

WATER PERMIT NO. 4456A-3

Name of Applicant: Aurora-Brule RWS Inc.

Address: PO Box 140, Kimball SD 57355

Phone: 605 730-1255

Amount of Water Claimed: no add'l

Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: rural water system use

County: Brule

Type of Waste Disposal System:

Location: southwest corner of Chamberlain

PRIORITY

Date Received: 3-25-15

Application/License Fee: \$100

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Change the diversion point location

Diversion Point: NW 1/4 SW 1/4 Sec 21-T104N-R71W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

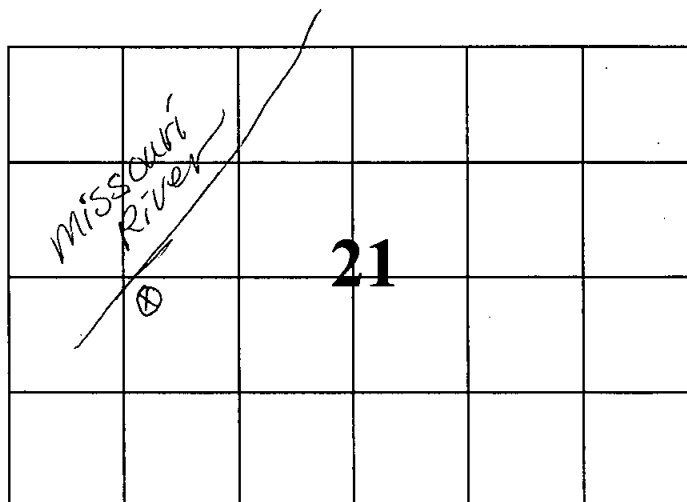
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-25-15

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>4456A-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper _____

RECEIVED

MAR 25 2015

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: (check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>4456-3</u>		

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

Amendment - Change diversion point of Future Use Water Permit No. 4456-3 from the SW1/4 of the SE1/4 of Section 20: T104N R71W to SW1/4 of Section 21: T104N, R71W of 5th PM Brule County, SD. (map encl)

1. Name to Appear on Water Permit Aurora-Brule Rural Water System, Inc.(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address PO Box 140 Kimball SD 57355
 (Address) (City) (State) (Zip Code)

Home Phone 605-778-6110 Cell 605-730-1255 Email abrws@midstatesd.net

2. Amount of water claimed _____ *CFS or _____ **GPM 621 ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River - Lake Francis Case4. Location of point of diversion SW1/4 Section 21 - 104N, 71W of 5th PM County Brule

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No

If "Yes," where will water be used? _____

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

5. County or counties where water will be used Brule, Aurora, Buffalo, Jerauld, Douglas & Davison6. Annual period during which water is to be used Continual

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

Replaced existing Intake Structure

I, Wade Blasius, Manager - A-B Rural Water System, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

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

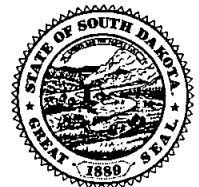
1. Permit Nos. 4456-3 and 4456A-3 reserves 621 acre feet of water annually.
2. At such time as definite plans are made to construct works and put the water reserved by Permit Nos. 4456-3 and 4456A-3 to beneficial use, specific application for all or any part of the reserved water must be submitted prior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

WATER MANAGEMENT BOARD

By: 

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

JUL 15 2015
date



Supplemental Information

(type or print)

NA

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

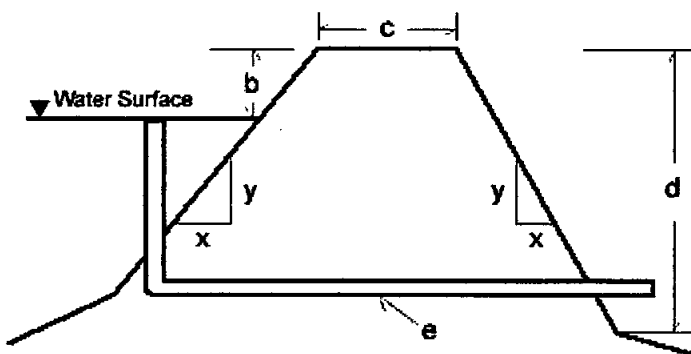
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres

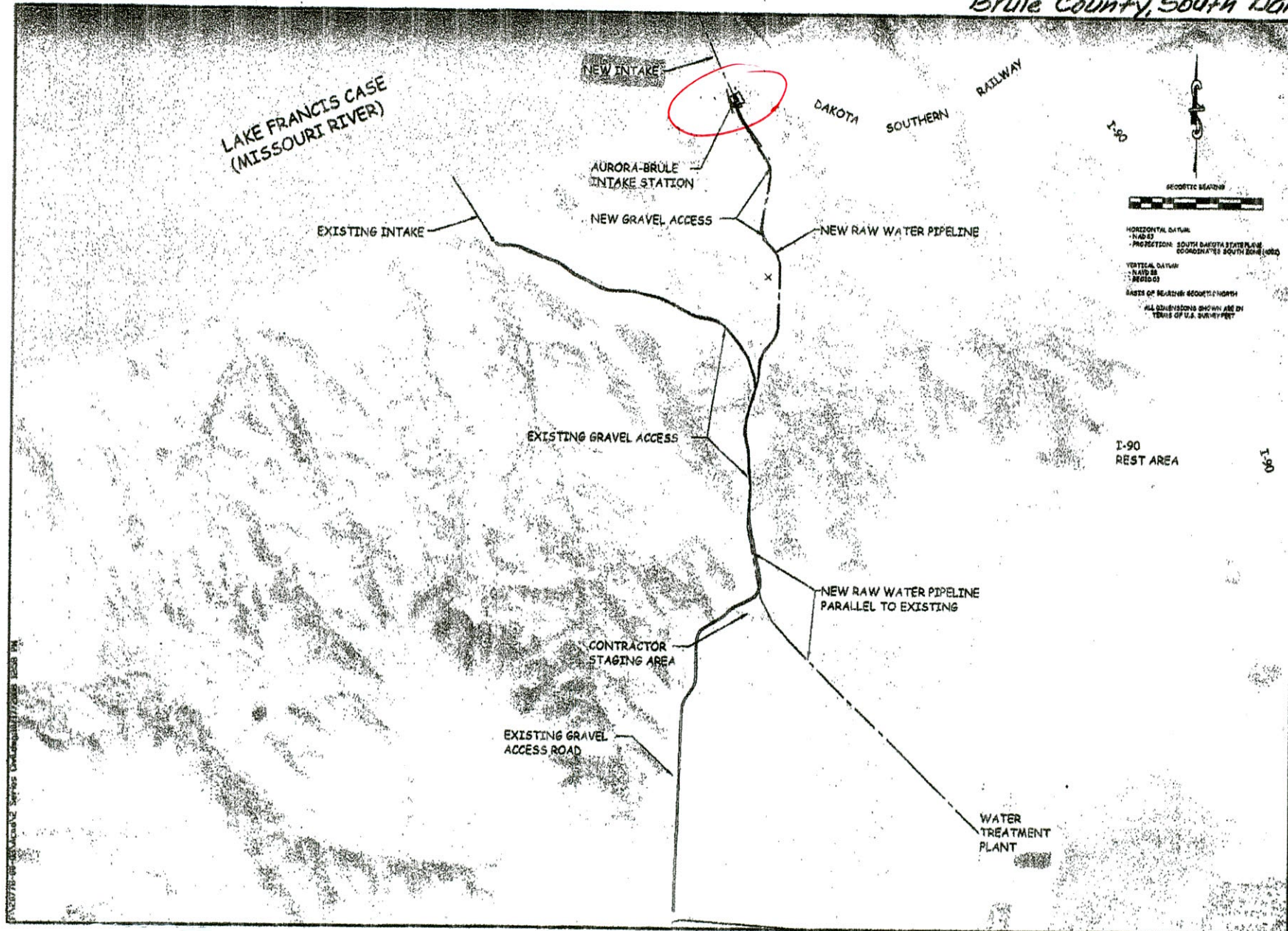


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MAR 25 2015

WATER RIGHTS
PROGRAM

New Intake location - SW 1/4 of section 21, Township 104 N, Range 71 W
Brule County, South Dakota



BANNER

408 22nd Ave. S. P.O. Box 29
Brookings, South Dakota 57003
605-698-6242
www.banner-sd.com

CONSULTANT

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

PROJECT TITLE:
AURORA BRULE
INTAKE
STATION
2009

PROJECT LOCATION:
CHAMBERLAIN
SOUTH DAKOTA

DATE	ACT	DESCRIPTION

DRAWN BY: T.S.S.
CHECKED BY: J.E.N.
DESIGNED BY: J.E.N.
DATE: NOVEMBER 2009

SHEET TITLE:
OVERALL
SITE
PLAN

SHEET NO.:
2.1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/25, 20 15

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	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No. 07550

By Jeanne Holman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 4456A-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 Application No. 4456A-3, Aurora-Brule Rural Water System, c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355.

The Chief Engineer is recommending APPROVAL of Application No. 4456A-3 because 1) the proposed use is a beneficial use and 2) it is in the public interest with the following 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.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
April 22, 2015

REPORT ON WATER PERMIT APPLICATION NO. 4456A-3

Aurora-Brule RWS

April 9, 2015

Application No. 4456A-3 proposes to amend Future Use Permit No. 4456-3 by changing the location of the diversion point. Future Use Permit No. 4456-3 authorizes a diversion point located in the SW 1/4 SE 1/4 Section 20-T104N-R71W. The Missouri River intake structure has been replaced and is currently located in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The requested diversion point for this amendment to the future use permit is in Brule County immediately southwest of the town of Chamberlain.

Review of the Proposed Request and Water Source

Future Use Permit No. 4456-3 for the development of water has a priority date of December 17, 1979 and currently reserves 621 acre-feet of water from the Missouri River to be taken at a point in the SW 1/4 SE 1/4 of Section 20-T104N-R71W. This change would relocate the authorized diversion point approximately 0.5 miles to NW 1/4 SW 1/4 of Section 21-T104N-R71W.

The water source for this application is from the natural flow of the Missouri River in Lake Francis Case in the reach impounded behind Ft. Randall Dam along the southwestern border of Charles Mix County. The natural flow of the Missouri River at the location of the proposed diversion point means surface waters that would otherwise flow unimpeded downstream absent any dams and reservoirs owned and operated by the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers (USACE) constructed Gavins Point dam in the early to early-1950's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point are operated as a system providing storage and water releases for the congressionally authorized purposes.

Ft Randall Dam has impounded the Missouri River in this river reach since the early 1950's. An estimation of the Missouri River natural flows at a location approximately 150 miles downstream of this project (Figure 1) can be derived from a research study the USGS completed in 2001 (Jacobson et. al.).

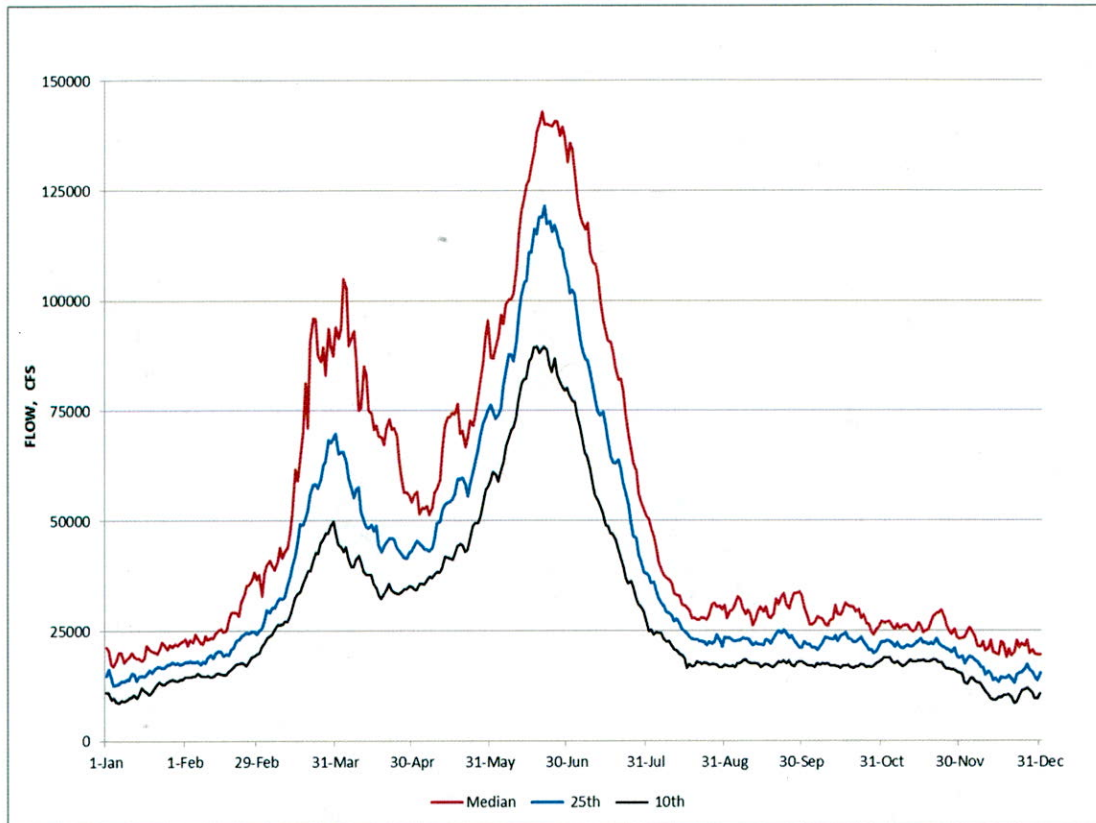


Figure 1. Natural Flow Hydrograph for the Missouri River at Gavins Point Dam; Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO. 2001.

Even at the 10th percentile flow level, this hydrograph demonstrates there is ample natural flow available if this project is approved. Water availability is not a concern when using the natural flows of the Missouri River as a source.

In the future, Aurora-Brule RWS could make a request to use water reserved by the future use permit, but it will require a new water permit application specifying the amount of water to be used. A review of the effect of the proposed development on existing water rights would need to be made at that time.

Review of the Existing Water Rights

There are 268 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1283.03 cfs. Since water availability is not an issue, approval of this amendment to the future use permit would not be expected to adversely affect these existing water rights if water was diverted at this proposed location in the future.

Conclusions

1. This application proposes amend Future Use Permit No. 4456-3 by changing the location of the diversion point.
2. The water source for this future use permit amendment is from the natural flow of the Missouri River in the reservoir reach of Lake Francis Case immediately upstream of Ft. Randall Dam.
3. Water availability for this project will not be a problem.



Mark D. Rath
Natural Resources Engineer III

References

Jacobson R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River
U.S. Geological Survey Open-file Report OF02-122. U.S. Geological Survey.
Water Rights. 2015. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg.,
Pierre, SD.



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.

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

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.

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.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Gronlund'.

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).

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

**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

[Signature]
(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.

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 \$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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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 a.m. on July 8, 2015 in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, 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 East 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 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)

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WATER RIGHTS
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LEGALS

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.

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

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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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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,
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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

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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, an 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 \$ 62.52 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.

Mary Neugebauer

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

L. K. [Signature]
Notary Public, Douglas County, South Dakota

My Commission Expires Aug. 2020

Notice of Hearing

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

Published once at the total approximate cost of \$62.52. 154455c

RECEIVED

MAY 11 2015

Form 8 WATER RIGHTS
PROGRAM

JAY, MAY 5, 2015 11

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Jerome) SS

I, Kristi Hine

certify that the attached printed Notice was
taken

from the True Dakotan

printed and published in Wessington Springs

County of Jerome 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.

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 \$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.

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



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

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



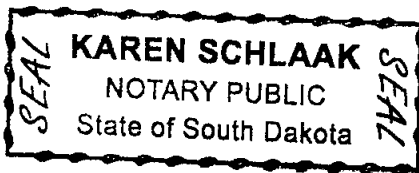
Gail Jacobson
Secretary/Water Rights

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





**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

RECEIVED

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

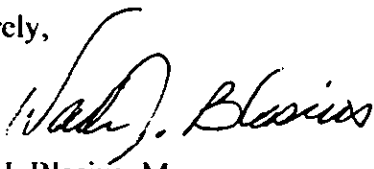
Dear Karen,

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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JUN 02 2022

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)

RECEIVED
JUL 10 2022
10:12
JUL 10 2022

RECEIVED

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

RECEIVED

JUN 03 2022

**OFFICE OF
WATER**

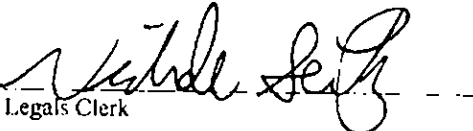
Nichole Seitz,, of said county, being first duly sworn, on oath, states as follows:

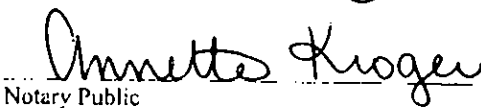
1. I am the designated agent of The *Mitchell Republic*, a daily newspaper published in the city of Mitchell, in said County of Davison, and State of South Dakota; I have full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 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.

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. 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

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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

OFFICE OF
WATER

Affidavit Of Publication

RECEIVED

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

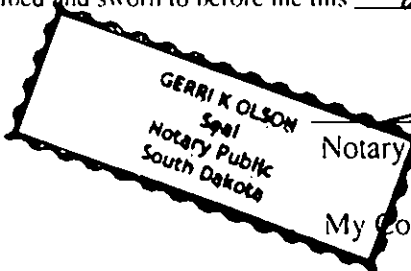
a printed copy of which is hereto attached, was printed and published in said newspaper for one successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

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-

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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.

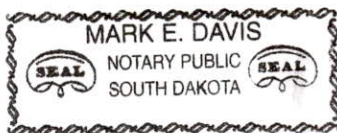
Cadee Schelske

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

[Signature]

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.

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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

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

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

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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. 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**

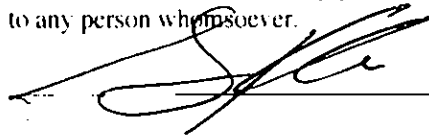
GERRI K. OLSON of said County and State, being first duly sworn, on her oath says:
THE ARMOUR CHRONICLE is a weekly newspaper of general circulation, published in Armour, Douglas County, State of South Dakota by **GERRI K. OLSON** and has been such newspaper during the times hereinafter mentioned; that 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:

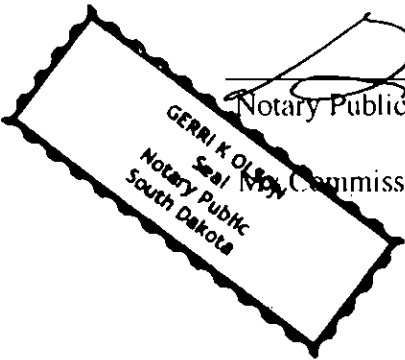
The first publication being made on 5/24, 2022,
the second publication being made on _____, 20____,
the third publication being made on _____, 20____,
the fourth publication being made on _____, 20____,
the fifth publication being made on _____, 20____,
the sixth publication being made on _____, 20____,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

a Classifieds

for 605-724-2747 to place a classified
 sified 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

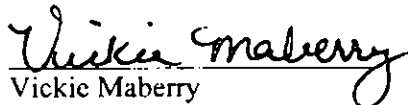
WEB Water Development Association Inc., Angie Hammrich, Manager, PO Box 51, Aberdeen SD 57401

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

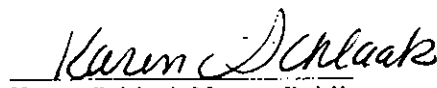
City of Volga, Michael Schulte, City Administrator, PO Box 217, Volga SD 57071

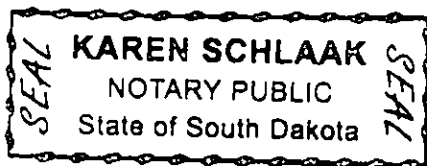
City of Burke, Wade Broome, Supt. Of Utilities, PO Box 312, Burke SD 57523


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
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