 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre SD 57505 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Bruce) ss

I, Rebecca

certify that the attached printed Notice was

taken from the Chamberlain-Corral
Register

printed and published in Chamberlain

County of Bruce and State of

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

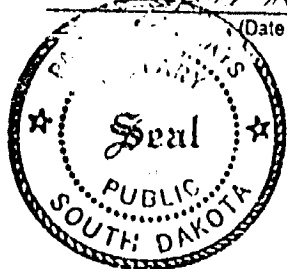
May 26, 1994
June 2, 1994

Cost of Printing: 45.00

[Signature]
(Signature)

[Signature]
(Title)

June 1, 1994
(Date Signed)



Notary Public
My Commission
expires Oct. 1, 1999



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4456-3

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by Aurora-Bruce Rural Water System, Inc., P.O. Box 140, Kimball, SD 57335 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved in January 1980 to reserve 2.40 cubic feet of water per second (1,737 acre feet) from the Missouri River located in the SW 1/4 SW 1/4 Section 20-T104N-R71W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends that Permit No. 4456-3 REMAIN IN EFFECT for 1,042 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD, on June 28, 1994, at 10 a.m.

The recommendation of the Chief Engineer is not final or binding upon the board and the board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 1994. The Chief Engineer's address is the Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57505 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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

(May 26-June 2)

**Notice of Hearing
to Review Future Use
Water Permit No. 4456-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball, SD 57355 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved in January, 1980 to reserve 2.40 cubic feet of water per second (1,737 acre feet) from the Missouri River located in the SW 1/4 SW 1/4 Section 20-T104N-R71W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4456-3 REMAIN in EFFECT for 1,042 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 at the Ramkota Inn Best Western, Gallery D, 920 W. Sioux, Pierre, SD on June 23, 1994 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with ROTH the permit owner and the Chief Engineer by June 20, 1994. The

petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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

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

21c-JUNE 2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Aurora) ss

I, Edward J. Henderson

certify that the attached printed Notice was taken from the South Dakota Mail

printed and published in Plumbington

County of Aurora and State of

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

May 26, 1994
June 3, 1994

Cost of Printing: 59¹²

Edward J. Henderson
(Signature)

Bookkeeper
(Title)

June 3, 1994
(Date Signed)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 1994

NOTICE

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

Dear Mr. Blasius:

I am writing in response to action taken by the Water Management Board at the hearing on June 28, 1994 to review Future Use Permit No. 4456-3. The Board allowed the permit to remain in effect and amended Permit No. 4456-3 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4456-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4456-3 is \$40.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 4456-3
AURORA-BRULE RURAL WATER SYSTEM, INC.

Pursuant to the June 28, 1994 Water Management Board hearing, Future Use Permit No. 4456-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 4456-3 reserve for future use a total of 1,042 acre-feet annually. The diversion rate of 2.40 cubic feet of water per second is deleted from Permit No. 4456-3.

CERTIFICATION

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

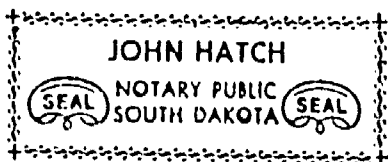
- 1442-2: Mike Kurle, Manager, West River Water Development District, Box 523, Murdo, SD 57559.
- 1622-2: Ernie Schweigert, Mayor, City of Gregory, Box 436, Gregory, SD 57533-0436.
- 2671-3 & 3429-3: Arden Wallum, Manager, WEB Water Development Association, Inc., P.O. Box 51, Aberdeen, SD 57402-0051.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

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



John Hatch
Notary Public

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4456-3
414217

Pierre, _____ July 14, 19 94

RECEIVED OF Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball, SD 57355
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>4456-3</u> after period of seven years.	40	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	40 00

By John H. Haldeman
Chief Engineer

4456-3

File No. 4455-3
4456-3

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Aurora-Brule Rural Water System, Inc.

ADDRESS: Kimball SD COUNTY: Brule

DATE: 6-5-96

RE: Correction of the location of the diversion point and future use area.

COMMENTS:

Water Permit No 5909-3 was advertised to increase the diversion rate authorized by Water Permit No. 4455-3. The advertisement for No. 5909-3 included correcting the location of the diversion point authorized by Permit No. 4455-3 and the location of the future use area authorized by Permit No. 4456-3.

The diversion point and future use area is located in the SW 1/4 SE 1/4 Section 20-T104N-R71W.

Karen Schlaak
Karen Schlaak
Environmental Scientist





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 23, 2001

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

Dear Mr. Blasius:

I am writing in regard to the seven year review of Future Use Water Permit No. 4456-3 from the Missouri River which is held by Aurora-Brule RWS. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 621 acre-feet remain in reserve under this future use permit that was issued in 1979 and last reviewed in 1994.

Please respond in writing by May 15, 2001, regarding the system's intention for the future use permit. If the Aurora-Brule RWS plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4456-3 will then be public noticed and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date.

The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

**Aurora-Brule
Rural Water System, Inc.**

P.O. Box 140
Kimball, South Dakota 57355
Phone 778-6110



April 24, 2001

Mr. Eric Gronlund
Water Rights Program
Department of Environment & Natural Resources
Joe Foss Bldg.
523 E Capitol
Pierre, SD. 57501-3182

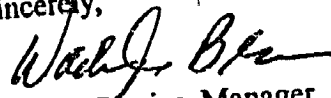
Dear Eric,

I response to your letter of April 23, 2001, it is Aurora-Brule RWSs intent to retain our Future Use Water Permit. (#4456-3)

Aurora-Brule RWS continues to operate as a public water supply, and it is necessary to maintain a reserve on the permit to meet the required demands for planned expansions of the system.

Should you need additional information, Please contact me at 778-6110

Sincerely,


Wade J. Blasius, Manager



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4456-3, Aurora-Brule Rural Water System, Inc., Kimball SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4456-3, Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball SD 57355.

The Chief Engineer is recommending that Future Use Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4456-3, 2) the rural water system has demonstrated a reasonable need for the water reserved by Permit No. 4456-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4456-3 is subject to payment of the \$32.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the rural water system after the Board hearing.

Garland Etebe, Chief Engineer
May 29, 2001



May 29, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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.

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

Dear Mr. Blasius:

Future Use Permit No. 4456-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the Chamberlain-Oacoma Register, Chamberlain (Phone #734-6360) and the South Dakota Mail, Plankinton SD (Phone #942-7770). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Grönlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2001

South Dakota Mail
Box 367
Plankinton SD 57368-0367

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4456-3 to be published twice. Please publish the first notice on June 7, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. Please **BILL** the **APPLICANT** for the cost of publication. The **APPLICANT** is the Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball SD 57355.

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

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

Date _____

We are in receipt of your letter of May 29, 2001 enclosing Notice of Hearing to Review Future Use Water Permit No. 4456-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

WATER RIGHTS PROGRAM

SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Shirley	Karen Schlaak
COMPANY:	DATE:
Chamberlain-Oacoma Register	June 8, 2001
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
605 734-6418	4
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
734-6360	(605) 773-3352
RE:	SENDER'S FAX NUMBER:
Notice of Hearing	(605) 773-4068

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

Shirley,

The attached notice needs to be published on June 14, 2001 with 2nd publication June 21, 2001.

Please send or fax us the first publication, so it can be proofed prior to second publication.

Thanks,
Karen

WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E. CAPITOL AVE.
PIERRE, SD 57501



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Chamberlain-Oacoma Register
Box 550
Chamberlain SD 57325-0550

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4456-3 to be published twice. Please publish the first notice on ~~June 7, 2001~~ with the second publication ~~7 days later~~.
June 14, June 21, 2001.

The applicant must verify to you that the notice is to be published, before you make the first publication. Please **BILL** the **APPLICANT** for the cost of publication. The **APPLICANT** is the Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball SD 57355.

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-----

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

Date _____

We are in receipt of your letter of May 29, 2001 enclosing Notice of Hearing to Review Future Use Water Permit No. 4456-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

June 14, 2001

Instruction to Newspaper-Publish first publication of the following Notice on June 7, 2001 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4456-3

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Brule Rural Water System, Inc., PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved 1980 currently reserves 621 acre feet from the Missouri River located in the SW ¼ SW ¼ Section 20-T104N-R71W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 on July 11, 2001 at 10:00 am, Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 2, 2001. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Aurora) SSI, J. P. Studeny, Sr., Publisher

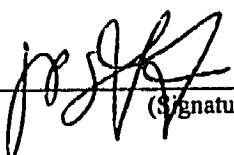
certify that the attached printed Notice was taken

from the South Dakota Mailprinted and published in PinkertonCounty of Aurora and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 7, 2001June 14, 2001Cost of Printing \$67.54


 (Signature)

Publisher
 (Title)

6-14-01
 (Date Signed)

Notice of Hearing to Review Future Use Water Permit No. 4456-3

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Bruce Rural Water System, Inc. PO Box 140, Kimball, SD 57355 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved 1993 and currently reserves 631 acre-feet from the Missouri River located in the SW1/4SW 1/4 Section 20-T10N-R71W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4456-3 REMAIN in EFFECT for 631 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 on July 21, 2001 at 10:00 A.M., Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD.

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

Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 2, 2001. The Chief Engineer's address is "Water Rights Program, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501 (605)-773-3352" and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-30.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program (605)-773-3352 by July 2, 2001. The time of the hearing will be automatically delayed for at

least 30 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Finner, Secretary, Department of Environment and Natural Resources
 216-3-14



Pamela M. Vissia

PAMELA M. VISSIA
 Aurora County, SD
 My Commission Expires September 5, 2004

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brule) SS

I, Gloria Priebe

certify that the attached printed Notice was taken

from the Chamberlain-Dakota
Register

printed and published in Chamberlain

County of Brule and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 14, 2001

June 21, 2001

Cost of Printing 56.68

Gloria Priebe
(Signature)

Publisher
(Title)

6-21-01

(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4456-3

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Brule Rural Water System, Inc., PO Box 140, Chamberlain, SD 57355 for purposes made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved 1980 currently reserves 621 acre feet from the Missouri River located in the SW 1/4 Sec 20, T40N-R11W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4456-3 REMAIN IN EFFECT for 621 acre feet

annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 on July 11, 2001 at 10:00 a.m., Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who wishes to participate in the hearing before the Board and present evidence or cross-examine witnesses recommending a change must file a written petition with BOTH the permit owner and the Chief Engineer by July 2, 2001. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.03 through 74:02:01:25.03 and contested case procedures contained in SDCL 5-26.

This hearing is an administrative proceeding. The permit owner or any person, other than

a petitioner, has the right to be present and to be represented by a lawyer. There will be due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person who wishes to appear at the hearing must file a written request with the Chief Engineer of the Water Rights Program, (605-773-3352) by August 1, 2001. The time of the hearing will be automatically deleted for at least 30 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 2, 2001. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

(June 14, 21, 2001)



4456-5

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 2001

NOTICE

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

Dear Mr. Blasius:

I am writing in response to action taken by the Water Management Board at the hearing on July 11, 2001 to review Future Use Permit No. 4456-3. The Board allowed the permit to remain in effect for 621 acre-feet of water annually. Future Use Permit No. 4456-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4456-3 is \$32.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

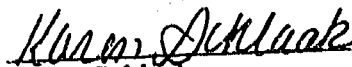
I hereby certify that on July 17, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 17, 2001 regarding Notice of review of Future Use Permit No. 4456-3 addressed as stated below:

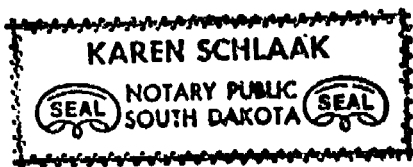
Wade J. Basius, Manager
Aurora-Brule Rural Water System, Inc.,
PO Box 140
Kimball, SD 57355


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of July, 2001.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



**STATE OF SOUTH DAKOTA
VOUCHER**

Direct
Travel
xxx Non-Cash
Cash Receipt

Cash Transfer
Investment
Appropriation Budget Transfer

Expenditure Correction
Revenue Correction
Period Ending Adjustment
Other Adjustment

Application Area 40	Vendor Number	Invoice ID	Voucher Number	Date				
Date 08/23/01	Purchase Order ID	Document ID R093376	Delivery Date	Payment Due Date				
To: (Payee, Billed Agency) DENR Foss Building Pierre, SD 57501 Attn: Clarice Blumer			From: (Department, Billing Agency) SD Dept of Health 600 East Capitol Pierre SD 57501					
Line	Company	Account	Center	User	Company	Project	Amount	Code
1	6018	4299084	0901001755EX				32.60	DR
2								CR
3								
4								
5								
6								
7								
8								
9								
10								
Total							65.00	
Description of Service, Product, or Transfer								
To correct a deposit of DENR check into Health Lab revenue								

Clarice Blumer
Please add your 21.00
and your 44.00 to make
the total 65.00 deposited
in 11/11/01
16,111.11 total amount.

RECEIVED

AUG 24 2001

**DENR
Fiscal Management**

I declare and affirm
things true and cor

TRACY SHAL

Claimant

Total
y me, and to the best of my knowledge and belief, is in all

horization

Date

Clarice Blumer
Tracy Shal
11/11/01
16,111.11 total amount

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

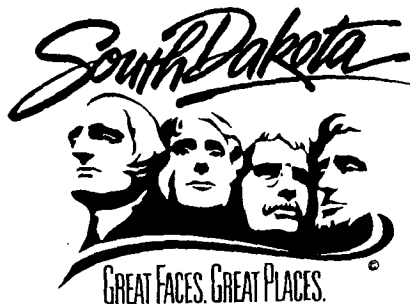
NO. 416901

Pierre, AUGUST 24, 20 01

RECEIVED OF Aurora-Brule Rural Water System, PO Box 140, Kimball, SD 57355
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>4456-3</u> after period of seven years.	32	50
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form. _____		
Fee for Filing Extension Request _____		
Fee for: _____ was deposited in DOH account so money was transferred to DNR account.		
(Any Other Work Provided by Law) _____	Total	32 50

By Darlene Eble
Chief Engineer gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 28, 2008

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

Dear Mr. Blasius:

I am writing in regard to the seven year review of Future Use Water Permit No. 4456-3 from the Missouri River which is held by Aurora-Brule Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 621 acre-feet remain in reserve under this future use permit that was issued in 1980 and last reviewed in 2001.

Please respond in writing by May 1, 2008, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4456-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

Aurora-Brule
Rural Water System, Inc.

P.O. Box 140
Kimball, South Dakota 57355
Phone 778-6110

RECEIVED
APR 17 2008
WATER RIGHTS
PROGRAM

April 16, 2008

Karen Schlaak, Environmental Specialist
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Bldg. 523 E Capitol
Pierre, SD. 57501

Dear Karen,

In Response to your letter of March 28, 2008, it is Aurora-Brule Rural Water System's intent to retain our future use permit.

Our System continues to operate as a public water supply, and it is necessary for us to maintain a reserve on the permit to meet future water demands for the area.

Should you need additional information, Please contact me at 778-6110.

Sincerely,



Wade Blasius,
Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4456-3, Aurora-Brule Rural Water System, Kimball SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4456-3, Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355.

The Chief Engineer is recommending that Future Use Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4456-3, 2) the rural water system has demonstrated a reasonable need for the water reserved by Permit No. 4456-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4456-3 is subject to payment of the \$32.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the rural water system after the Board hearing.

Garland Erbele, Chief Engineer
May 14, 2008



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 14, 2008

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

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

Dear Mr. Blasius:

Future Use Permit No. 4456-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Central Dakota Times, Chamberlain SD	605 234-0266 ✓
South Dakota Mail, Plankinton SD	605 942-7770 ✓✓

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 14, 2008

South Dakota Mail
PO Box 367
Plankinton SD 57368

Dear Sir:

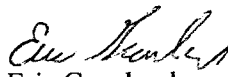
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4456-3 to be published twice. Please publish the first notice on May 22, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of April 14, 2008 enclosing Notice of Hearing to Review Future Use Water Permit No. 4456-3 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

May 14, 2008

Central Dakota Times
PO Box 125
Chamberlain SD 57325

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4456-3 to be published twice. Please publish the first notice on May 21, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355.

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-----

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

Date _____

We are in receipt of your letter of May 14, 2008 enclosing Notice of Hearing to Review Future Use Water Permit No. 4456-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4456-3

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved 1980 currently reserves 621 acre feet from the Missouri River located in the SW ¼ SE ¼ Section 20-T104N-R71W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 2008. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 20, 2008. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 2008. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED

MAY 30 2008

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Aurora) SS

I, J. P. Studeny, Jr.

certify that the attached printed Notice was taken

from the South Dakota

Mail Newspaper

printed and published in Plankinton

County of Aurora and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 22, 2008

May 29, 2008

Cost of Printing \$80.09



(Signature)

publisher

(Title)

5-29-08

(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4456-3

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved 1980 currently reserves 621 acre feet from the Missouri River located in the SW 1/4 SE 1/4 Section 20 - T104N-R71W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 at 10:00 am, July 2, 2008, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 20, 2008. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future

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

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 20, 2008. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 2008.

Steven M. Pirner,
Secretary,

Department of Environment
and Natural Resources

24c-MAY 20

AFFIDAVIT OF PUBLICATION

State of South Dakota

County of Brule

SS

RECEIVED

JUN - 2 2008

WATER RIGHTS
PROGRAM

Debi Ruiz of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the

Notice of Hearing To
Review Future Use
Water Permit No. 4456-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

May 21, 2008; May 28, 2008;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; 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:

\$58.92

Signed: Debi Ruiz

Subscribed and sworn to before me this 31st day
of May, 2008.

Janet L. Petrak
Notary Public in and for the County of Brule,
South Dakota



My commission expires June 5, 2010.

NOTICE OF HEARING TO REVIEW FUTURE USE

WATER PERMIT NO. 4456-3

Notice is given that the Water Management Board will review Future Use Permit No. 4456-3 held by the Aurora-Brule Rural Water System, c/o Wade Blasius, P.O. Box 140, Kimball, SD 57355 for progress made in the

development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 4456-3. This permit was approved 1980 currently reserves 621 acre feet from the Missouri River located in the SW1/4 SE1/4 Section 20-T104N-R71W for rural water system use.

Pursuant to SDCL 46-2A-2, the chief engineer of the Water Rights Program recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4456-3 at 10 a.m. July 2, 2008, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD.

The recommendation of the chief engineer is not final or binding upon the board and the board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the chief engineer by June 20, 2008. The chief engineer's address is "Water Rights Program," Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501 (605-773-3352) and the permit holder's mailing address is given above. The petition may be informal but it must include a statement describing the petitioner's interest in the future use permit, the reasons for the petitioner's opposition to or support of continuing the future use permit and the signature and mailing address of the petitioner or his legal counsel if legal counsel obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4456-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25:01 through 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the chief engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by June 20, 2008. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the chief engineer by June 20, 2008.

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

(May 21/May 28)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 2008

NOTICE

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

Dear Mr. Blasius:

I am writing in response to action taken by the Water Management Board at the hearing on July 2, 2008 to review Future Use Permit No. 4456-3. The Board allowed the permit to remain in effect for 621 acre-feet of water annually. Future Use Permit No. 4456-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4456-3 is \$32.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

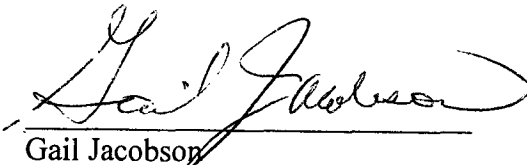
Sincerely,

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

CERTIFICATION

I hereby certify that on July 7, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 7, 2008 regarding maintaining effectiveness of Future use addressed as stated below:

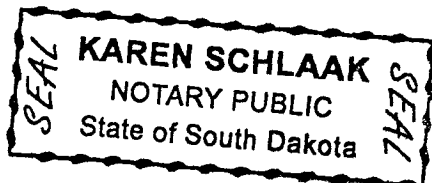
Steven W Meyer, City of Volga, PO Box 217, Volga SD 57071 6259-3
Larry G Schacht, Town of Pickstown, PO Box 107, Pickstown SD 57367 5113-3
Wade J Blasius, Aurora Brule RWS, PO Box 140, Kimball SD 57355 4456-3
Martin Jarrett, Big Sioux Comm. Water System, 23343 479th Ave, Egan SD 57024 3984A-3
Curt Hohn, WEB Water Dev. Assn. Inc., PO Box 51, Aberdeen SD 57402 3429-3
Wade Broome, City of Burke, PO Box 312, Burke SD 57523 1660-2
Doug Pochop, City of Gregory, PO Box 436, Gregory SD 57533 1622-2
Dennis Schroeder, City of Winner, PO Box 691, Winner SD 57580 551-2


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of July, 20 08.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECEIVED
SEP 17 2008
WATER RIGHTS
PROGRAM

September 12, 2008

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

Dear Mr. Blasius:

On July 7, 2008 we requested the fee for maintaining the effectiveness of Future Use Permit No. 4456-3. To date, we have not received this payment.

Please submit the \$32.50 fee as soon as possible to avoid jeopardizing the rural water system's future use permit. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352

*Sorry about this
Karen, put it in the
file & spaced it off
Thanks for the reminder
Wade*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/17/20 08

RECEIVED OF Aurora Brule Rural Water System PO Box 140 Kimball SD 57355

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	32	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4456-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	32 50

No.

63735

By David E. White
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 12, 2015

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

Dear Mr. Blasius:

I am writing in regard to the seven year review of Future Use Water Permit No. 4456-3 from the Missouri River held by the Aurora-Brule Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the system. Currently, our records show that 621 acre-feet remain in reserve under this future use permit that was issued in 1979 and last reviewed in 2008.

Please respond in writing by April 15, 2015 regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4456-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 621 acre-feet remain in reserve, the fee will be \$115.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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

Aurora-Brule
Rural Water System, Inc.

P.O. Box 140
Kimball, South Dakota 57355
Phone 778-6110

RECEIVED
MAR 25 2015
WATER RIGHTS
PROGRAM

March 23, 2015

Mr. Eric Gronlund
Natural Resources Engineer
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Bldg. 523 E Capitol
Pierre, SD. 57501-3181

RE: Future Use Water Permit No. 4456-3

Dear Mr. Gronlund,

As a result of the Change in location of our Missouri River Intake Structure on the Missouri River near chamberlain, I am requesting the following:

An Amendment to Future Use Water Permit No. 4456-3 to Change the Diversion Point - from the SW ¼ SE ¼ of Section 20: T104N R71W, to the SW ¼ of Section 21, Township 104 North, Range 71 West of the 5th PM, Brule County, South Dakota (Map enclosed)

I have also enclosed the completed Application Form and a Check for the required fees (\$100). Should you have any questions or need additional information please contact me.

Sincerely,



Wade J. Blasius, Manager



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4456-3, Aurora-Brule Rural Water System

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4456-3, Aurora-Brule Rural Water System, c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355.

The Chief Engineer is recommending that Future Use Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4456-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 4456-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

Upon approval of Application No. 4456A-3 to change the location of the Missouri River diversion point, Future Use Permit No. 4456-3 is incorporated into No. 4456A-3.

Maintaining the effectiveness of Future Use Permit No. 4456-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Jeanne Goodman, Chief Engineer
April 22, 2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 24, 2015

Central Dakota Times
PO Box 125
Chamberlain SD 57325

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4456A-3 and review of Future Use Permit No. 4456-3. Please publish the notice once on May 6, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Aurora-Brule Rural Water System, Inc., c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 (Ph # 605-778-6110).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 24, 2015

True Dakotan
PO Box 358
Wessington Springs SD 57382

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4456A-3 and review of Future Use Permit No. 4456-3. Please publish the notice once on May 5, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 24, 2015

Armour Chronicle
PO Box 129
Armour SD 57313

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4456A-3 and review of Future Use Permit No. 4456-3. Please publish the notice once on May 5, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 24, 2015

South Dakota Mail
PO Box 367
Plankinton SD 57368

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4456A-3 and review of Future Use Permit No. 4456-3. Please publish the notice once on May 7, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Aurora-Brule Rural Water System, Inc., c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 (Ph # 605-778-6110).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 24, 2015

Daily Republic
PO Box 1288
Mitchell SD 57301

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4456A-3 and review of Future Use Permit No. 4456-3. Please publish the notice once on May 6, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Aurora-Brule Rural Water System, Inc., c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 (Ph # 605-778-6110).

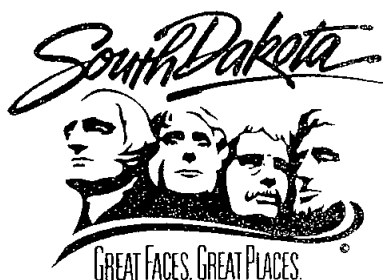
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

April 24, 2015

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

Dear Mr. Blasius:

Water Permit Application No. 4456A-3 and the Review of Future Use Permit No. 4465-3 have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers:

Central Dakota Times - Chamberlain - (605-234-0266) South Dakota Mail - Plankinton - (605-942-7770)
True Dakotan - Wessington Springs - (605-539-1281) Armour Chronicle - Armour - (605-724-2747)
Daily Republic - Mitchell - (605-996-5514).

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 report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper – Publish the Notice on May 7, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

Notice of Hearing on Future Use Application No. 4456A-3 and Review Future Use Permit No. 4456-3

Notice is given that Aurora-Brule Rural Water System, Inc., c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 has filed an application to amend Future Use Permit No. 4456-3 by changing the future use area. Future Use Permit No. 4456-3 reserves 621 acre feet of water from the Missouri River with the diversion point within the SW 1/4 SE 1/4 Section 20-T104N-R71W. The application seeks to change the future use area to the NW 1/4 SW 1/4 Section 21-T104N-R71W which is where the system's current Missouri River intake is located.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 4456A-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.

Notice is also given that the Water Management Board will review Future Use Permit No. 4456-3 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permit. The permit was approved in 1979 and currently reserves 621 acre feet from the Missouri River at the location described above for rural water system use. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas and Jerauld Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will consider Application No. 4456A-3 and future use review of No. 4456-3 at 10:00 a.m. on July 8, 2015 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. Regarding Application No. 4456A-3, the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application and based on the facts presented at the public hearing. Regarding Future Use Review of the permit, the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application or review and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 June 29, 2015. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in the application or review, the petitioner's reasons for opposing or supporting the application or review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 8, 2015 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application or review. The request for an automatic delay must be filed by June 29, 2015. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Information concerning the application or review is available at <http://denr.sd.gov/public>. Contact Eric Gronlund by June 29, 2015 at the above Chief Engineer's address to request copies of the staff report, recommendations, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is May 18, 2015. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application and review: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.03.

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

RECEIVED

MAY 11 2015

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Aurora) SS

I, J. P. Studeny, Jr.

certify that the attached printed Notice was taken

from the South Dakota Mail

printed and published in Plankinton

County of Aurora and

state of South Dakota. The notice was published

in the newspaper on the following date:

May 7, 2015

Cost of Printing \$ 76.79

J. P. Studeny, Jr.
(Signature)

Publisher
(Title)

5-7-15
(Date Signed)

**Notice of Hearing
on Future Use
Application No.
4456A-3 and**

**Review Future Use
Permit No. 4456-3**

Notice is given that Aurora-Brule Rural Water System, Inc., c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 has filed an application to amend Future Use Permit No. 4456-3 by changing the future use area. Future Use Permit No. 4456-3 reserves 621 acre feet of water from the Missouri River with the diversion point within the SW 1/4 SE 1/4 Section 20-T104N-R71W. The application seeks to change the future use area to the NW 1/4 SW 1/4 Section 21-T104N-R71W which is where the system's current Missouri River intake is located.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 4456A-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.

Notice is also given that the Water Management Board will review Future Use Permit No. 4456-3 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permit. The permit was approved in 1979 and currently reserves 621 acre feet from the Missouri River at the location described above for rural water system use. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas and Jerauld Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will consider Application No. 4456A-3 and future use review of No. 4456-3 at 10:00 a.m. on July 8, 2015 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. Regarding Application No. 4456A-3, the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application and based on the facts presented at the public hearing. Regarding Future Use Review of the permit, the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

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Steven M. Pirner,
Secretary,
Department of Environment
and Natural Resources
(Published once at an
approximate cost of \$76.79.)

AFFIDAVIT OF PUBLICATION

State of South Dakota

County of Brule

RECEIVED

MAY 11 2015

WATER RIGHTS
PROGRAM

Debi Ruiz of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the

Notice of Hearing on Future
Use Application No. 4456A-3
And Review Future Use Permit No. 4456-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for

one successive week(s) to wit:
May 16 2015: _____ 20_____
_____ 20____: _____ 20_____
_____ 20____: _____ 20_____

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; 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:

\$57.66

Signed:

Debi Ruiz

Subscribed and sworn to before me this 7th day of May 2015.

Janet L. Petrak
Notary Public in and for the County of Brule,
South Dakota

JANET L. PETRAK
Notary Public
SEAL
South Dakota

My commission expires June 5, 2016.

NOTICE OF HEARING ON FUTURE USE APPLICATION NO. 4456A-3 AND REVIEW FUTURE USE PERMIT NO. 4456-3

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Information concerning the application or review is available at <http://denr.sd.gov/public>. Contact Eric Gronlund by June 29, 2015 at the above Chief Engineer's address to request copies of the staff report, recommendations, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is 605-773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication and the applicable date to give notice to the Chief Engineer is May 18, 2015. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application and review: SDCL 1-26-16 through 1-26-28; SDCL 46-1-1 through 46-1-9, 46-1-13 through 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 through 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 through 46-5-26, 46-5-30.2 through 46-5-30.4, 46-5-31, 46-5-32 through 46-5-34.1, 46-5-38 through 46-5-39, 46-5-46, 46-5-49; 46-6-1 through 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-2 and Board Rules ARSD 74:02:01:01 through 74:02:01:25.03.

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

(Published one week, May 6, 2015, at a total approximate cost of \$57.66.)

(May 6)

RECEIVED

MAY 11 2015

WATER RIGHTS
PROGRAM

LEGALS

Notice of Hearing on
Future Use Application
No. 4456A-3 and
Review Future Use
Permit No. 4456-3

Notice is given that Aurora-Brule Rural Water System, Inc., c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 has filed an application to amend Future Use Permit No. 4456-3 by changing the future use area. Future Use Permit No. 4456-3 reserves 621 acre feet of water from the Missouri River with the diversion point within the SW 1/4 SE 1/4 Section 20-T104N-R71W. The application seeks to change the future use area to the NW 1/4 SW 1/4 Section 21-T104N-R71W which is where the system's current Missouri River intake is located.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 4456A-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.

Notice is also given that the Water Management Board will review Future Use Permit No. 4456-3 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permit. The permit was approved in 1979 and currently reserves 621 acre feet from the Missouri River at the location described above for rural water system use. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas and Jerauld Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will consider Application No. 4456A-3 and future use review of No. 4456-3 at 10:00 a.m. on July 8, 2015 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD.

The Chief Engineer's recommendations are not final or binding upon the Board. Regarding Application No. 4456A-3, the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application and based on the facts presented at the public hearing. Regarding Future Use Review of the permit, the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application or review and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 June 29, 2015. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in the application or review, the petitioner's reasons for opposing or supporting the application or review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 8, 2015 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application or review. The request for an automatic delay must be filed by June 29, 2015. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Wednesday, May 6, 2015

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; 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: \$159.78

Signed: Penny Hohbach

Subscribed and sworn to before me this 6th day of May, 2015.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

DEB TOWNSEND
Notary Public
SEAL
South Dakota

Information concerning the application or review is available at <http://denr.sd.gov/public>. Contact Eric Gronlund by June 29, 2015 at the above Chief Engineer's address to request copies of the staff report, recommendations, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

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As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application and review: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9; 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25:03.

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

Published once at an approximate cost of \$159.78

Affidavit Of Publication

RECEIVED

MAY 11 2015

STATE OF SOUTH DAKOTA

County of Douglas

WATER RIGHTS PROGRAM

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: THE ARMOUR CHRONICLE is a weekly newspaper of general circulation, published in Armour, Douglas County, State of South Dakota by MARY NEUGEBAUER and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

Notice of Hearing

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

The first publication being made on May 5, 2015,
the second publication being made on _____, 20____,
the third publication being made on _____, 20____,
the fourth publication being made on _____, 20____,
the fifth publication being made on _____, 20____,
the sixth publication being made on _____, 20____,
the seventh publication being made on _____, 20____,
and the eighth publication being made on _____, 20____,

that \$ 62.50 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement 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 whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this 7 day of May, 2015.

[Signature]

Notary Public, Douglas County, South Dakota

My Commission Expires Aug. 2020

Notice of Hearing

Notice of Hearing on Future Use Application No. 4456A-3 and Review Future Use Permit No. 4456-3

Notice is given that Aurora-Brule Rural Water System, Inc., c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 has filed an application to amend Future Use Permit No. 4456-3 by changing the future use area. Future Use Permit No. 4456-3 reserves 621 acre feet of water from the Missouri River with the diversion point within the SW 1/4 SE 1/4 Section 20-T104N-R71W. The application seeks to change the future use area to the NW 1/4 SW 1/4 Section 21-T104N-R71W which is where the system's current Missouri River intake is located.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 4456A-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.

Notice is also given that the Water Management Board will review Future Use Permit No. 4456-3 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permit. The permit was approved in 1979 and currently reserves 621 acre feet from the Missouri River at the location described above for rural water system use. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas and Jerauld Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will consider Application No. 4456A-3 and future use review of No. 4456-3 at 10:00 a.m. on July 8, 2015, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. Regarding Application No. 4456A-3, the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application and based on the facts presented at the

public hearing. Regarding Future Use Review of the permit, the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application or review and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 June 29, 2015. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in the application or review, the petitioner's reasons for opposing or supporting the application or review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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Information concerning the application or review is available at <http://denr.sd.gov/public>. Contact Eric Gronlund by June 29, 2015, at the above Chief Engineer's address to request copies of the staff report, recommendations, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

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

Published once at the total approximate cost of \$62.52. 154a5/5c

RECEIVED

MAY 11 2015

Form 8 WATER RIGHTS
PROGRAM

DAY, MAY 5, 2015 11

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Terrebonne) SS

I, Kristi Hine

certify that the attached printed Notice was
taken

from the True Dakotan

printed and published in Wessington Springs

County of Terrebonne and

state of South Dakota. The notice was
published

in the newspaper on the following date:

April 5, 2015

Cost of Printing \$72.77

Kristi Hine
(Signature)

President
(Title)

5-6-15

(Date Signed)

48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

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Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources. Published once at an approximate cost of \$72.77.

Notice of Hearing on Future Use Application No. 4456A-3 and Review Future Use Permit No. 4456-3

Notice is given that Aurora-Brule Rural Water System, Inc., c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 has filed an application to amend Future Use Permit No. 4456-3 by changing the future use area. Future Use Permit No. 4456-3 reserves 621 acre feet of water from the Missouri River with the diversion point within the SW 1/4 SE 1/4 Section 20-T104N-R71W. The application seeks to change the future use area to the NW 1/4 SW 1/4 Section 21-T104N-R71W which is where the system's current Missouri River intake is located.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 4456A-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.

Notice is also given that the Water Management Board will review Future Use Permit No. 4456-3 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the Permit. The permit was approved in 1979 and currently reserves 621 acre feet from the Missouri River at the location described above for rural water system use. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas and Jerauld Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends that Permit No. 4456-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will consider Application No. 4456A-3 and future use review of No. 4456-3 at 10:00 a.m. on July 8, 2015 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendations are not final or binding upon the Board. Regarding Application No. 4456A-3, the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application and based on the facts presented at the public hearing. Regarding Future Use Review of the permit, the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by

adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the application or review and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 June 29, 2015. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in the application or review, the petitioner's reasons for opposing or supporting the application or review, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The July 8, 2015 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application or review. The request for an automatic delay must be filed by June 29, 2015. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

4456-3
4456A-3

NOTICE OF ENTRY OF ORDER

JUL 15 2015

Aurora-Brule Rural Water System, Inc.
c/o Wade J Blasius, Manager
PO Box 140
Kimball SD 57355

Dear Mr. Blasius:

Enclosed is Future Use Permit No. 4456A-3 which amends Future Use Permit No. 4456-3, as approved by the Water Management Board on July 8, 2015.

When plans for facilities are prepared to put any portion of the water granted in the future use permits to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Also at the same hearing, the Water Management Board allowed the Permit No. 4456-3 to remain in effect for 621 acre-feet of water annually. The fee for maintaining the effectiveness of Future Use Permit No. 4456-3 is \$115.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Future Use Permit Nos. 4456-3 and 4456A-3 are subject to another review in seven years.

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

Sincerely,

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

enclosure

SOUTH DAKOTA
FUTURE USE WATER PERMIT NO. 4456A-3

Date of first receipt of application March 25, 2015.

The Water Management Board approved Future Use Water Permit No. 4456A-3 on July 8, 2015 for Aurora-Brule Rural Water System, c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 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. Future Use Water Permit No. 4456A-3 amends Future Use Permit No. 4456-3 by changing the future use area. Future Use Permit No. 4456-3 reserves 621 acre feet of water from the Missouri River with the diversion point within the SW 1/4 SE 1/4 Section 20-T104N-R71W. The permit authorizes changing the future use area to the NW 1/4 SW 1/4 Section 21-T104N-R71W which is where the system's current Missouri River intake is located.
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 from which applicant may claim right is December 17, 1979.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Permit Nos. 4456-3 and 4456A-3 reserves 621 acre feet of water annually.
2. At such time as definite plans are made to construct works and put the water reserved by Permit Nos. 4456-3 and 4456A-3 to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

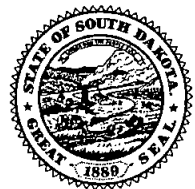
WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

JUL 15 2015

date



CERTIFICATION

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

Water Permit No. 4456-3 and 4456A-3

Aurora Brule RWS, c/o Wade Blasius, PO Box 140, Kimball SD 57355



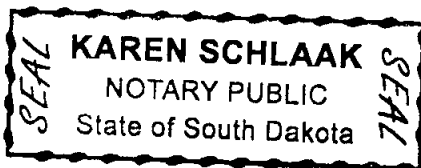
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/31, 20 15

RECEIVED OF Aurora-Brule RWS PO Box 140 Kimball SD 57355

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	115	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4456-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	115 00

No. 07479

By Jeanne Goodman
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 17, 2022

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

Dear Mr. Blasius:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 4456-3 and 4456A-3 from the Missouri River held by Aurora-Brule Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 621 acre-feet remain in reserve under these future use permits last reviewed in 2015.

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

Permit Nos. 4456-3 and 4456A-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 621 acre-feet remain in reserve, the fee will be \$115.00.

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

Sincerely,

Karen Schlaak

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

Aurora-Brule
Rural Water System, Inc.

P.O. Box 140
Kimball, South Dakota 57355
Phone 778-6110

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MAR 30 2022

WATER RIGHTS
PROGRAM

March 28, 2022

Karen Schlaak, Environmental Specialist
Water Rights Program
Department of Agriculture and Natural Resources
Joe Foss Bldg. 523 E Capitol
Pierre, SD. 57501-3182

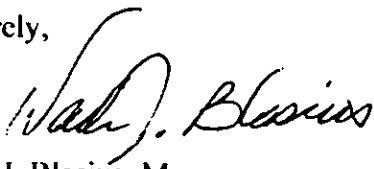
Dear Karen,

In Response to your letter of March 17, 2022, it is Aurora-Brule Rural Water System's intent to retain our future use permits (#4456-3 and 4456A-3).

Our System continues to operate as a public water supply, and it is necessary for us to maintain the reserve on the permits to meet future water demands.

Should you have any questions or need additional information, please contact me at 778-6110.

Sincerely,



Wade J. Blasius, Manager
Aurora-Brule Rural Water System, Inc.
abrws@midstatesd.net



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 4456-3 and 4456A-3, Aurora-Brule Rural Water System Inc**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Nos. 4456-3 and 4456A-3, Aurora-Brule Rural Water System Inc, Wade Blasius, Manager, PO Box 140, Kimball SD 57355.

The Chief Engineer is recommending that Future Use Permit Nos. 4456-3 and 4456A-3 REMAIN in EFFECT for 621 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under the permits, 2) the system has demonstrated a reasonable need for the water reserved by the permits, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 4456-3 and 4456A-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Eric Gronlund, Chief Engineer
May 16, 2022

RECEIVED

JUN 01 2022 AFFIDAVIT OF PUBLICATION

OFFICE OF
WATER (SOUTH DAKOTA)

SS

COUNTY OF AURORA

J.P. Studeny, Jr.

of said County and State, being first duly sworn, on his/her oath sa

THE SOUTH DAKOTA MAIL is a weekly newspaper of gene printed and published in Plankinton, in Aurora County and State c by John Paul Studeny, Jr. and Gayle A. Van Genderen and newspaper during the times hereinafter mentioned; that the said legal newspaper, that it has a bonafide circulation of more than 200 that it has been published within said county of Aurora in the Engli more than fifty-two successive weeks next prior to the publicatio hereinafter mentioned, and has been printed during said period an time, in whole or in part in an office maintained at the said place and that I, the undersigned, am

Publisher

of said newspaper, in charge of the advertising department the personal knowledge of all the facts in this affidavit; that the advert

*Notice of Hearing to Review
Future Use Water Permit*

Nos. 4456-3 and 4456A-3

a printed copy of which is hereto attached, was printed and publi newspaper for *one week*; that said notice

in the issues of said newspaper on the dates as follows, to-wit:

The first publication being made on *May 26*

the second publication on

the third publication on

the fourth publication on

and subsequent publications on

that \$ *140.07*, the full amount of the fee charged for publ annexed notice, insures solely to the benefit of the publisher newspaper; that no arrangement or understanding for a division t made with any person, and that no part thereof has been agreed t any person whomsoever.



[Signature]
subscribed and sworn to before me this *26th*

day of *May*

[Signature]
Notary Public, *Aurora*

My Commission Expires

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4456-3 and 4456A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc, Wado Blasius, Manager, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-feet from the Missouri River. Permit No. 4456A-3 corrected the location of the Missouri River diversion point which is in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas, and Jerauld Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 REMAIN IN EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74-02-01:25.01 thru 74-02-01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

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

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

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

(Published once at the approximate cost of \$140.07)

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss.

County of Brule

Debi Ruiz of said county, being first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice and that the Notice of Hearing To Review Future Use Water Permit Nos. 4456-3 and 4456A-3

a printed copy of which, taken from the paper in which the same was published and which is hereto attached and made a part of this affidavit, was published in said newspaper for successive week(s) to wit:

May 05, 2022; _____, 20____;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; 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:

\$ 58.⁶⁵

Signed: Debi Ruiz

Subscribed and sworn to before me this 27th day

of May, 2022

Janet L. Petrak

Notary Public In and For The County of Brule,
South Dakota

JANET L. PETRAK
Notary Public
SEAL
South Dakota

My commission expires June 5, 2022.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4456-3 and 4456A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc., Wade Blasius, Manager, P.O. Box 140, Kimball, SD 57355 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-feet from the Missouri River. Permit No. 4456A-3 corrected the location of the Missouri River diversion point which is in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas and Jerauld Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 RE-MAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 on July 6, 2022 at 9:30 a.m. (Central Time), Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, SD.

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

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OFFICE OF
WATER

Any person who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11 or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available on-line at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501" or call 605-773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the board may be appealed to the circuit court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

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

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Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2022.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication and the applicable date to give notice to the Chief Engineer is June 6, 2022. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500 or termination of a property right, the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the board.

(Published one week, May 25, 2022, at a total approximate cost of \$58.65.)

(May 25)

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JUL 10 2022

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JUN 01 2022

OFFICE OF
WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Being first duly sworn, deposes and says: that he/she is a Resident of the County of Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by Kristi Hine; and is now and has been such newspaper continuously, during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts stated in this affidavit:

And that the notice and advertisement headed

*Notice of Hearing to Review
Future Use Water Permit Nos. 4456-3 & 4456A-3*

A printed copy of which is hereunto attached and made a part hereof, was printed and published in said newspaper in 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Wednesday, the 25 day of May, 2022; and that the succeeding publications were on Wednesday, the day of , 20 on Wednesday, the day of , 20 on Wednesday, the day of , 20

That the fee charged for the printing and publishing of said notice and advertisement in said newspaper aforesaid, was 70 dollars and 29 cents, and for this affidavit; and that said fee for printing and publishing said notice and advertisement in said newspaper has been full paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that the said newspaper is a legal newspaper as provided by law.

Signed: Kristi HineSubscribed and sworn to before me, this 26 day of May, 2022

Delia Atkinson

Notary Public in and for
Jerauld County, South Dakota
My Commission Expires 8/10/2027

SEAL
DELIA ATKINSON
Notary Public
SOUTH DAKOTA

c Notices

WESSINGTON SPRINGS, SOUTH DAKOTA

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4456-3 and 4456A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc, Wade Blasius, Manager, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-feet from the Missouri River. Permit No. 4456A-3 corrected the location of the Missouri River diversion point which is in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas, and Jerauld Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

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

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

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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

ss.

COUNTY OF DAVISON

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JUN 03 2022

**OFFICE OF
WATER**

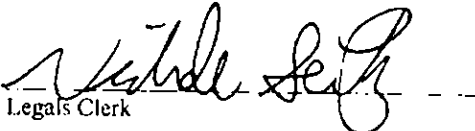
Nichole Seitz,, of said county, being first duly sworn, on oath, states as follows:

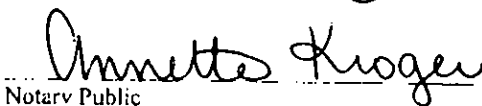
1. I am the designated agent of The *Mitchell Republic*, a daily newspaper published in the city of Mitchell, in said County of Davison, and State of South Dakota; I have full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice.

2. The newspaper listed on the exhibit published the advertisement of: *Legal Notice; (1) time: Wednesday May 25, 2022*, as required by law or ordinance.

3. That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; 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: \$62.93

Subscribed and sworn to before me this 25th day of May, 2022.


Legals Clerk


Notary Public

My Commission Expires: 5-15-26



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4456-3 and 4456A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc, Wade Blasius, Manager, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-feet from the Missouri River. Permit No. 4456A-3 corrected the location of the Missouri River diversion point which is in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas, and Jerauld Counties. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 REMAIN IN EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to: 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the

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

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. Those and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

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

the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 6, 2022.

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

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

Published once at the total approximate cost of \$62.93.

(May 25, 2022) 66472

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JUN 03 2022

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WATER

Affidavit Of Publication

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JUN 23 2022

OFFICE OF
WATER

STATE OF SOUTH DAKOTA

County of Douglas

GERRI K. OLSON of said County and State, being first duly sworn, on her oath says: **THE ARMOUR CHRONICLE** is a weekly newspaper of general circulation, published in Armour, Douglas County, State of South Dakota by **GERRI K. OLSON** and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bonafide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

A/B N. of Hearing

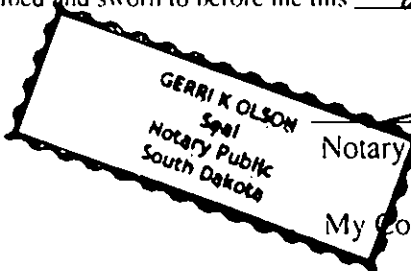
a printed copy of which is hereto attached, was printed and published in said newspaper for one successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 6-21, 2022
the second publication being made on , 20
the third publication being made on , 20
the fourth publication being made on , 20
the fifth publication being made on , 20
the sixth publication being made on , 20
the seventh publication being made on , 20
the eighth publication being made on , 20

that \$ 182.52 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement 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 whomsoever.

[Signature]
Gerri K. Olson

Subscribed and sworn to before me this 21 day of June, 2022



[Signature]
Notary Public, Douglas County, South Dakota

My Commission Expires Aug 2026

shing

Notice of Hearing to Review Future Use Water Permit Nos. 4456-3 and 4456A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc. Wade Blasius, Manager, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-feet from the Missouri River. Permit No. 4456A-3 corrected the location of the Missouri River diversion point which is in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas, and Jerauld Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 on July 6, 2022 at 9:30 a.m. (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-

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OFFICE OF
STATE

2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by July 1, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon writ-

ten request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by July 1, 2022.

Any interested person may file a comment on the future use permits renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 1, 2022.

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

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

Published twice at the total approximate cost of \$182.52 and can be viewed free of charge at www.sdpublicnotices.com.

15601621c

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

RECEIVED

MAY 27 2022

**OFFICE OF
WATER**

Legal Notice Number: 1441

I, Cadee Schelske, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Aurora- Brule Rural Water- Water No. 4456-3 & 4456A-3 was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on - 5/25/2022. That the full amount of the fee charged for the publishing \$ 69.31 insures to the benefit of the publisher 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 whom so ever.

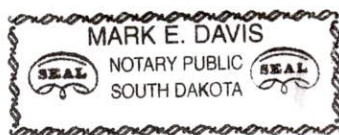
Cadee Schelske

Subscribed and sworn to me before this date 5/25/22.

Mark E. Davis

Notary Public, South Dakota

My Term Expires 12/27/2024



F. P. 05-25-22
**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER
PERMIT NOS. 4456-3
and 4456A-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc., Wade Blasius, Manager, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-feet from the Missouri River. Permit No. 4456A-3 corrected the location of the Missouri River diversion point which is in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas, and Jerauld Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duval for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits

for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-

3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner, or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

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

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

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

No. 1441 (adv.)
Published one time at the total approximate cost of \$69.31.

Aurora-Brule Rural Water System Inc is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4456-3 and 4456A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc, Wade Blasius, Manager, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-feet from the Missouri River. Permit No. 4456A-3 corrected the location of the Missouri River diversion point which is in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas, and Jerauld Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

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

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

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

Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 9:19 AM
To: abrws@midstatesd.net
Subject: Future Use Permit No. 4456-3
Attachments: 3457.pdf

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

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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 17, 2022

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

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

Dear Mr. Blasius:

Future Use Permit Nos. 4456-3 and 4456A-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted and/or used. Notice of this review has been sent to the following papers:

South Dakota Mail – Plankinton 605 942-7770
True Dakotan – Wessington Springs 605 539-1281
Armour Chronical – Armour 605 724-2747

Central Dakota Times – Chamberlain 605 234-0266
Daily Republic – Mitchell 605 996-5514
Plainsman – Huron 605 353-7414

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

Be sure to contact the above newspaper(s) immediately to authorize publication of the notice of hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice once during the week of May 22, 2022. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 9:12 AM
To: 'rcrandall@plainsman.com'
Subject: FW: 4456-3, Aurora-Brule RWS
Attachments: 4456-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

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

Aurora-Brule Rural Water System Inc., Wade Blasius, Mgr, PO Box 140, Kimball SD 57355 (605 778-6110) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 9:11 AM
To: Armour Chronicle (chronicle@unitelsd.com)
Subject: FW: 4456-3, Aurora-Brule RWS
Attachments: 4456-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 24, 2022.

Aurora-Brule Rural Water System Inc., Wade Blasius, Mgr, PO Box 140, Kimball SD 57355 (605 778-6110) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 9:10 AM
To: legals@mitchellrepublic.com
Subject: FW: 4456-3, Aurora-Brule RWS
Attachments: 4456-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

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

Aurora-Brule Rural Water System Inc., Wade Blasius, Mgr, PO Box 140, Kimball SD 57355 (605 778-6110) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 9:09 AM
To: news@truedakotan.com
Subject: FW: 4456-3, Aurora-Brule RWS
Attachments: 4456-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

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

Aurora-Brule Rural Water System Inc., Wade Blasius, Mgr, PO Box 140, Kimball SD 57355 (605 778-6110) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 9:08 AM
To: 'cdt@midstatesd.net'
Subject: FW: 4456-3, Aurora-Brule RWS
Attachments: 4456-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

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

Aurora-Brule Rural Water System Inc., Wade Blasius, Mgr, PO Box 140, Kimball SD 57355 (605 778-6110) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 17, 2022 9:07 AM
To: sdmail@siouxvalley.net
Subject: 4456-3, Aurora-Brule RWS
Attachments: 4456-3FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on May 26, 2022.

Aurora-Brule Rural Water System Inc., Wade Blasius, Mgr, PO Box 140, Kimball SD 57355 (605 778-6110) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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



Water Rights Program - File Documentation

NAME: Aurora-Brule RWS

ADDRESS: Kimball SD

DATE: 6-23-22

RE: Publication Notice – Armour Chronicle

COMMENTS:

Notice was originally published on May 24, 2022. We received affidavit on June 13, 2022. This notice contained several errors.

I sent an updated notice to be published on June 21, 2022. Gerri with the Armour Chronicle stated they were having problems opening the document which I sent both in word and as a pdf.

She sent me a draft which I reviewed. Received the affidavit for the publication June 23, 2022.



Karen Schlaak
Water Rights Program

Affidavit Of Publication

RECEIVED

STATE OF SOUTH DAKOTA

JUN 13 2022

County of Douglas

**OFFICE OF
WATER**

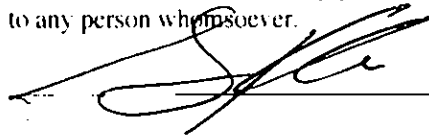
GERRI K. OLSON of said County and State, being first duly sworn, on her oath says:
THE ARMOUR CHRONICLE is a weekly newspaper of general circulation, published in Armour, Douglas County, State of South Dakota by **GERRI K. OLSON** and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bonafide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

N. of Hearing Water Permit

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

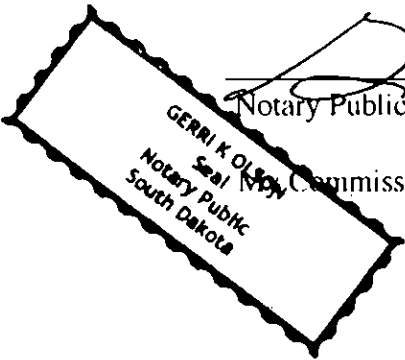
The first publication being made on 5/24, 2022,
the second publication being made on _____, 20____,
the third publication being made on _____, 20____,
the fourth publication being made on _____, 20____,
the fifth publication being made on _____, 20____,
the sixth publication being made on _____, 20____,
the seventh publication being made on _____, 20____,
the eighth publication being made on _____, 20____,

that \$ 180.18 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement 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 whomsoever.



Gerri K. Olson

Subscribed and sworn to before me this 9 day of June, 2022.


Notary Public, Douglas County, South Dakota

Commission Expires Aug 2026

157/1007

a Classifieds

Call 605-724-2747 to place a classified
 Classified Page! For only \$7.00, you can get 25 words. What A Deal!

Notice of Hearing to Review Future Use Water Permit Nos. 4456-3 and 4456A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc., Wade Blasius, Manager, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the permits and future plans for the development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-free from the Missouri River. Permit 4456A-3 corrected the location of the Missouri River diversion point which is in the NSW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas, and Jerauld Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 **REMAIN in EFFECT** for 621 acre-free annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and

the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave., Pierre, SD 57501" or call (605) 0773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 6, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if their legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rule ARSD 74:02.01:25.0 and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing

a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 6, 2022.

Any interested person may file a comment on the future use permits renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment must be filed by June 6, 2022.

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

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

Published twice at the total approximate cost of \$180.18 and can be viewed free of charge at www.sdpublicnotices.com.

15441324c

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, June 14, 2022 8:46 AM
To: 'globe@siouxvalley.net'
Subject: 4456-3, Aurora-Brule Rural Water System Inc
Attachments: 4456-3FU REVIEWpubnotice_final.doc

Gerri,

Attached is the notice to be re-published on June 21, 2022 in the Armour Chronicle. Please send me the affidavit ASAP. We will need the affidavit for a mailing to the State Water Management Board on June 27, 2022.

Let me know if you have questions.

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

*sent another email
6/17/22*



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4456-3 and 4456A-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4456-3 and 4456A-3 held by the Aurora-Brule Rural Water System Inc, Wade Blasius, Manager, PO Box 140, Kimball SD 57355 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. Permit No. 4456-3 was approved in 1979 and currently reserves 621 acre-feet from the Missouri River. Permit No. 4456A-3 corrected the location of the Missouri River diversion point which is in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The rural water system serves users in Aurora, Buffalo, Brule, Davison, Douglas, and Jerauld Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4456-3 and 4456A-3 REMAIN in EFFECT for 621 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 on July 6, 2022 at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permits, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by July 1, 2022.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permits on the petitioner, the reasons for petitioner's opposition to renewal of the future use permits, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit Nos. 4456-3 and 4456A-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by July 1, 2022.

Any interested person may file a comment on the future use permits renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 1, 2022.

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

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

Published once at the approximate cost of__ . ____.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 7, 2022

NOTICE OF ENTRY OF ORDER

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

Dear Mr. Blasius:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2022, to review Future Use Permit Nos. 4456-3 and 4456A-3. The Board allowed the permits to remain in effect for 621 acre-feet of water annually. Future Use Permit Nos. 4456-3 and 4456A-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 4456-3 and 4456A-3 is \$115.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Eric Gronlund".

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

CERTIFICATION

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

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

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

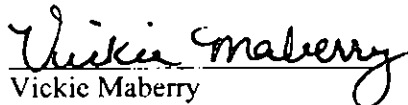
WEB Water Development Association Inc., Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57401

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

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

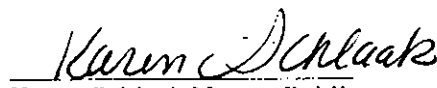
City of Volga, Michael Schulte, City Administrator, PO Box 217, Volga SD 57071

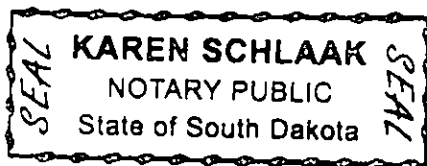
City of Burke, Wade Broome, Supt. Of Utilities, PO Box 312, Burke SD 57523


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Karen Schlaak Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 15, 2022

RECEIVED OF Aurora-Brule Rural Water System PO Box 140 Kimball SD 57355

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>4456-3 & 4465A-3</u> after period of seven years.	<u>\$115.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$115.00</u>

By Eric Bronlund
Chief Engineer
vm