

FUTURE USE

1. Considered: Dec. 2, 1981 Water Right No. 4817-3
4026
2. Name of Applicant SOUTH LINCOLN RURAL WATER
3. Post Office Address Box 193 CANTON 57013
4. Amount of Water Claimed 4.00 2.00 maximum acre feet _____
5. Source of Water Supply GW WELLS
6. Water to be used for RWS acres to be irrigated _____
7. County LINCOLN about _____ miles _____ of _____
8. PROOF OF PUBLICATION: Received 12/3/81 Not Received _____
APPLICATION: Approved 12/3/81 Subject to Sett
~~Not~~ Approved FFCL 2/3/82 Action Deferred _____

PRIORITY _____ Dated Received 8-17-81 Application complete-yes _____ no _____ FEE N/A
Remarks Copy of Adv notice sent to McFarland 11/6/81

Corrected Application received _____ Period of Annual Use _____

WATER QUALITY Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
W1-1 Description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned _____

Diversion Point _____

SEE ATTACHMENT

~~Land to be irrigated~~ _____

WELL LOG Driller _____ Licensed - yes _____ no _____
Depth EST: 400' to 600'
Remarks Nakota Sandstone

MAP Map No. 4026-3 Map located in Water Right X Map file _____
 Type of Map DRAWN Prepared by DEWILD, GRANT ETC PE

+++++

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

Nov. 3, 1981

Betty Woodland
 (Signed)

+++++

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

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

No. 4817-3

Map No. 4026-3 Water Division No. 3 BIG SIOUX District

Above for Office Use 101 70203



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

Check one of the following:

New ☐ Vested Right ☐ Future Use ☒

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant South Lincoln Rural Water Phone No. 605-987-2533

Post Office Address Box 193 Canton South Dakota State 57013
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation SLRWS 12-21-76

2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others

3. Name of diversion work South Lincoln RW Future Well(s)

4. Amount of water claimed (cubic feet per second) ~~4.00 CFS~~ 4.00 CFS

5. Source of water supply Dakota Sandstone

6. Location of point of diversion As defined by test drilling within area shown on attached map

SEE ATTACHMENT

County Lincoln

7. Annual period or periods during which water is to be used 12 mo/yr.

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) RWS Domestic/Livestock

9. For irrigation use, Total number of acres to be irrigated

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

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system N.A. years. Additional time required to complete application of water to the proposed beneficial use years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Sioux Valley News

12. Principal Features of the Proposed Water Supply System.

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

Well or wells 400' - 600' deep. Number & capacity determined by aquifer characteristics and location.

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

Pipelines, new and/or existing within the coverage area of South Lincoln Rural Water.

C. Works proposed to apply water to beneficial use.

The existing South Lincoln Rural Water Distribution System.

Estimated Total Cost \$ Unknown

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

STATE OF SOUTH DAKOTA)

County of) ss.

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

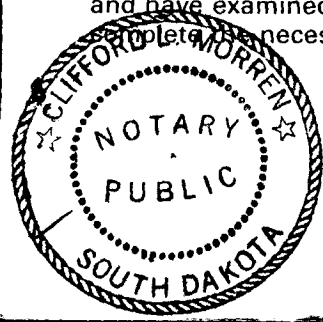
Signed Curtis G. Brued

Subscribed and sworn to before me this 13th day of August, 1981

Clifford J. Morren

Notary Public (or other qualified officer)

Commission expires: August 26, 1988



WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4817-3

SOUTH LINCOLN RURAL WATER
(Applicant)

Box 193, CANTON
(Post Office Address)

SOUTH DAKOTA 57013
(State)

With the following qualifications.

Future Use permit No. 4817-3 is hereby approved for 2.00 c.f.s. subject to the following conditions:

1. At such times as definite plans are made, specific applications for all or any part of the water granted under this withdrawal must be submitted prior to construction of facilities.
2. That the permit to appropriate water is subject to review by the Water Management Board as to the continuing necessity for the reservation of water for future use.

Date of first receipt of application August 17, 19 81
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application _____, 19____
Approved February 3, 19 82, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4817-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4817-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is August 17, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____ ITEMS 2, 3 and 4 DO NOT APPLY, AS SPECIFIC APPLICATIONS ARE TO BE SUBMITTED AS DEFINITE PLANS ARE MADE
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____ RURAL WATER SYSTEM PURPOSES
5. The water appropriated shall be used for the purpose of _____

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

7. The amount of the appropriation herein granted shall not exceed 2.00 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, ~~and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied~~

~~for irrigation on or before _____, 19____, said water to be used~~ during the following described annual period: CONTINUOUSLY

Witness my hand this 14th day of July, 19 82

THE BOARD OF WATER MANAGEMENT

By: John Hatch
Chief Engineer, Water Rights

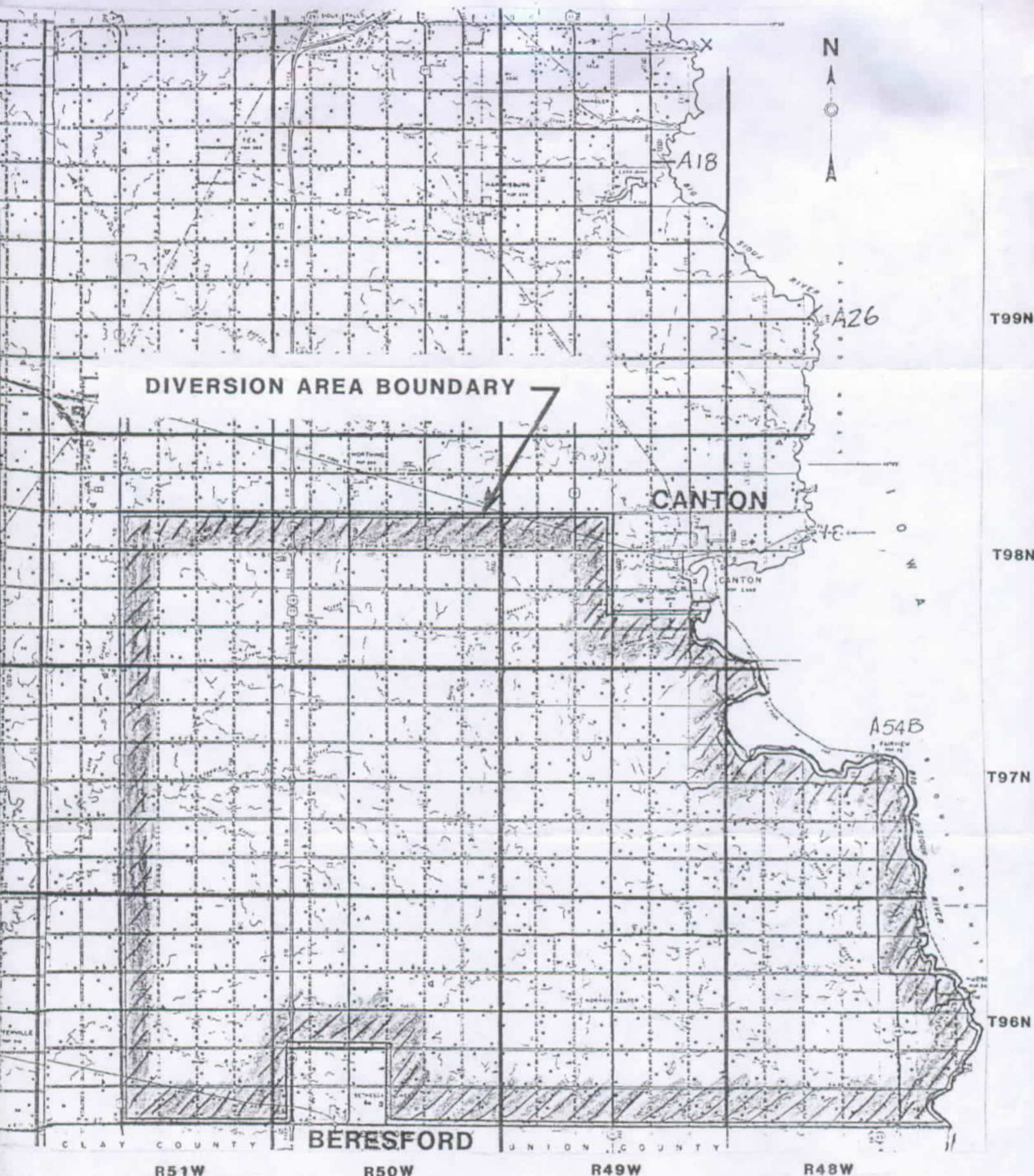
JOHN HATCH

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 36, T98N, R51W; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34 35, 36, T97N, R51W; Sections 1 thru 4; 9 thru 11; 12 thru 16; 21 thru 28; 33 thru 36, T96N, R51W; Sections 13 thru 36, T98N, R50W; Sections 1 thru 36, T97N, R50W; Sections 1 thru 27; W $\frac{1}{2}$, Section 30 & 31; 34 thru 36, T96N, R50W; Sections 16 thru 21; 28 thru 36; S $\frac{1}{2}$, Sections 26 & 27, T98N, R49W; Sections 1 thru 36, T97N, R49W; Sections 1 thru 36, T96N, R49W; S $\frac{1}{2}$ Section 31, T98N, R48W; Sections 6, 14 thru 23; 26 thru 35, T97N, R48W; and Sections 2 thru 11; Sections 14 thru 36, T96N, R48W;

The above discription deletes areas in and adjacent to the Cities of Canton and Beresford, for proposed diversions on the South Lincoln Rural Water System's future use application.



LINCOLN COUNTY

I, DAVID E. HOLMAN, DO HEREBY CERTIFY THAT THIS MAP IS A REASONABLY ACCURATE REPRESENTATION OF THE DIVERSION AREA BOUNDARY COVERED BY THE FUTURE USE APPLICATION SUBMITTED BY THE SOUTH LINCOLN RURAL WATER SYSTEM.

BY David Holman

DATE 8-26-81



DeWild Grant Reckert & Associates Co.
Architecture Engineering Planning
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date
Drawn By
Approved
Revised

FUTURE USE APPLICATION
SOUTH LINCOLN
RURAL WATER SYSTEM

Publish first publication on or before November 19, 1981NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 6, 1981

Notice is hereby given that the South Lincoln Rural Water whose post office address is Box 193, Canton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-38, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13; 52:01:01:21 thru 52:01:01:24 for a **future use** permit to appropriate for beneficial use 4.00 cubic feet of water per second of time from groundwater through the South Lincoln Rural Water future wells, the point(s) of diversion of which ~~XX~~ (are) to be located ~~XXXXXX~~

as follows: (see attachment A)

~~of Section XXXXX Town XXXXXX Range XXXXXX~~ Said water to be used for the purpose of providing ~~XXXXXXX~~

future water supplies for a rural water system

This Application No. 4817-3 will be considered by the Water Management Board at the Howard Johnson's, 3300 W. Russell, Sioux Falls, SD upon the ~~2nd~~ ^{3rd} day of December 1981

at ~~1:30 P~~ ^{7:00 A} M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNr, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

BETTY WESTLUND, Water Rights Specialist

cc: applicant
WNR-806A-10/81 Notice of Intent to Appropriate Water
GROUNDWATER-FUTURE USE

*Called
Paper 11/10/81
changed
time of
hearing.*

(ATTACHMENT A)

Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 36, T98N, R51W; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34 35, 36, T97N, R51W; Sections 1 thru 4; 9 thru 11; 12 thru 16; 21 thru 28; 33 thru 36, T96N, R51W; Sections 13 thru 36, T98N, R50W; Sections 1 thru 36, T97N, R50W; Sections 1 thru 27; W $\frac{1}{4}$, Section 30 & 31; 34 thru 36, T96N, R50W; Sections 16 thru 21; 28 thru 36; S $\frac{1}{4}$, Sections 26 & 27, T98N, R49W; Sections 1 thru 36, T97N, R49W; Sections 1 thru 36, T96N, R49W; S $\frac{1}{4}$ Section 31, T98N, R48W; Sections 6, 14 thru 23; 26 thru 35, T97N, R48W; and Sections 2 thru 11; Sections 14 thru 36, T96N, R48W;

The above description deletes areas in and adjacent to the Cities of Canton and Beresford, for proposed diversions on the South Lincoln Rural Water System's future use application.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

SS:

SHEILA MATHISON

..... being first duly sworn on her oath says: that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF HEARING ON APPLICATION
TO APPROPRIATE WATER

a printed copy of which is hereto attached, was printed and published in said newspaper for TWO

successive weeks upon the following dates, to-wit:
NOVEMBER 13, 1981
NOVEMBER 20, 1981

that the full amount of the fees charged for publishing the same to-wit: the sum of \$29.27 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Sheila Mathison

Subscribed and sworn to before me this 27th day of November, 19 81

Vernon R. Thorsen

Notary Public, South Dakota

(Seal)

PUBLIC NOTICES "BECAUSE THE PEOPLE MUST KNOW"

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
November 6, 1981

Notice is hereby given that the South Lincoln Rural Water whose post office address is Box 193, Canton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25,

46-5-38, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13; 52:01:01:21 thru 52:01:01:24 for a future use permit to appropriate for beneficial use 4.00 cubic feet of water per second of time from groundwater through the South Lincoln Rural Water future wells, the point(s) of diversion of which are to be located as follows: Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, T98N, R51W; Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, T97N, R51W; Sections 1 thru 4; 9 thru 11; 12 thru 16; 21 thru 28; 33 thru 36, T96N, R51W, Sections 13 thru 36, T98N, R50W; Sections 1 thru 36, T97N, R50W; Sections 1 thru 27; W 1/2, Section 30 & 31; 34 thru 36, T96N, R50W; Sections 16 thru 21; 28 thru 36; S 1/2, Sections 26 & 27, T98N, R49W; Sections 1 thru 36, T97N, R49W; Sections 1 thru 36, T96N, R49W, S 1/2 Section 31, T98N, R48W; Sections 6, 14 thru 23; 26 thru 35, T97N, R48W; and Sections 2 thru 11; Sections 14 thru 36, T96N, R48W;

The above description deletes areas in an adjacent to the Cities of Canton and Beresford, for proposed diversions on the South Lincoln Rural Water System's future use application.

Said water to be used for the purpose of providing future water supplies for a rural water system.

This Application No. 4817-3 will be considered by the Water Management Board at the Howard Johnson's, 3300 W. Russell, Sioux Falls, S.D., upon the 3rd day of December, 1981 at 9:00 a.m. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, S.D., prior to the hearing date for assistance to assure access to the hearing.

For the
Water Management Board
Betty Westlund,
Water Rights Specialist

(11-13, 20)

94



Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

December 7, 1981

TO: Persons Interested in Future Use Application No. 4817-3, South Lincoln
Rural Water

FROM: John Hatch, Chief Engineer, Water Rights Division

A handwritten signature in cursive script, reading "John Hatch".

The Water Management Board requested that proposed Findings of Fact, Conclusions of Law and Final Decision be prepared regarding Future Use Application No. 4817-3, South Lincoln Rural Water. The Water Management Board will meet February 3, 1982, Kneip Building, Pierre SD. We have placed consideration of the proposed Findings of Fact, Conclusions of Law and Final Decision on the agenda for 1:00 pm, February 3, 1982.

The Attorney General's Office will prepare proposed Findings, Conclusions and Decision for consideration by the Board. This notice is provided to you in the event you wish to prepare or have prepared your own proposed, Findings, Conclusions and Decision for consideration by the Board.

Please have any proposed Findings, Conclusions and Decision in this office by January 23, 1982. We will be mailing information concerning the Board meeting to the Board members January 27, 1982.

The public hearing on Future Use Application No. 4817-3 was completed at the meeting December 3, 1981. No additional testimony on this application will be received February 3, 1982. The only discussion February 3 will be on the proposed Findings of Fact, Conclusion of Law and Final Decision.

ks

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

January 20, 1982

TO: Persons Interested in Future Use Application No. 4817-3, South Lincoln
Rural Water

FROM: John Hatch, Chief Engineer, Water Rights Division



Enclosed please find a copy of the Findings of Fact, Conclusions of Law and Final Decision regarding Application No. 4817-3, South Lincoln Rural Water. The Findings of Fact, Conclusions of Law and Final Decision have been prepared by the Attorney Generals Office.

The Water Management Board will consider proposed Findings, Conclusions and Decisions for Application No. 4817-3 at 1:00 pm, February 3, 1982, Meeting Room #1, Kneip Building, Church & Illinois, Pierre SD.

ks

enclosure

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

Approved 2/3/82

IN THE MATTER OF FUTURE USE	)	FINDINGS OF FACT,
WATER PERMIT APPLICATION	)	CONCLUSIONS OF LAW AND
NO. 4817-3 BY SOUTH LINCOLN	)	FINAL DECISION
RURAL WATER SYSTEM	)	

Having heard and considered all the evidence and testimony presented before the Board in the above-entitled matter on December 3, 1981 at the Sioux Falls Howard Johnsons, the Board hereby makes the following:

FINDINGS OF FACT

1. On August 17, 1981 future use water permit application No. 4817-3 was submitted to the Water Management Board by the South Lincoln Rural Water System.
2. This application requested 4 cubic feet of water per second for future use for supplying water to future users within the rural water system.
3. The source of the water is the Dakota Aquifer which underlays the area listed in the rural water system application No. 4817-3.
4. The rural water system presently has a permit to divert a maximum of 455 acre feet of water per year from the Dakota Aquifer from three wells. This right exists under water permit No. 4300-3.
5. A permit to appropriate water at a rate of 4 c.f.s. would allow for a yearly diversion of up to 2,896 acre feet of water.
6. Several hearings have been held in the past concerning the availability of unappropriated water in the Dakota Aquifer in the region described in the attachment to

application No. 4817-3. These hearings before the Board were held on October 6, 1977; July 27, 1978; September 13, 1978; December 12, 1978; September 25, 1980 and January 29, 1981.

7. Based on the testimony and evidence presented at these hearings, it was found that there was unappropriated water available in the Dakota Aquifer in this region.

8. Unappropriated water is currently available in the Dakota Aquifer.

9. The rural water system is expected to serve approximately 1,365 hookups under water permit No. 4300-3 with its maximum total withdrawal of 455 acre feet per year.

10. Withdrawal of 4 additional cubic feet of water per second on a full-time basis would constitute more than six times the amount of water which may be appropriated under permit No. 4300-3.

11. It is not foreseeable that South Lincoln Rural Water System will develop a demand for 2,896 acre feet of water per year.

12. A total of 1,448 acre feet of water per year is a more reasonable projection of the future needs of South Lincoln Rural Water System and can be obtained through a full-time diversion of 2 cubic feet of water per second.

13. If approved, the application submitted by South Lincoln Rural Water System to appropriate water for a future use is a reservation of a definite amount of water with a priority date of August 17, 1981 and does not grant any authority to construct works or to put the water to beneficial use.

14. Approval of this application will not cause impairment of the supply in the aquifer for senior or higher preference water rights.

15. Approval of this application will permit the rural water system to plan for rational and orderly growth and to allow the system to meet increased future demand.

16. Granting water permit application No. 4817-3 to reserve for future use 2 cubic feet of water per second is in the public interest and should be granted subject to the conditions that the permit be reviewed by the Board after seven years for a reassessment of the necessity for the reservation of water for future use and that the rural water system apply to the Board prior to construction for approval of its plans to put water to beneficial use. This approval would include consideration of the location of the well or wells proposed by the rural water system.

17. These conditions are necessary for the protection of the public interest of the people of this state.

18. Approval of future use permit application No. 4817-3 is in the public interest.

CONCLUSIONS OF LAW

1. The Water Management Board has the authority to consider the approval or denial of future use permit application 4817-3 by the South Lincoln Rural Water System.

2. Application No. 4817-3 is complete and all legal requirements for advertising the application and holding a hearing on the application have been met.

3. South Lincoln Rural Water System has the authority to apply for and receive a permit to appropriate water for future use.

4. The Board has the authority to grant water permit applications for a lesser amount of water or a smaller diversion rate than that requested by the applicant.

5. The Board has the authority to place conditions on water permit applications when necessary to protect the public interest.

6. The Board has the authority to condition the permit such that the permit will be subject to a review of the Board at a future time to determine the continuing necessity for a reservation of the water for future use. If the Board finds that the necessity for a reservation of water for future use does not exist, the permit may be cancelled.

7. The holder of a future use permit is not required to develop that permit within five years as is required of other water permits.

FINAL DECISION

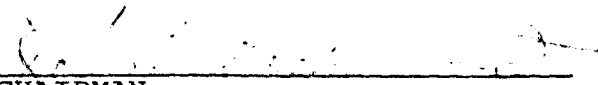
Future use permit No. 4817-3 is hereby approved for 2.0 c.f.s. subject to the following conditions:

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

2. That the permit to appropriate water is subject to review by the Water Management Board as to the

continuing necessity for the reservation of water for future use.

Dated this 4th day of February, 1982.



CHAIRMAN



SECRETARY



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

February 12, 1982

NOTICE

TO: Persons Interested in Future Use Application No. 4817-3, South
Lincoln Rural Water

FROM: John Hatch, Chief Engineer, Water Rights Division

A handwritten signature in cursive script, reading "John Hatch". The signature is written in dark ink and is positioned to the right of the "FROM:" line.

This is to notify you that a final Decision including Findings of Fact and Conclusions of Law were adopted by the Water Management Board for Future Use Application No. 4817-3 which was considered at the December, 1981 meeting.

The Final Decision, Findings and Conclusion are on file in this office and signed copies will be furnished upon request. South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

JH:ks

cc: Dennis McFarland
Jeff Masten

CERTIFICATION FOR MAILING NOTICES

I hereby certify that on February 12, 1982, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing the attached notice ~~of hearing for reconsideration of~~ Application No. 4817-3 addressed to the persons listed below.

Karen Schlaak
Karen Schlaak, Administrative Sec.

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)SS

Sworn to, before me, this 12th day of February, 1982

Lois L. Ries
Notary Public

LOIS L. RIES, Notary Public
My Commission Expires
February 3, 1983

Jeff Masten, Attorney
108 S Broadway
Canton SD 57013

Dennis McFarland, Attorney
305 W 9th St, Suite 101
Sioux Falls SD 57104

4817-2

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501-5090
Phone (605) 773-3215

ROGER A. TELLINGHUISEN
ATTORNEY GENERAL

March 9, 1988



Mrs. Wanda J. Sletten
Rt. 2 Box 82
Beresford, South Dakota 57004

RE: South Lincoln Rural Water System

Dear Mrs. Sletten:

Thank you for your letter of March 3, 1988, concerning the above-noted rural water system. We have contacted Mr. John Hatch, Chief Engineer, Division of Water Rights, concerning your allegation that the rural water system is being operated without a license.

Mr. Hatch informs us that South Lincoln Rural Water System has approved permits, that an inspection was performed August 20, 1986, and the license fee of \$50.00 was received December 12, 1986. The Division of Water Rights has not yet issued a license because it knew at the time some changes were going to be made in the system. It appears to me, however, that South Lincoln Rural Water System has done what the statute requires and there is no violation.

Sincerely,

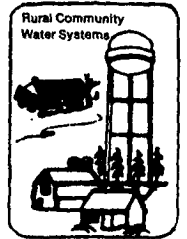
Roger A. Tellinghuisen

ROGER A. TELLINGHUISEN
ATTORNEY GENERAL

RAT:pjh

cc: John Hatch ✓

South Lincoln Rural Water



Box 155

Canton, South Dakota

Ph. 372-4211



September 15, 1988

Department of Water and Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear Madam Chairman; Members of the Board:

In the past year South Lincoln Rural Water System has had a large increase in water use not only because of the addition of the City of Alcester but also because of the unusual hot dry weather for the past four months.

It is our intention that when our usage reaches 800 to 850 acre feet we will apply for our restriction of 1048 acre feet to be removed with no new diversion point or change in diversion rate.

If in fact we have a hot dry fall we will reach 800 acre feet in December of 1988. We would like to inform the board we have every intention to use our future use water permit.

We would like this board and staff to be aware of South Lincoln's growth and intention in the future.

Sincerely,

A handwritten signature in cursive script that reads "Charles Kuehl".

Charles Kuehl
Chairman of the Board
South Lincoln Rural Water System, Inc.

CK:jls

Conversation or File Documentation

NAME OF PERSON OR FILE: South Lincoln Rural Water SystemADDRESS: PO Box 155, Canton SD 57013 COUNTY DATE: November 17, 1988 TELEPHONE RE: Status of Future Use Permit No. 4817-3

COMMENTS:

Reduction of appropriation reserved by Future Use
Permit No. 4817-3:

F.U. Permit No. 4817-3 → 2.00 cfs

Permit No. 5116-3 - 0.67

Diversion rate remaining in reserve → 1.33 cfs

Permit No. 5116-3 does not authorize any increase in
total acre-feet used annually (1048 acre-feet authorized
by Permit Nos. 4300-3, 4300-3A and 4300-3B)

Therefore, F.U. Permit No. 4817-3 has a diversion
rate of 1.33 cfs remaining in reserve with 1448
acre-feet remaining in reserve

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Swartz

 **Department of
Water & Natural Resources**

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

August 3, 1989

Charles Kuehl, Chairman
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Mr. Kuehl:

I am writing in regard to Future Use Water Permit No. 4817-3 held by the rural water system. A copy of Permit No. 4817-3 is enclosed.

Future Use Permit No. 4817-3 will be scheduled for review by the Water Management Board on September 27, 1989 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place. The purpose of this review is to determine if a reasonable need exists for keeping the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee assessed if the permit remains in effect will be \$50.00.

I understand that the rural water system probably wants Permit No. 4817-3 to remain in effect; however, John Hatch, Chief Engineer, makes recommendations to the Board regarding what Board action should be taken on future use permit reviews. Therefore, please respond in writing by August 18, 1989 regarding the rural water system's intentions for the future use permit. If the rural water system does plan to retain the permit, then your response should outline a reasonable need for retaining the permit for future use.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

cc: Jeff Masten, attorney

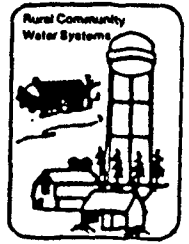


South Lincoln Rural Water

Box 155

Canton, South Dakota

Ph. 372-4211



August 8, 1989



South Dakota Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Sir:

South Lincoln Rural Water System has every intention of keeping permit 4817-3 and its priority dates.

South Lincoln has grown in users and gallons pumped since 1981 and have used a substantial amount of this permit already. With the addition of the City of Alcester and approximately 80 new hookups in the past 2 years flows average about 650 gpm and are steadily increasing.

In order for South Lincoln to keep up with demands new wells will have to be added in the near future so it is very important for us to retain future use permit 4817-3.

Sincerely,

Charles Kuehl
Chairman
South Lincoln Rural Water System, Inc.

CK:jls

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4817-3, South Lincoln Rural Water System

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 4817-3, South Lincoln Rural Water System, P.O. Box 155, Canton, SD.

The Chief Engineer is recommending that Future Use Permit No. 4817-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4817-3, 2) the South Lincoln Rural Water System has demonstrated a reasonable need for the water reserved by Permit No. 4817-3, 3) the proposed use is a beneficial use and 4) in the public interest and that Permit No. 4817-3 be amended as follows:

That qualification No. 2 to Permit No. 4817-3 be deleted and the following qualification No. 2 be inserted in lieu there of:

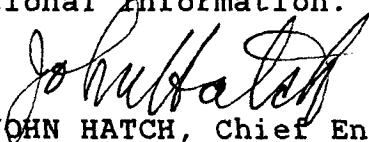
"That Future Use Permit No. 4817-3 to appropriate water is subject to review by the Water Management Board as to the continuing necessity for the reservation of water for future use upon expiration of seven (7) years."

And that Permit No. 4817-3 be amended by adding the following qualifications:

1. This permit is approved for groundwater from the Dakota Sandstone Formation. Wells will be approximately 600-700 feet deep.
2. That Permit No. 4817-3 reserves for future use 1448 acre-feet annually. The remaining diversion rate of 1.33 cfs is deleted from Permit No. 4817-3.

And that maintaining the effectiveness of Future Use Permit No. 4817-3 is subject to payment of the \$50.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice of the South Lincoln Rural Water System.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
August 15, 1989

Instruction to Newspaper-Publish first publication of the following Notice on or before August 24, 1989 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1448 acre feet annually, from the Dakota Sandstone Formation for diversion from sections 13 thru 16, 21 thru 28, 33 thru 36, T98N, R51W; sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36, T97N, R51W; sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36, T96N, R51W; sections 13 thru 36, T98N, R50W; sections 1 thru 36, T97N, R50W; sections 1 thru 27; W1/2 sections 30 and 31, 34 thru 36, T96N, R50W; sections 16 thru 21, 28 thru 36, S1/2 sections 26 and 27, T98N, R49W; sections 1 thru 36, T97N, R49W; sections 1 thru 36, T96N, R49W; S1/2 section 31, T98N, R48W; sections 6, 14 thru 23, 26 thru 35, T97N, R48W; and sections 2 thru 11, 14 thru 36, T96N, R48W. This description deleted areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3 with no additional water volume (acre-feet). Therefore, the remaining amount of water reserved by Permit No. 4817-3 is 1.33 cfs (1448 acre-feet annually).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN IN EFFECT because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on September 27, 1989 at 10:30 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 15, 1989. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

(continued)

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by September 15, 1989.



Department of Water & Natural Resources

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

August 18, 1989

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

South Lincoln Rural Water System, Inc.
Charles Kuehl, Chairman
Box 155
Canton SD 57013

Dear Mr. Kuehl:

Future Use Permit No. 4817-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the The New Era, Parker SD, Canton Sioux Valley News, Canton SD, Alcester Union, Alcester SD and the Argus Leader, Sioux Falls SD. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

RON DUVALL
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

August 18, 1989

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTN: Legal Department

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on or before August 24, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water System, Inc., Charles Kuehl, Chairman, Box 155, Canton SD 57013.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



**SOUTH Dakota Department of
Water & Natural Resources**

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

August 18, 1989

Alcester Union
Box 217
Alcester SD 57001

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on or before August 24, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water System, Inc., Charles Kuehl, Chairman, Box 155, Canton SD 57013.

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

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

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper





Department of Water & Natural Resources

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

August 18, 1989

Canton Sioux Valley News
Box 255
Canton SD 57013

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on or before August 24, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water System, Inc., Charles Kuehl, Chairman, Box 155, Canton SD 57013.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



SOUTH Dakota Department of
Water & Natural Resources

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

August 18, 1989

The New Era
Box 577
Parker SD 57053-0577

Dear Sir:

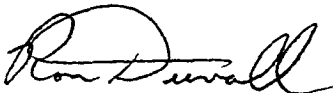
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on or before August 24, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water System, Inc., Charles Kuehl, Chairman, Box 155, Canton SD 57013.

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

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

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Lincoln)

I, Sonja Oakland
 certify that the attached printed Notice was taken
 from the Sioux Valley News

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

_____ City _____ of _____ Canton _____

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

August 24, 1989

August 31, 1989

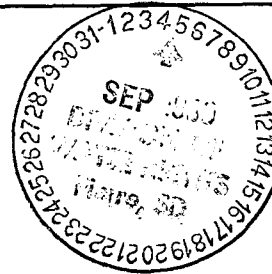
Sonja Oakland
 (Signature)

Bookkeeper
 (Title)

August 30, 1989
 (Date Signed)

Cost of Printing: \$53.12

VERNON R. THORSON
 My commission expires
 January 20, 1995.



**NOTICE OF HEARING
 TO REVIEW FUTURE USE
 WATER PERMIT NO. 4817-3**

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1448 acre feet annually, from the Dakota Sandstone Formation for diversion from sections 13 thru 16, 21 thru 28, 33 thru 36, T98N, R51W; sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36, T97N, R51W; sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36, T96N, R51W; sections 13 thru 36, T98N, R50W; sections 1 thru 36, T97N, R50W; sections 1 thru 27; W 1/2 sections 30, and 31, 34 thru 36, T96N, R50W; sections 16 thru 21, 28 thru 36, S 1/2 sections 26 and 27, T98N, R49W; sections 1 thru 36, T97N, R49W; sections 1 thru 36, T96N, R49W; S 1/2 section 31 T98N, R48W; section 6, 14 thru 23, 26 thru 35, T97N, R48W; and sections 2 thru 11, 14 thru 36, T96N, R48W. This description deleted areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3 with no additional water volume (acre-feet). Therefore, the remaining amount of water reserved by Permit No. 4817-3 is 1.33 cfs (1448 acre-feet annually).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN IN EFFECT because 1) the reserve water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 in Room 216, Joe Foss Building, 523 East Capitol, Pierre, South Dakota on September 27, 1989 at 10:30 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 15, 1989. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, South Dakota 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by September 15, 1989.

(8-24, 31)

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF TURNER } ss.

Judith E. Friese of the City of Parker,
County of Turner, State of South Dakota, being first duly sworn on oath,
deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed
and published in the City of Parker, in said County of Turner, by The New Era,
Bruce J. Bormann or Brenda L. Bormann, publishers, and has been such legal
newspaper during the times hereinafter mentioned; that the said newspaper
has been in existence as such legal newspaper for more than one year prior to
the publication of the notice hereunto attached, and has during all of said
time had, and now has, more than 200 bona fide subscribers; that the under-

signed, the affiant, is the Secretary of the said newspaper, in
charge of the advertising department thereof and has personal knowledge of

all the facts stated in this affidavit and the advertisement headed Notice of
Hearing to Review Future Use Water
Permit No. 4817-3.
printed copy of which hereunto attached, was printed and published in the

said newspaper for two successive weeks, once each week and
on the same day of the week, on the following dates, to-wit:

On Thursday, the 24th day of August, 1989;
On Thursday, the 31st day of August, 1989;
On _____, the _____ day of _____, 19____;
On _____, the _____ day of _____, 19____;
On _____, the _____ day of _____, 19____;
On _____, the _____ day of _____, 19____;
On _____, the _____ day of _____, 19____;

That \$_____ being the full amount of the fees for publication of
the attached notice insures solely for the benefit of the publishers of the said
newspaper; that no arrangement or understanding for a division thereof has
been made with any other person and that no part thereof has been agreed to
be paid to any other person whomsoever.

Judith E. Friese
Subscribed and sworn to before me this _____
day of _____, 19____.

Notary Public, Turner County, South Dakota.



NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 4817-3
NOTICE IS HEREBY GIVEN that the
Water Management Board will review Future
Use Permit No. 4817-3 held by the South
Lincoln Rural Water System for progress
made in the development of the water
reserved by the Permit and future plans for
development of the water reserved by Permit
No. 4817-3. This permit was approved
February 3, 1982 to reserve 2.00 cubic feet
of water per second (cfs.) for a full-time
diversion of 1448 acre feet annually, from
the Dakota Sandstone Formation for
diversion from sections 13 thru 16, 21 thru
28, 33 thru 36, T98N, R51W; sections 1
thru 4, 9 thru 16, 21 thru 28, 33 thru 36,
T97N, R51W; sections 1 thru 4, 9 thru 11,
12 thru 16, 21 thru 28, 33 thru 36, T96N,
R51W; sections 13 thru 36, T98N, R50W;
sections 1 thru 36, T97N, R50W; sections 1
thru 27; W 1/2 sections 30 and 31; 34 thru
36, T96N, R50W; sections 16 thru 21, 28
thru 36, S 1/2 sections 26 and 27, T98N,
R49W; sections 1 thru 36, T97N, R49W;
sections 1 thru 36, T96N, R49W; S 1/2
section 31, T98N, R48W; sections 6, 14
thru 23, 26, thru 35, T97N, R48W; and
sections 2 thru 11, 14 thru 36, T96N,
R48W. This description deleted areas in and
adjacent to the cities of Canton and
Beresford. Water Permit No. 5116-3
appropriated a diversion rate of 0.67 cfs
reserved by Permit No. 4817-3 with no
additional water volume (acre-feet).
Therefore, the remaining amount of water
reserved by Permit No. 4817-3 is 1.33 cfs
(1448 acre-feet annually.)

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends that Permit No. 4817-3
REMAIN IN EFFECT because (1) the
reserved water may be developed (2) there is
need for the reserved water (3) the proposed
use will be a beneficial use and (4) it is in
the public interest.

The Water Management Board will
conduct the hearing to review Future use
Permit No. 4817-3 in Room 216, Joe Foss
Building, 523 E. Capitol, Pierre, SD, on
September 27, 1989 at 10:30 a.m.

The recommendation of the Chief
Engineer is not final or binding upon the
Board and the Board is authorized to (1)
allow the permit to remain in effect (2)
amend the permit by adding qualifications
(3) cancel the permit for no development or
no planned future development or (4) take
no action after it reaches a conclusion based
upon facts presented at the public hearing.
Any interested person who may be affected
by a Board decision and who intends to
participate in the hearing before the Board
and present evidence or cross-examine
witnesses according to SDCL 1-26, must
file a written petition with BOTH the permit
owner and the Chief Engineer by September
15, 1989. The petition may be informal, but
it must include a statement describing the
petitioners interest in the future use permit,
the reasons for petitioner's opposition to or
support of continuing the future use permit,
and the signature and mailing address of the
petitioner or his legal counsel if legal
counsel is obtained. The permit owner need
not file a petition.

The hearing to review Future Use Permit
No. 4817-3 will be conducted pursuant to
the provisions of SDCL 46-1-14, 46-5-
38.1, Board Rules ARSD 74:02:01:27 and
contested case procedures contained in
SDCL 1-26.

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

Any person wishing a copy of the Chief
Engineer's recommendation, further
information on this permit or to assure
access to the hearing by the handicapped
can contact the Water Rights Division,
DWNR, Joe Foss Building, Pierre, SD 605-
773-3352 for assistance prior to the
hearing date. The time of the hearing will be
automatically extended for at least 20 days
upon written request of the permit owner or
any person who has filed a petition to
oppose or support continuance of the Future
Use Permit. The request for extension must
be filed with the Chief Engineer by
September 15, 1989.

(Publish August 24 & 31, 1989)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Minnehaha)



I, Greg Robinson
 certify that the attached printed Notice was taken
 from the Argus Leader

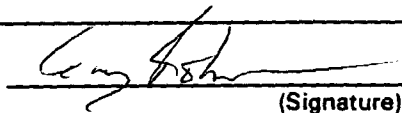
A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

City _____ of Sioux Falls

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

Thursday, August 24, 1989

Thursday, August 31, 1989


 (Signature)

Assistant Controller
 (Title)

8/31/89
 (Date Signed)

Cost of Printing \$ 104.38

NOTICE OF HEARING
 TO REVIEW FUTURE USE
 WATER PERMIT NO. 4817-3
 Notice is hereby given that the
 Water Management Board will re-
 view Future Use Permit No. 4817-3
 held by the South Lincoln Rural
 Water System for progress made in
 the development of the water re-
 served by the Permit and future
 plans for development of the water
 reserved by Permit No. 4817-3.
 This permit was approved February
 3, 1982 to reserve 2.00 cubic feet of
 water per second (cfs), for a
 full-time diversion of 1448 acre feet
 annually, from the Dakota Sand-
 stone Formation for diversion from
 section 13 thru 16, 21 thru 28, 33
 thru 36, T98N, R51W; section 1
 thru 4, 9 thru 16, 21 thru 28, 33 thru
 36, T97N, R51W; sections 1 thru 4,
 9 thru 11, 12 thru 16, 21 thru 28, 33
 thru 36, T96N, R51W; sections 13
 thru 36, T98N, R50W; sections 1
 thru 36, T97N, R50W; sections 1
 thru 27, W1/2 sections 30 and 31,
 34 thru 36, T96N, R50W; sections
 16 thru 21, 28 thru 36, S1/2
 sections 26 and 27, T98N, R49W;
 sections 1 thru 36, T97N, R49W;
 sections 1 thru 36, T96N, R49W;
 S1/2 section 31, T98N, R48W;
 sections 6, 14 thru 23, 26 thru 35,
 T97N, R48W; and sections 2 thru
 11, 14 thru 36, T96N, R48W. This
 description deleted areas in and
 adjacent to the cities of Canton and
 Beresford. Water Permit No. 5116-3
 appropriated a diversion rate of
 0.67 cfs reserved by Permit No.
 4817-3 with no additional water
 volume (acre-feet). Therefore, the
 remaining amount of water re-
 served by Permit No. 4817-3 is 1.33
 cfs (1448 acre-feet annually).

Pursuant to SDCL 46-2A-2 the
 Chief Engineer of the Water Rights
 Division recommends that Permit
 No. 4817-3 REMAIN IN EFFECT
 because 1) the reserved water may
 be developed, 2) there is need for
 the reserved water, 3) the proposed
 use will be a beneficial use and 4) it
 is in the public interest.

The Water Management Board
 will conduct the hearing to review
 Future Use Permit No. 4817-3 in
 Room 216, Joe Foss Building, 523
 E. Capitol, Pierre SD on September
 27, 1989 at 10:30 am.

The recommendation of the Chief
 Engineer is not final or binding
 upon the Board and the Board is
 authorized to 1) allow the permit to
 remain in effect, 2) amend the
 permit by adding qualifications, 3)
 cancel the permit for no develop-
 ment or no planned future develop-
 ment, 4) take no action after it
 reaches a conclusion based upon
 facts presented at the public
 hearing. Any interested person who
 may be affected by a Board deci-
 sion and who intends to participate
 in the hearing before the Board and
 present evidence or cross-examine
 witnesses according to SDCL 1-26,
 must file a written petition with
 BOTH the permit owner and the
 chief Engineer by September 15,
 1989. The petition may be informal,
 but is must include a statement
 describing the petitioners interest in
 the future use permit, the reasons
 for petitioner's opposition to or
 support of continuing the future use
 permit, and the signature and
 mailing address of the petitioner or
 his legal counsel if legal counsel is
 obtained. The permit owner need
 not file a petition.

The hearing to review Future Use
 Permit No. 4817-3 will be con-
 ducted pursuant to the provisions of
 SDCL 46-1-14, 46-5-38.1, Board
 Rules ARSD 74:02:01:27 and con-
 tested case procedures contained
 in SDCL 1-26.

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

Any person wishing a copy of the
 Chief Engineer's recommendation,
 further information on this permit or
 to assure access to the hearing by
 the handicapped can contact the
 Water Rights Division, DWNR, Joe
 Foss Building, Pierre, SD 605
 773-3352 for assistance prior to the
 hearing date. The time of the
 hearing will be automatically ex-
 tended for at least 20 days upon
 written request of the permit owner
 or any person who has filed a
 petition to oppose or support con-
 tinuance of the Future Use Permit.
 The request for extension must be
 filed with the Chief Engineer by
 September 15, 1989.

497 Aug. 24, 31, 1989

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County _____)

I, Judith E. Freese
 certify that the attached printed Notice was taken
 from the The New Era

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

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

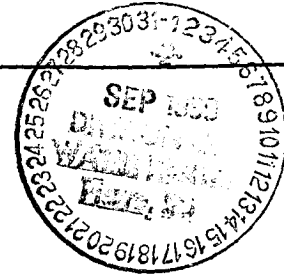
August 24, 1989
August 31, 1989

Judith E. Freese
 (Signature)

Secretary
 (Title)

Aug. 31, 1989
 (Date Signed)

Cost of Printing: 46⁹⁴



NOTICE OF HEARING TO
 REVIEW FUTURE USE
 WATER PERMIT NO. 4817-3

NOTICE IS HEREBY GIVEN that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs.) for a full-time diversion of 1448 acre feet annually, from the Dakota Sandstone Formation for diversion from sections 13 thru 16, 21 thru 28, 33 thru 36, T98N, R51W; sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36, T97N, R51W; sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36, T96N, R51W; sections 13 thru 36, T98N, R50W; sections 1 thru 36, T97N, R50W; sections 1 thru 36, T96N, R50W; sections 16 thru 21, 28 thru 36, S 1/2 sections 26 and 27, T98N, R49W; sections 1 thru 36, T97N, R49W; sections 1 thru 36, T96N, R49W; S 1/2 section 31, T98N, R48W; sections 6, 14 thru 23, 26 thru 35, T97N, R48W; and sections 2 thru 11, 14 thru 36, T96N, R48W. This description deleted areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3 with no additional water volume (acre-feet). Therefore, the remaining amount of water reserved by Permit No. 4817-3 is 1.33 cfs (1448 acre-feet annually.)

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN IN EFFECT because (1) the reserved water may be developed (2) there is need for the reserved water (3) the proposed use will be a beneficial use and (4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future use Permit No. 4817-3 in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:30 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to (1) allow the permit to remain in effect (2) amend the permit by adding qualifications (3) cancel the permit for no development or no planned future development or (4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 15, 1989. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by September 15, 1989.

(Publish August 24 & 31, 1989)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Union) ss.

I, Don Brose

certify that the attached printed Notice was taken
 from the Alcester Union

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

City of _____

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

Aug 24 1989

Aug 31 1989

Donald K. Brose
 (Signature)

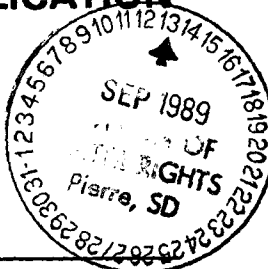
Co - Mgr.
 (Title)

9-7-89
 (Date Signed)

Cost of Printing: 112 lines @ 24.3

second 80%

\$48.99



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1448 acre feet annually, from the Dakota Sandstone Formation for diversion from sections 13 thru 16, 21 thru 28, 33 thru 36, T98N, R51W; sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36, T97N, R51W; sections 1 thru 4, 9 thru 11, 12 thru 16, 16 thru 28, 33 thru 36, T96N, R51W; sections 13 thru 36, T98N, R50W; sections 1 thru 36, T97N, R50W; sections 1 thru 27; W 1/2 sections 30 and 31, 34 thru 36, T96N, R50W; sections 16 thru 21, 28 thru 36, S1/2 sections 26 and 27, T98N, R49W; sections 1 thru 36, T97N, R49W; sections 1 thru 36, T96N, R49W; S1/2 section 31, T98N, R48W; sections 6, 14 thru 23, 26 thru 35, T97N, R48W; sections 2 thru 11, 14 thru 36, T96N, R48W. This description deleted areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3 with no additional water volume (acre-feet). Therefore, the remaining amount of water reserved by Permit No. 4817-3 is 1.33 cfs (1448 acre-feet annually).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN IN EFFECT because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:30 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and Board is authorized to 1) allow the permit to remain in effect 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 15, 1989. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit NO. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for extension must be filed with the Chief Engineer by September 15, 1989.

Published August 24, 31, 1989

110 E. 1st St. • Alcester, South Dakota 57001-0217

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT NO.
4817-3**

Notice is hereby given that the Water Management Board will review Future Use Permit NO. 4817-3 held by the South Lincoln Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1448 acre feet annually, from the Dakota Sandstone Formation for diversion from sections 13 thru 16, 21 thru 28, 33 thru 36, T98N, R51W; sections 1 thru 4, 9 thru 16, 21 thru 28, 33, thru 36, T97N, R51W; sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36, T96N, R51W; sections 13 thru 36, T98N, R50W; sections 1 thru 36, T97N, R50W; sections 1 thru 27, W1/2 sections 30 and 31, 34 thru 36, T96N, R50W; sections 16 thru 21, 28 thru 36, S1/2 sections 26 and 27, T98N, R49W; sections 1 thru 36, T97N, R49W; sections 1 thru 36, T96N, R49W; S1/2 section 31, T98N, R48W; sections 6, 14 thru 23, 26 thru 35, T97N, R48W; and sections 2 thru 11, 14 thru 36, T96N, R48W. This description deleted areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3 with no additional water volume (acre-feet). Therefore, the remaining amount of water reserved by Permit No. 4817-3 is 1.33 cfs (1448 acre-feet annually).

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN IN EFFECT because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

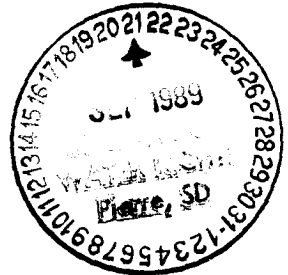
The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 in Room 216, Joe Ross Building, 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:30 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and Board is authorized to 1) allow the permit to remain in effect 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 15, 1989. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit NO. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Ross Building, Pierre, SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. This request for extension must be filed with the Chief Engineer by September 15, 1989.



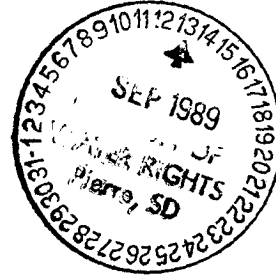
*This is correct
copy*

DAVID M. BUECHLER
ATTORNEY-AT-LAW
193 W. First Avenue
P.O. Box 308
Parker, South Dakota 57053

ph. (605) 297-4809

September 12, 1989

John Hatch, Chief Engineer
Water Rights Division
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



RE: Application Nos. 5320-3 & 4817-3

Dear Mr. Hatch:

This is to clarify my letter of July 13, 1989, requesting that the City of Lennox participate in the South Lincoln Rural Water application hearings. As you have notified us in your letter of July 12, 1989, you have noted that the City of Lennox, as party of record, opposing permit #5320-3 regarding the future use Water Rights Application permitted by South Lincoln Rural Water. This is to advise you that we also want to appear to oppose the existing South Lincoln Rural Water Right Permit No. 4817-3, set for Hearing on September 27th, 1989 .

In summary, the City would like to be heard opposed to both South Lincoln Rural Water's existing and new future water right permits.

Sincerely,

David Buechler
Attorney for the City of Lennox

DB/jc



Department of Water & Natural Resources

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

September 15, 1989

Charles Kuehl, Chairman
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Mr. Kuehl:

Enclosed for your information is a copy of a petition received on September 13, 1989 from the City of Lennox regarding Future Use Water Permit No. 4817-3. The permit is scheduled for a review by the Water Management Board on September 27, 1989 at 10:30 am, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

cc: Jeff Masten, attorney
Masten Law Office
110 S Broadway
Canton SD 57013-0316



 **Department of
Water & Natural Resources**

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

October 4, 1989

NOTICE

TO: South Lincoln Rural Water System
Charles Kuehl, Chairman
PO Box 155
Canton SD 57013
and Parties of Record

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision.

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on the review of Future Use Permit No. 4817-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, December 6, 1989, Room 216, Joe Foss Building, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record and their attorneys (copy enclosed) by November 16, 1989. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record and their attorneys by November 24, 1989.

The public hearing on this future use review was completed September 27, 1989. No additional testimony will be received on December 6, 1989.



CERTIFICATION

I hereby certify that on October 4, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to Prepare Findings of Fact, Conclusions of Law and Final Decision on Future Use Permit No. 4817-3 addressed as stated on the Parties of Record sheet.

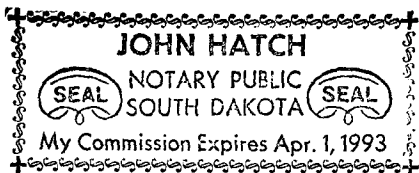
Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of October, 1989.

John Hatch
Notary Public



September 14, 1989
(date)

page 1

Parties of Record before Water Management Board regarding review of
Future Use Permit No. 4817-3, South Lincoln Rural
Water System

Proponents:

Opponents:

Charles Kuehl, Chairman
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Floyd Beach, Mayor
City of Lennox
220 S Main
Lennox SD 57039-0228

represented by:
Jeff Masten, Attorney
Masten Law Office, P.C.
110 S Broadway
Canton SD 57013-0316

represented by:
David M Buechler, attorney
PO Box 308
Parker SD 57053

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE	)	FINDINGS OF FACT,
SOUTH LINCOLN RURAL WATER	)	CONCLUSIONS OF LAW
SYSTEM FUTURE USE WATER	)	AND FINAL DECISION
PERMIT NUMBER 4817-3	)	

FINDINGS OF FACT

I

This is a proceeding to determine whether Future Use Permit Number 4817-3 in favor of South Lincoln Rural Water System should remain in effect.

II

Future Use Permit Number 4817-3 was approved by the Water Management Board on February 3, 1982.

III

The Findings of Fact issued with reference to 4817-3 at that time stated in part that:

"A total of 1448 acre feet of water per year is a more reasonable projection of the future needs of South Lincoln Rural Water System and can be obtained through a full-time diversion of two cubic feet per second." The Final Decision issued at that time approved the future use permit for "2.0 cfs."

IV

Water Permit Number 5116-3 approved a diversion rate of .67 cfs from the diversion rate reserved by Future Use Permit Number 4817-3. Water Permit Number 5116-3 did not, however, call upon the annual maximum withdrawal reserved by 4817-3; according to the Findings of Fact,

Conclusion of Law and Final Decision issued in "In the Matter of the Applications for Water Permit Number 5300-3C and Water Permit Number 5116-3 for South Dakota and Rural Water System," the permit does not request an increase over the annual maximum withdrawal of 1048 acre feet now authorized by permits number 4300-3, 4300-3A and 4300-3B." The result is that the amount of water remaining under the reservation of water through Future Use Permit Number 4817-3 is 1.33 cfs or 1448 acre feet of water annually.

V

The South Lincoln Rural Water System now has approximately 1,200 users on its system.

VI

South Lincoln Rural Water System has seen a steady increase in the amount of water use.

VII

The System has recently added additional feedlots to its customers and proposes to add more. Feedlots tend to be heavy users of water.

VIII

The System has been asked to supply water to homes in the Sioux Falls area but has not yet done so.

IX

The System will, in all probability, continue to grow if allowed to do so.

X

There is approximately 4.3 million acre feet of recoverable water in the Dakota Sandstone Aquifer and within the boundaries of Lincoln County.

XI

There is a reasonable probability that there will be development of the water reserved under permit number 4817-3.

XII

South Lincoln Rural Water System has demonstrated a reasonable need for the water reserved by Future Use Permit Number 4817-3.

XIII

The only party in opposition, the City of Lennox, stated on the record that it is essentially not opposed to allowing this permit to remain in effect.

CONCLUSIONS OF LAW

I

The Board has jurisdiction over this matter.

II

There is a reasonable probability that there will be development of the water reserved under permit number 4817-3.

III

South Lincoln Rural Water System has demonstrated a reasonable need for the water reserved by permit number 4817-3.

IV

The proposed uses as set forth above are beneficial uses and are in the public interest.

V

It is appropriate to delete the diversion rate of 1.33 cfs from the future use permit and retain the total volume use of 1448 acre feet annually in accord with present practice and modern management approaches.

VI

It is likewise appropriate to condition the permit to provide for the depth of wells within the Dakota Sandstone Formation.

FINAL DECISION

Future use permit number 4817-3 is declared to remain in effect with the following qualifications:

1. Qualification number two to future use permit 4817-3 is deleted and the following qualification number two is inserted in lieu thereof:

The future use permit number 4817-3 to appropriate water is subject to repeal by the Water Management Board as to the continuing necessity for the reservation of water for future use upon the expiration of seven years.

2. Permit number 4817-3 is amended by adding the following qualifications:

1. This permit is approved for groundwater from the Dakota Sandstone Formation. Wells will be approximately 600-700 feet deep.

2. That permit number 4817-3 reserved for future use 1448 acre-feet annually. The remaining diversion rate of 1.33 cfs is deleted from permit number 4817-3.

3. The effectiveness of Future Use Permit Number 4817-3 is subject to payment of a \$50.00 fee pursuant to SDCL 46-2-13(2) within sixth days of notice to the South Lincoln Rural Water System.

Dated this 4 day of January, 1990.

BY THE BOARD

Marian B. Lunderson



Water & Natural Resources

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

January 8, 1990

NOTICE

TO: South Lincoln Rural Water System
Charles Kuehl, Chairman
PO Box 155
Canton SD 57013
and Parties of Record

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in black ink, appearing to read "John Hatch", written over the printed name and title.

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for review of Future Use Permit No. 4817-3 which was considered at the December 6-7, 1989 meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed for the applicant. Copies will be furnished to anyone else upon request. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

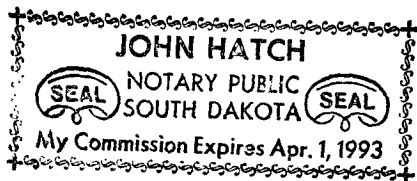
CERTIFICATION

I hereby certify that on January 8, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Adoption of Findings of Fact, Conclusions of Law and Final Decision on Future Use Permit No. 4817-3 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of January, 1990.



John Hatch
Notary Public

472036

South Dakota Department of Water and Natural Resources

January 12, 1990

RECEIVED OF South Lincoln Rural Water System, Box 155, Canton, SD 57013-0155

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

By John H. H. Jones
Chief Engineer



June 19, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John Sievers
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Mr. Sievers:

I am writing in regard to the seven year review of Future Use Water Permit No. 4817-3 from the Dakota Formation which is held by the South Lincoln Rural Water System. Currently, our records show that 1448 acre-feet remain in reserve under this future use permit which was issued in 1982.

Please respond in writing by August 1, 1996, regarding South Lincoln Rural Water Systems intention for the future use permit. If the rural water system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit.

Permit No. 4817-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

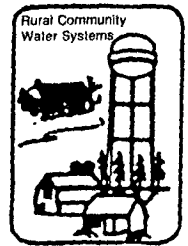
Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

South Lincoln Rural Water

Box 155

Canton, South Dakota

Ph. 372-4211



6/20/96

Department of Environment
and Natural Resources
Joe Foss Building
523 East Capital
Pierre, S.D. 57501-3181



Dear Ms. Schlaak

South Lincoln has every intention of retaining Future Use Permit No. 4817-3. At the present time South Lincoln is under construction of an additional storage facility and we have increased our plant size to a 1800 G.P.M. plant from a 1100 G.P.M. plant.

We at South Lincoln are serving about 60% of the Rural Population in Lincoln County in our area also there are many farms in Turner and Union County that will require service in the coming years. Many small towns in Lincoln County have water quality or quantity problems that South Lincoln will be able to assist in when they approach us.

With the growth of Sioux Falls, South Lincoln has seen constant growth in our service area and expect to see even more in the years to come as the City of Sioux Falls continues to move South into our area.

We feel it is imperative than the future water rights be left intact for the future growth in the South Lincoln service area.

Sincerely,

John Sievers
Manager
South Lincoln
Rural Water System Inc..



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1996

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

John Sievers, Manager
South Lincoln Rural Water
Box 155
Canton SD 57013

Dear Mr. Sievers:

Future Use Permit No. 4817-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publishers of the following papers: **Sioux Valley News**, Canton SD (605 987-2631), **The New Era**, Parker SD (605 297-4419), **Beresford Republic**, Beresford SD (605 763-2006), and the **Argus Leader**, Sioux Falls SD (605 331-2200). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

RECOMMENDATION OF CHIEF ENGINEER FOR
FUTURE USE WATER PERMIT
NO. 4817-3, South Lincoln Rural Water System

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4817-3, South Lincoln Rural Water System, PO Box 155, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4817-3 , 2) the South Lincoln Rural Water System has demonstrated a reasonable need for the water reserved by Permit No. 4817-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4817-3 is subject to payment of the \$50.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the South Lincoln Rural Water System.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
August 27, 1996

Instruction to Newspaper-Publish first publication of the following Notice on September 4, 1996 with 2nd publication 7 days later. The South Lincoln Rural Water System is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1,448 acre-feet annually, from the Dakota Sandstone Formation for diversion from Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31, 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3. The amount of water remaining in reserve by Permit No. 4817-3 is 1,448 acre-feet.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on October 2, 1996 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 1996. The Chief Engineer's address is Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 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.

(continued)

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 1996. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



August 28, 1996

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on September 5, 1996 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water, Box 155, Canton SD.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 4817-3

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

Date _____

We are in receipt of your letter of August 28, 1996 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1996

Beresford Republic
Box 111
Beresford SD 57004-0111

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on September 5, 1996 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water, Box 155, Canton SD.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 4817-3

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

Date _____

We are in receipt of your letter of August 28, 1996 enclosing Notice of Hearing to to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



August 28, 1996

The New Era
Box 577
Parker SD 57053-0577

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on September 5, 1996 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water, Box 155, Canton SD.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 4817-3

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

Date _____

We are in receipt of your letter of August 28, 1996 enclosing Notice of Hearing to to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1996

Sioux Valley New
Box 255
Canton SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on September 5, 1996 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is South Lincoln Rural Water, Box 155, Canton SD.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 4817-3

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

Date _____

We are in receipt of your letter of August 28, 1996 enclosing Notice of Hearing to to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Turner) SS

I, Mary Lee

certify that the attached printed Notice was

taken from the The New Era

printed and published in Parker

County of Turner and State of

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

September 5 + 12, 1996

Cost of Printing: 73.91

Mary Lee
(Signature)

Office Manager
(Title)

9-16-96
(Date Signed)

Notice of Hearing to Review Future Use Water Permit #4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, Box 155, Canton, SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982, to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1,448 acre-feet annually, from the Dakota Sandstone Formation for diversion from Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31, 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Sections 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3. The amount of water remaining in reserve by Permit No. 4817-3 is 1,448 acre-feet.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on October 2, 1996 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-1, 46-2-9, 46-2-11, 46-5-36.1; 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 persons, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 1996. Nettie H. Myers, Secretary, Department of Environmental and Natural Resources.

#1357, September 5 & 12, 1996.



Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS1. Donald Brose

certify that the attached printed Notice was

taken from the Alcester
Unionprinted and published in AlcesterCounty of Union and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:September 5, 1996September 12, 1996Cost of Printing: 64.65Donald K. Brose

(Signature)

Owner

(Title)

9-12-96

(Date Signed)

NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT NO.

4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1,448 acre-feet annually, from the Dakota Sandstone Formation for diversion from Sections 13 thru 16, 21 thru 28, 33 thru 36 all in T98N-R51 W Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36 all in T97N-R51 W Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51 W Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36 all in T97N-R50W; Sections 1 thru 27 W 1/2 Sections 30 and 31, 34 thru 36 all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26, 31 in T98N-R49W; Sections 1 thru 36 all in T97N-R49W; Sections 1 thru 36 all in T96N-R49W; S 1/2 Section 31 - T98N-R48W; Sections 6, 14 thru 23, 26 thru 35 all in T97N-R48W; and Sections 2 thru 11, 14 thru 36 all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3. The amount of water remaining in reserve by Permit No. 4817-3 is 1,448 acre-feet.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at the: Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on October 2, 1996 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.



The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01 :25.01 thru 74:02:01 :25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 1996. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

Published September 5 & 12, 1996

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Marcel D Peterson

certify that the attached printed Notice was

taken from the Beresford Republic

printed and published in Beresford

County of Union and State of

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

Sept 5, 1996

Sept 12, 1996

Cost of Printing: \$63.27

Marcel D Peterson
(Signature)

Business Manager
(Title)

9/16/96
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, Box 155, Canton, SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1,448 acre-feet annually, from the Dakota Sandstone Formation for diversion from Sections 13 through 16, 21, through 28, 33 through 36; all in T98N-R51W; Sections 1 through 4, 9 through 16, 21 through 28, 33 through 36; all in T97N-R51W; Sections 1 through 4, 9 through 11, 12 through 16, 21 through 28, 33 through 36; all in T96N-R51W; Sections 13 through 36; all in T98N-R50W; Sections 1 through 36; all in T97N-R50W; Sections 1 through 27; W1/2 Sections 30 and 31, 34 through 36; all in T96N-R50W; Sections 16 through 21, 28 through 36, S1/2 Sections 26 and 27, all in T98N-R49W; Sections 1 through 36; all in T97N-R49W; S1/2 Section 31-T98N-R48W; Sections 6, 14 through 23, 26 through 35; all in T97N-R48W; and Sections 2 through 11, 14 through 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. Water Permit No 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3. The amount of water remaining in reserve by Permit No. 4817-3 is 1,448 acre-feet.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No 4817-3

REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD on October 2, 1996 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the

petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program (605 773-3352) by September 23, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 1996. Nettie H. Myers, Secretary, Department of Environment and Natural Resources. Publish September 5 and 12, 1996



Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Minnehaha) SS

I, D. Reicher

certify that the attached printed Notice was

taken from the Argus Leader

printed and published in City of
Sioux Falls

County of Minnehaha and State of

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

Thursday, September 5, 1996

Thursday, September 12, 1996

Cost of Printing: 146.12

D. Reicher
(Signature)

Asst. Controller
(Title)

9/12/96

(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1,448 acre-feet annually, from the Dakota Sandstone Formation for diversion from Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31, 34 thru 36; all in T96N-R50W; Sections 16 thru

21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3. The amount of water remaining in reserve by Permit No. 4817-3 is 1,448 acre-feet.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN IN EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is a need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD on October 2, 1996 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the

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

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 1996.

Nettie H. Myers, Secretary
Department of Environment and
Natural Resources
Sept. 5, 12, 1996
12040

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lincoln) SS

I, Connie Renli

certify that the attached printed Notice was
taken from the Sioux Valley News

printed and published in Canton

County of Lincoln and State of

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

September 5, 1996

September 12, 1996

Cost of Printing: \$63.56

Connie Renli
(Signature)

BOOKKEEPER
(Title)

September 12, 1996

SANDRA LUNDSTROM
MY COMMISSION
EXPIRES 9-27-2001

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 4817-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved February 3, 1982 to reserve 2.00 cubic feet of water per second (cfs), for a full-time diversion of 1,448 acre-feet annually, from the Dakota Sandstone Formation for diversion from Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31, 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Sections 31-T96N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. Water Permit No. 5116-3 appropriated a diversion rate of 0.67 cfs reserved by Permit No. 4817-3. The amount of water remaining in reserve by Permit No. 4817-3 is 1,448 acre-feet.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD on October 2, 1996 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 23, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing ad-

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

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by September 23, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 23, 1996. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 19, 1996

Dennis Weeldreyer, Mayor
City of Lennox
220 S. Main Street
Lennox SD 57036-02286

Honorable Mayor Weeldreyer:

Enclosed is a notice of hearing on the seven year to review of Future Use Permit No. 4817-3 held by South Lincoln Rural Water System. The City of Lennox opposed this future use permit in the past.

This review is a process in which future use permits are review by the Water Management Board every seven years for progress made in the development of the water reserved and future plans for development of reserved water.

The notice of hearing is scheduled to be published in the Sioux Valley News, Beresford Republic, The New Era and the Argus Leader on September 4 and 11, 1996. If the city wishes to participate in the October 2, 1996, hearing to oppose the permit remaining in effect, a petition to intervene must be filed by September 23, 1996. The procedure for filing a petition is contained in the enclosed notice of hearing.

If you have any question on the application, please feel free to contact me.

Sincerely, .

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 17, 1996

John Sievers
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Mr. Sievers:

I am writing in response to action taken by the Water Management Board at the hearing on October 2, 1996, to review Future Use Permit No. 4817-3. The Board allowed the permit to remain in effect for 1,448 acre-feet annually. Future Use Permit No. 4817-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4817-3 has been submitted. Enclosed is the receipt.

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

Very truly yours,

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

ks

enclosure

RECEIPT

415078

Division of Water Rights

South Dakota Department of Environment and Natural Resources

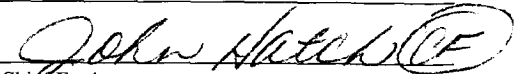
Pierre, _____ September 5, 19 96

RECEIVED OF South Lincoln Rural Water System, Box 155, Canton, SD 57013

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>4817-3</u> after period of seven years.	50	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



4817-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 4, 2003

John Sievers
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Mr. Sievers:

I am writing in regard to the seven year review of Future Use Water Permit No. 4817-3 from the Dakota Formation which is held by South Lincoln RWS. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 1,448 acre-feet remain in reserve under this future use permit that was issued in 1982 and last reviewed in 1996.

Please respond in writing by November 1, 2003, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4817-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



Quality on Tap

PO Box 155
Canton, SD 57013

Phone: 605-372-4211
Toll Free: 866-391-7148
Fax: 605-372-4214
Email: slrw@dtgnet.com

South Lincoln Rural Water

September 8, 2003

c/o Karen Schlaak
DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED
SEP 11 2003
WATER RIGHTS
PROGRAM

Dear Karen:

South Lincoln Rural Water will be needing water for our Future Use Permit No. 4817-3 in the next several years.

South Lincoln will have added the city of Worthing by the winter of 2003, along with the normal growth we see every year. Also, as Sioux Falls grows more people filter out to small towns and country living.

South Lincoln is under construction of a 2.5 million dollar project and also soon will need a new main plant, as we can no longer expand this facility. Our new plant will be able to produce 2 to 3 million gallons of water per day.

Enclosed is a short graph outlaying the need for our future user permit No. 4817-3. If you have any questions, please call (605) 372-4211 and ask for John.

Sincerely,

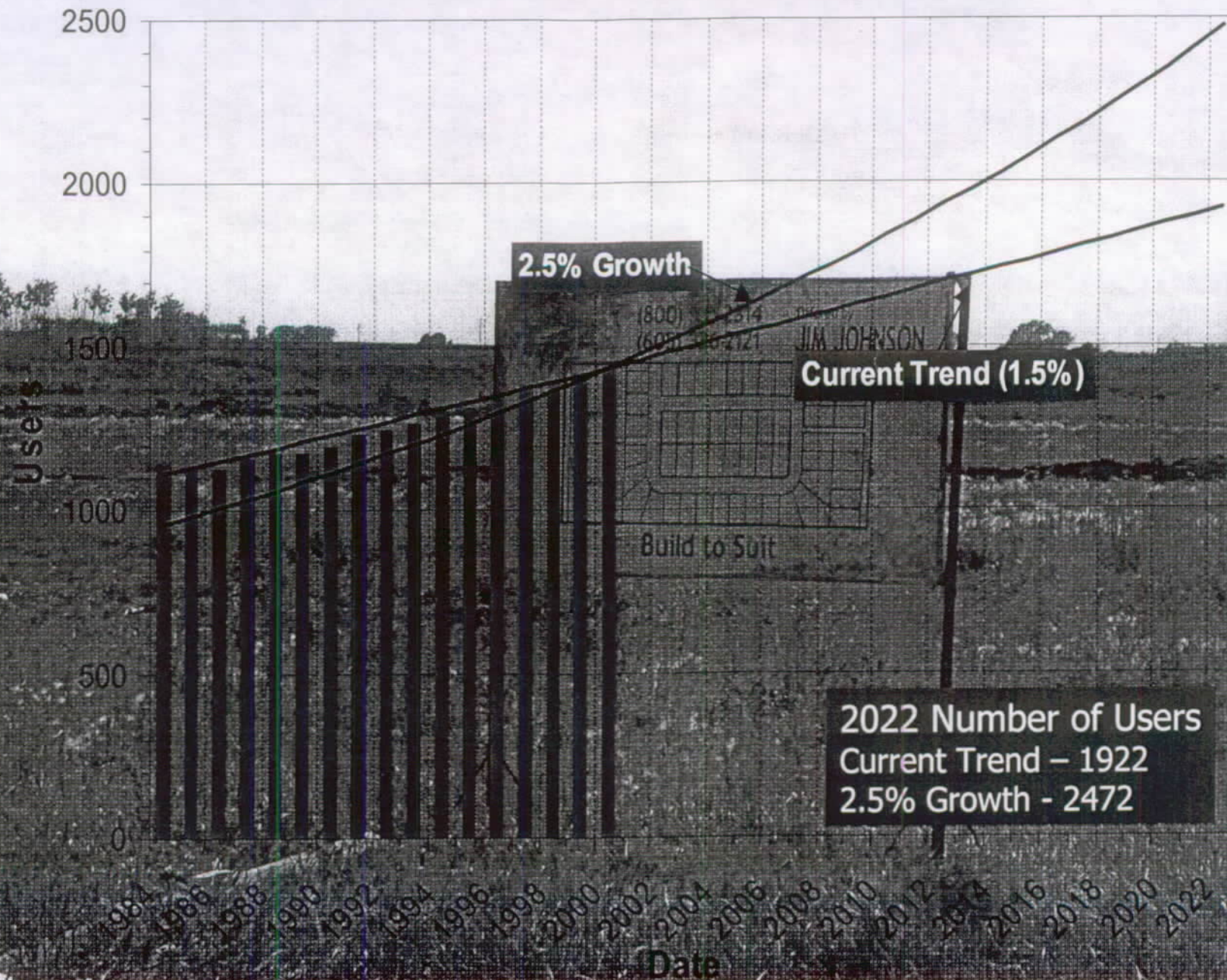
John Sievers
Manager
South Lincoln Rural Water System

JS: ck

Projected System Demands

	2012		2022	
	Monthly (GPM)	Annual (Ac-ft)	Monthly (GPM)	Annual (Ac-ft)
Chancellor	300	208.7	427	313.0
Central	580	491.0	803	675.2
Norway	693	466.5	1000	583.1
Total	1573	1166.2	2230	1571.3
With Lennox	550	439.2	739	590.1
Total	2123	1805.4	2969	2694.6

Annual User Growth



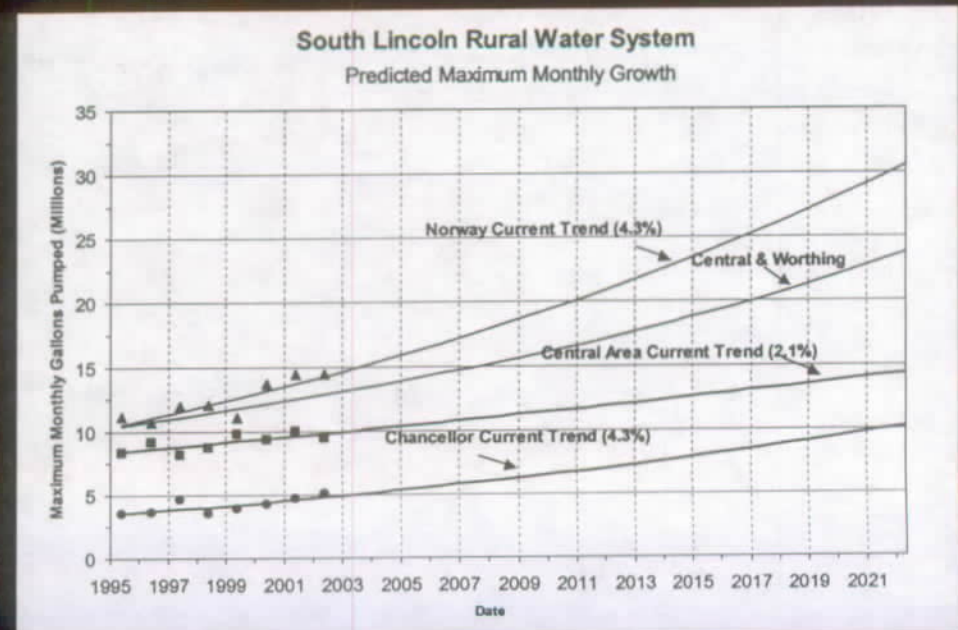
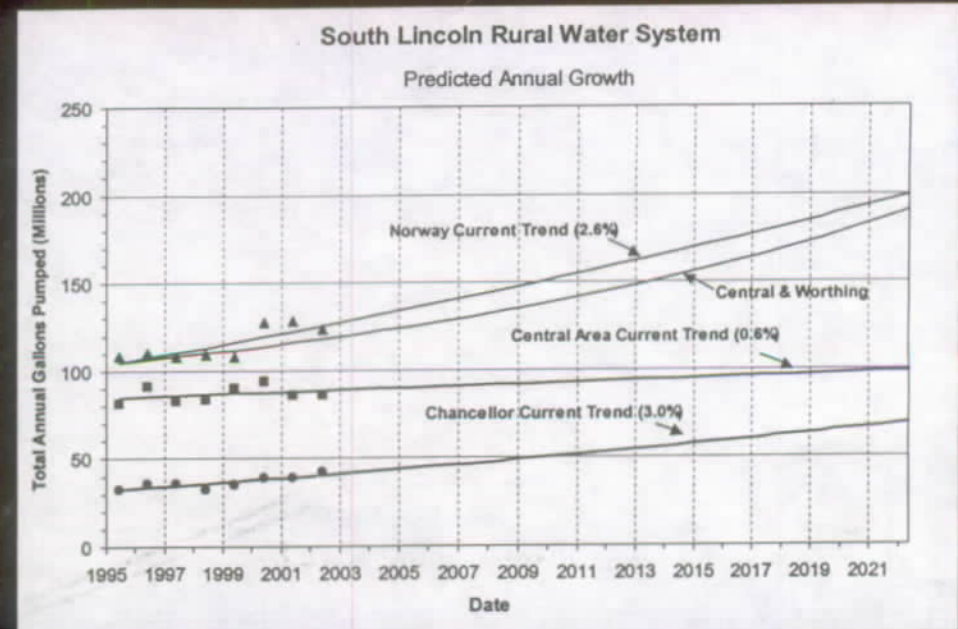
Annual Usage Growth by Service Area

2022 Projected Usage

Chancellor
 Monthly Max 10.2 MG
 Annual 69.2 MG

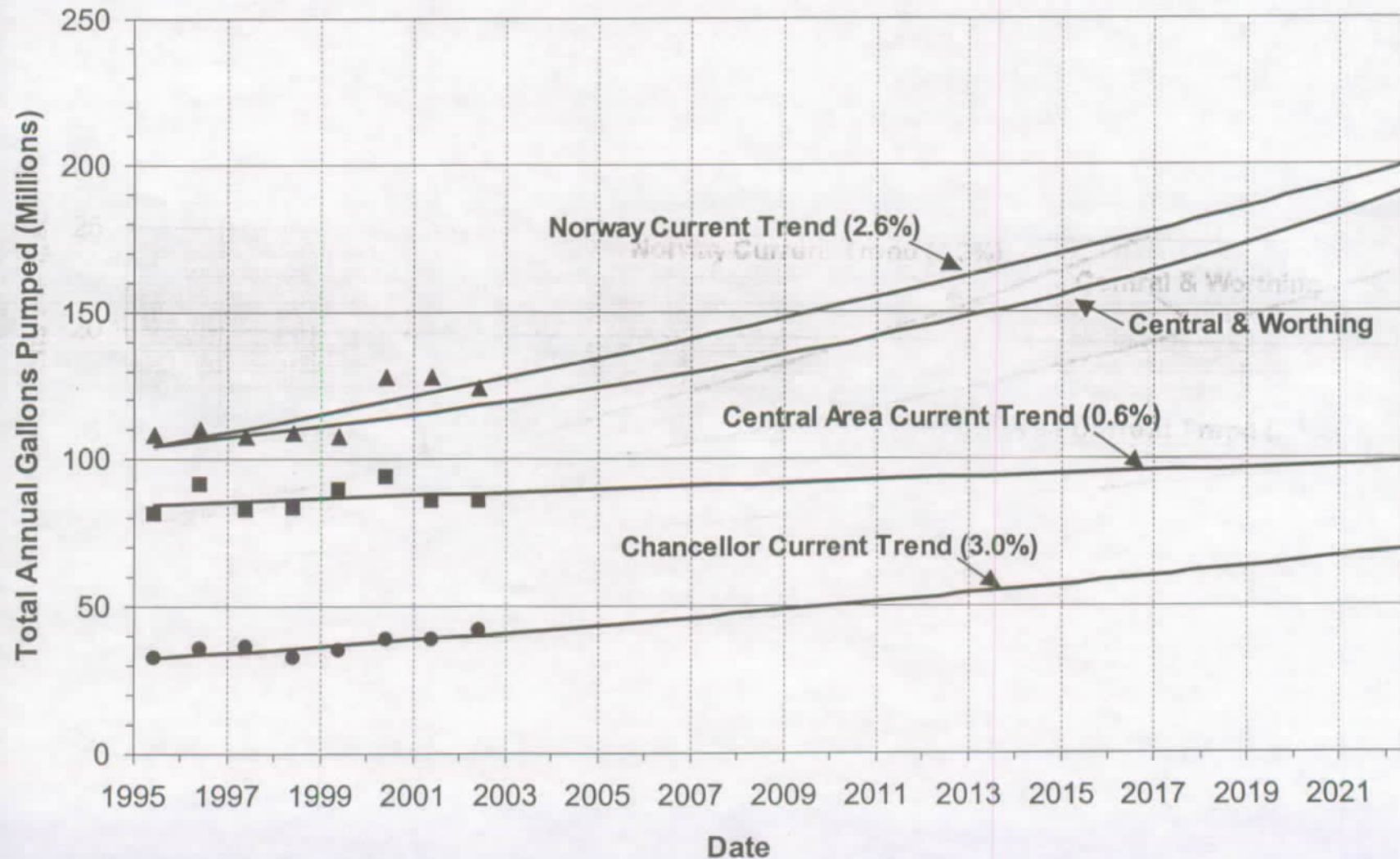
Central with Worthing
 Monthly Max 23.8 MG
 Annual 190.5 MG

Norway
 Monthly Max 30.5 MG
 Annual 199.1 MG



Annual Usage Growth by Service Area

South Lincoln Rural Water System



Projected Municipal Demands

	2012		2022	
	Monthly (GPM)	Annual (Ac-ft)	Monthly (GPM)	Annual (Ac-ft)
Chancellor	86	49.3	130	77.0
Alcester	273	157.3	415	185.2
Worthing	178	160.2	314	281.4
Lennox	550	439.2	739	590.1

Annual Growth of Municipal Users

Chancellor

Population Growth (90 to 02) 18.8%
 Annual Usage Growth 5.2%
 Monthly Max Usage Growth 4.3%

Alcester

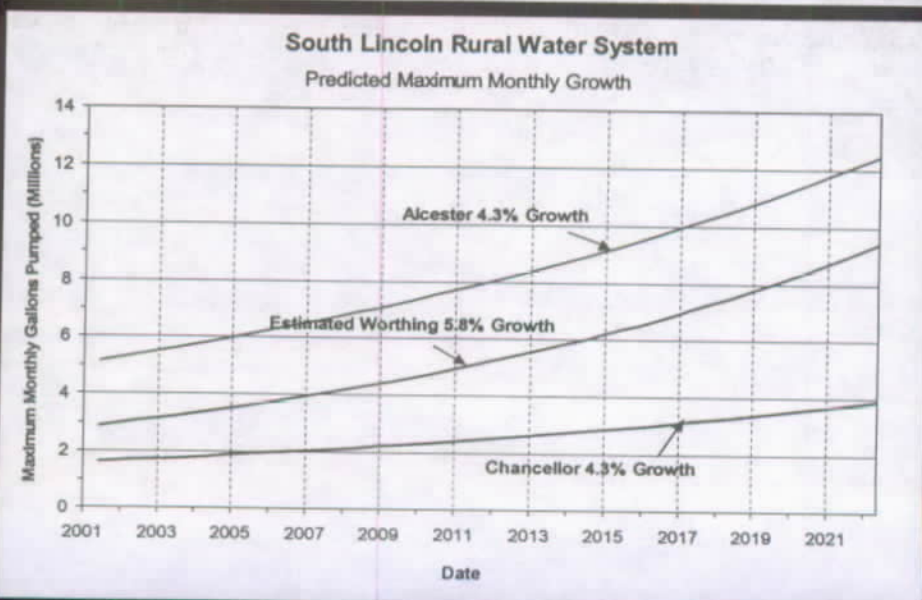
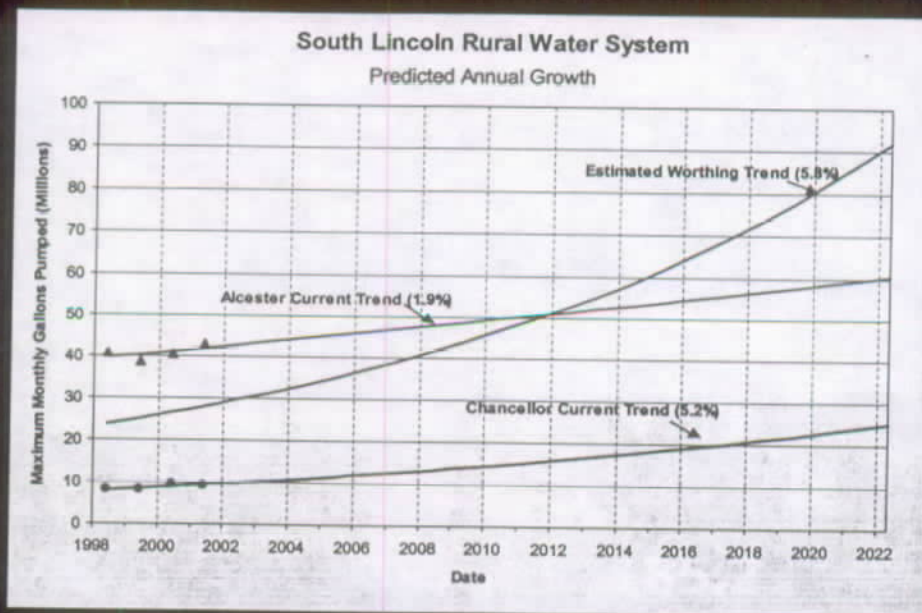
Population Growth (90 to 02) 4.4%
 Annual Usage Growth 1.9%
 Monthly Max Usage Growth 4.3%

Worthing

Population Growth (90 to 02) 57.7%
 Annual Usage Growth 5.8%
 Monthly Max Usage Growth 5.8%

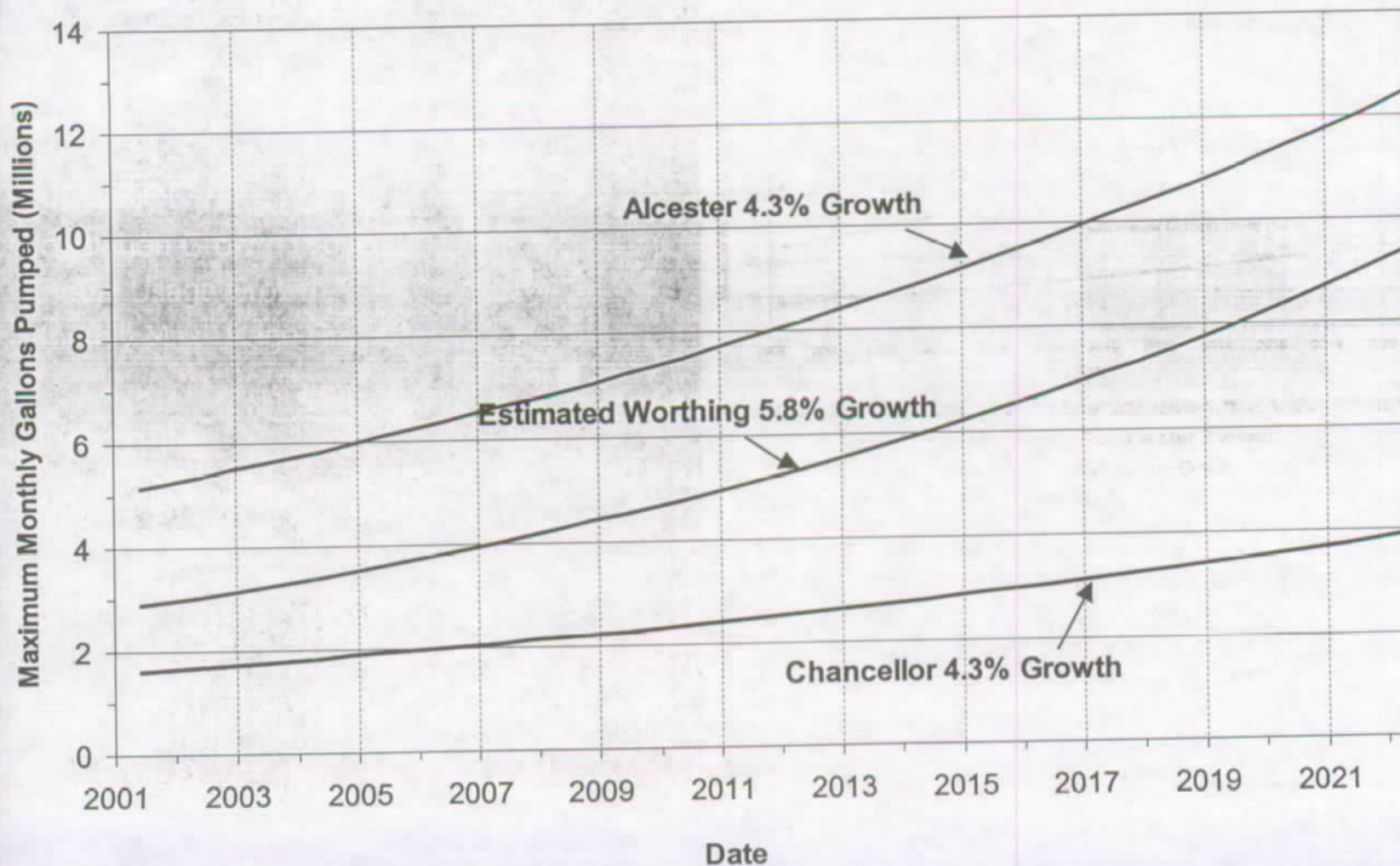
Lennox

Population Growth (90 to 00) 15.3%
 Annual Usage Growth 3.0%
 Monthly Max Usage Growth 3.0%



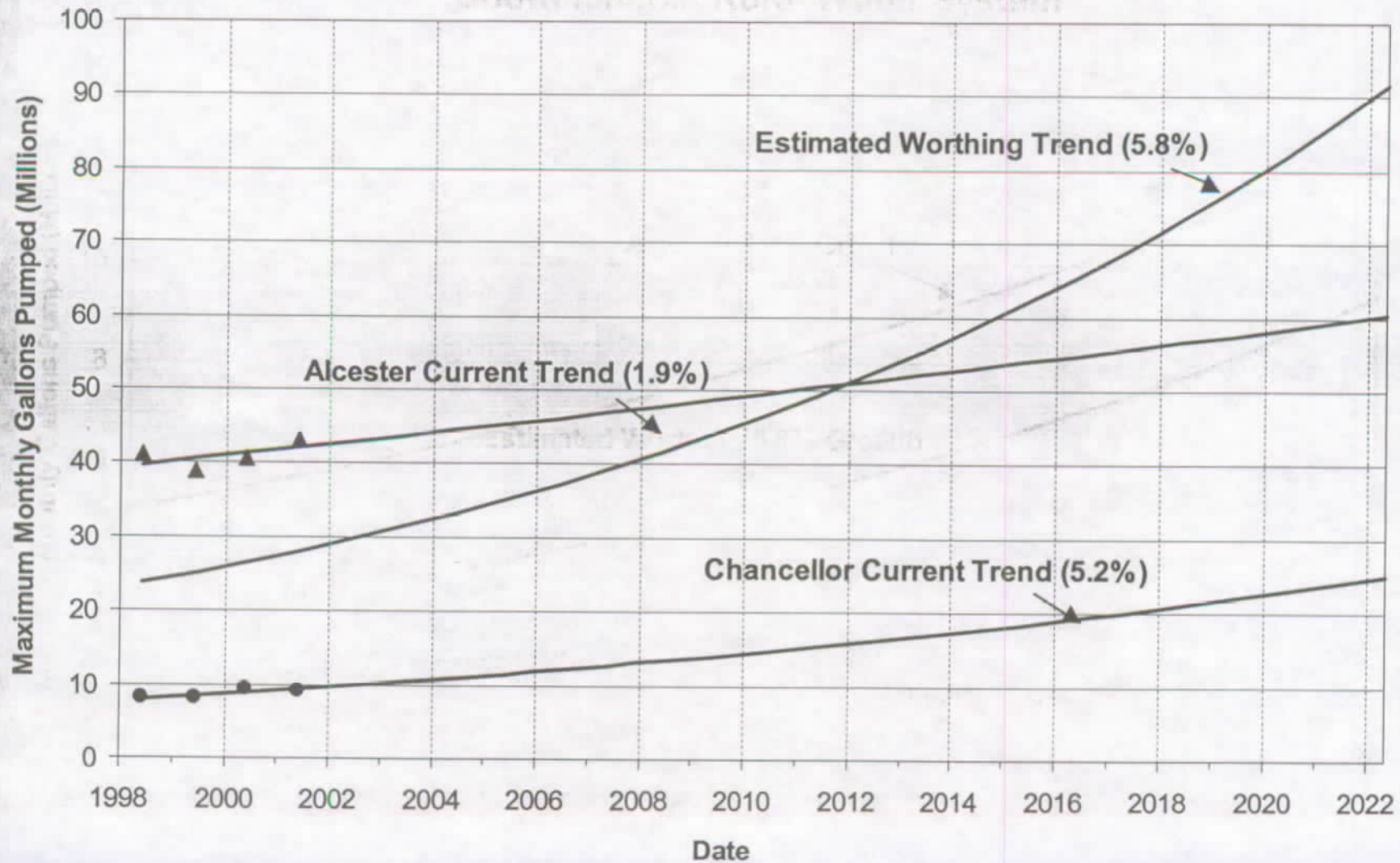
Municipal Maximum Monthly Growth

South Lincoln Rural Water System



Municipal Annual Growth

South Lincoln Rural Water System



Current System Pumping Demands

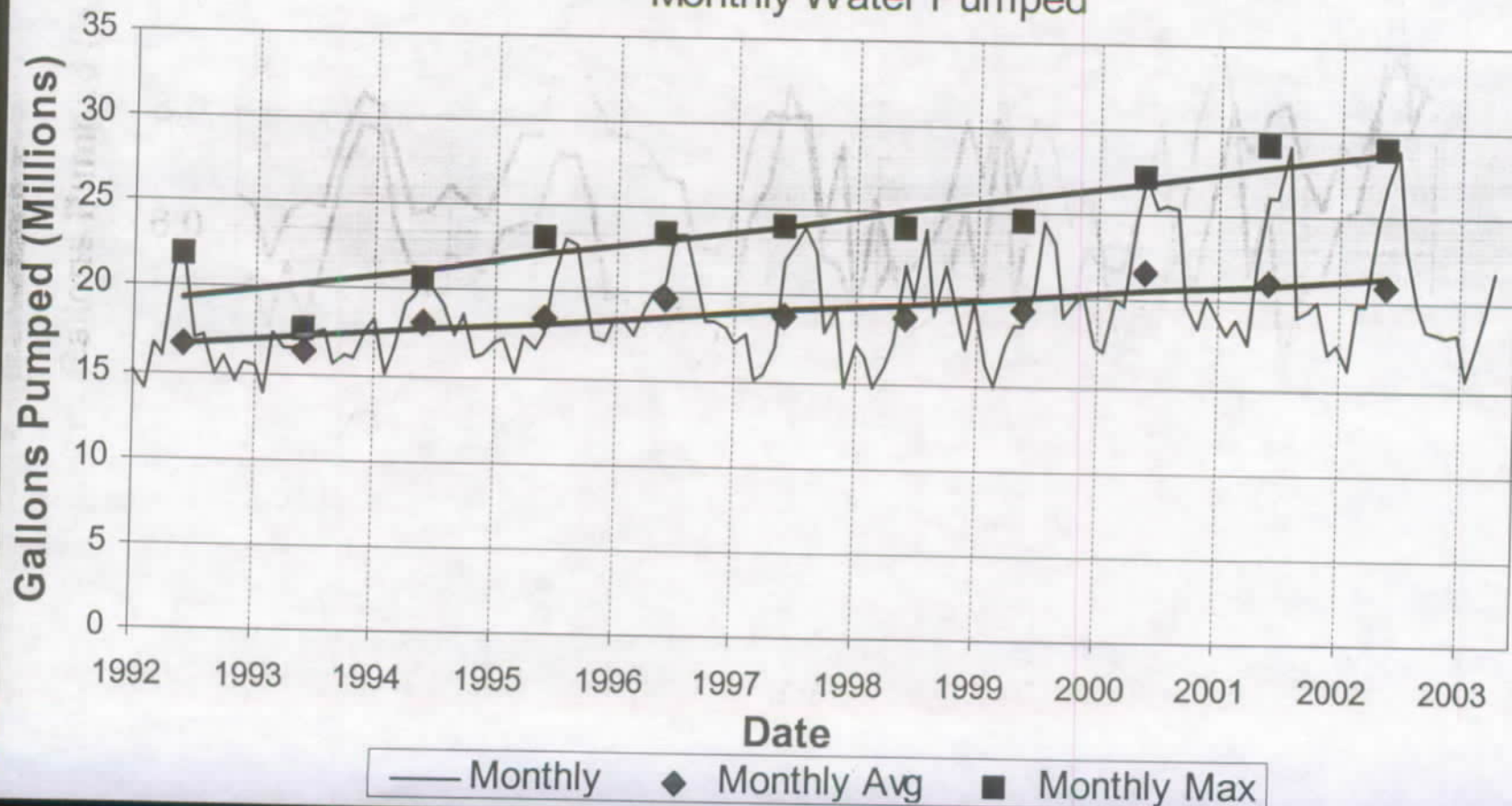
Annual Growth (1992 – 2002)

Monthly Maximum - 3.9%

Monthly Average – 2.4%

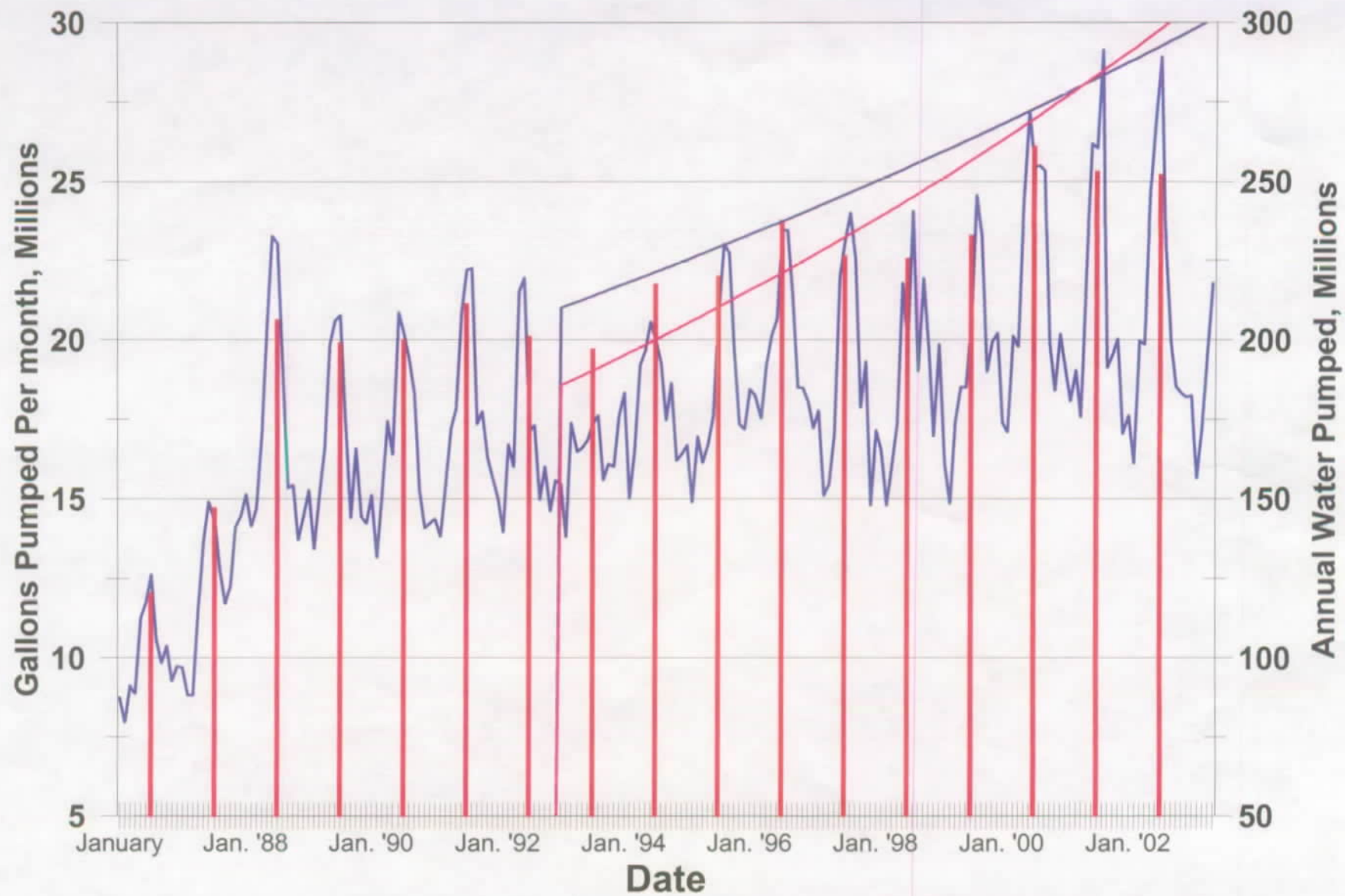
South Lincoln Rural Water System

Monthly Water Pumped



South Lincoln Rural Water System

Monthly Water Pumped





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4817-3, South Lincoln Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4817-3, South Lincoln Rural Water System, Box 155, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4817-3, 2) the rural water system has demonstrated a reasonable need for the water reserved by Permit No. 4817-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4817-3 is subject to payment of the \$50.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the rural water system after the Board hearing.

Garland Erbele, Chief Engineer
October 27, 2003



October 27, 2003

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on November 6, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is South Lincoln Rural Water System, c/o John Sievers, PO Box 155, Canton SD 57013.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



October 27, 2003

The New Era
PO Box 579
Parker SD 57053-0579

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on November 6, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is South Lincoln Rural Water System, c/o John Sievers, Manager, PO Box 155, Canton SD 57013.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 27, 2003

Beresford Republic
PO Box 111
Beresford SD 57004-0111

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on November 6, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is South Lincoln Rural Water System, c/o John Sievers, Manager, PO Box 155, Canton SD 57013.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



October 27, 2003

Sioux Valley News
PO Box 255
Canton SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on November 6, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is South Lincoln Rural Water System, c/o John Sievers, Manager, PO Box 155, Canton SD 57013.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of October 27, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



October 27, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

John Sievers, Manager
South Lincoln Rural Water
PO Box 155
Canton SD 57013

Dear Mr. Sievers:

Future Use Permit No. 4817-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Argus Leader – 333-2200
Beresford Republic – 763-2006

The New Era – 297-4416
Sioux Valley News – 764-2000

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on November 6, 2003 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Raul Water System, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved in 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in the Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W, Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W ½ Sections 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S ½ Sections 26 and 27, all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S ½ Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

COUNTY: UNION

CITY: BERESFORD

NEWSPAPER: BERESFORD REPUBLIC

Judy Lundberg of said county, being first duly sworn on oath, says: That she is the Business Manager of the said newspaper, a weekly newspaper published in said city and county 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 and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that said notice, 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

per 2 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

6 day of November, 2003, and that the succeeding publications were severally

Thursday, the 13 day of November, 2003

Thursday, the ____ day of _____, 2003

Thursday, the ____ day of _____, 2003

Affiant further says that the full amount of the fee charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication thereof are:

DOLLARS \$ 65.58

X Judy Lundberg
Subscribed and sworn to before me this 27 day of November, 2003.

[Signature]
Notary Public
My commission expires September 8, 2004

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved in 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in the Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Sections 1 thru 36, all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and

Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

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

the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605) 773-3352 by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Publish Nov. 6 & 13, 2003

RECEIVED

DEC - 4

WATER RIGHTS PROGRAM

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 3391

SOUTH LINCOLN RURAL WATER SYSTEM

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

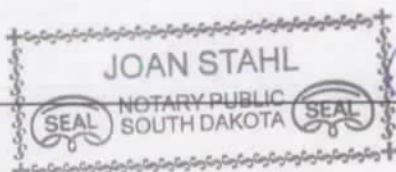
COUNTY OF MINNEHAHA } ss

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

Thursday, the 6 day of November 2003,
Thursday, the 13 day of November 2003,
_____, the _____ day of _____ 2003,
_____, the _____ day of _____ 2003,
_____, the _____ day of _____ 2003,
_____, the _____ day of _____ 2003,
_____, the _____ day of _____ 2003,

and that \$170.67 was charged for publishing the same including A \$5.00 affidavit fee.

Subscribed and sworn to before 11/13/2003.



Joan Stahl
Notary Public, South Dakota

My Commission expires June 30th, 2005

State Notices

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 4817-3
Notice is given that the
Water Management Board will
review Future Use Permit No.
4817-3 held by South Lincoln

Rural Water System, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved in 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in the Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 E Capitol Ave, Pierre SD 57501 Sections 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 26 thru 36; S 1/2 Sections 26 and 27; all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 RE-

MAIN in EFFECT for 1,448

acre-feet annually because 1)

the reserved water may be

developed, 2) there is need for

the reserved water 3) the pro-

posed use will be a beneficial

use and 4) it is in the public

interest.

The Water Management

Board will conduct the hearing

to review Future Use Permit

No. 4817-3 at 10:00 am, De-

cember 3, 2003 at the Floyd

Mathew Training Center, Joe

Foss Bldg, 523 E Capitol,

Pierre SD.

The recommendation of the

Chief Engineer is not final or

binding upon the Board and of

the Chief Engineer's recom-

State Notices

the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recom-

State Notices

mendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.
3391 Nov. 6 & 13, 2003

RECEIVED

NOV 20 2003

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA } :ss
COUNTY OF TURNER }

RECEIVED

NOV 24 2003

WATER RIGHTS
PROGRAM

I, **Cherrie Engbrecht** of the City of Parker, County of Turner, State of South Dakota, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the **Office Manager** of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#3282- Notice of hearing to renew future
use water permit no. 4817-3

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

On Thursday, the 6 day of NOV, 2003;

On Thursday, the 13 day of NOV, 2003;

On Thursday, the _____ day of _____, 200____;

On Thursday, the _____ day of _____, 200____;

On Thursday, the _____ day of _____, 200____;

That \$ 68.93 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Cherrie Engbrecht

Subscribed and sworn to before me this 19th
day of November, 2003

My Commission

Expires:

02/02

2000 6.

Paul R Harms
Notary Public, Turner County, South Dakota



Notice of hearing to review Future Use Water Permit No. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, PO Box 155, Canton, SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved in 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in the Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R5 1W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R5 1W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R5 1W; Sections 13 thru 36; all in T98N-R5OW, Sections 1 thru 36; all in T97N-R5OW; Sections 1 thru 27; W 1/2 Sections 30 and 31; 34 thru 36; all in T96N-R5OW; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S V2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because, 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10 a.m., Dec. 3, 2003 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD.

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

Publication Fees \$._____

Notary Fees ... \$._____

Total \$ 68.93

Received Payment, _____

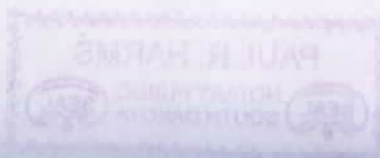
SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by Nov. 21, 2003. The Chief Engineers address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-4, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineers recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by Nov. 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by Nov. 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(#3282, 11/6/03, 11/13/03, The New Era)



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

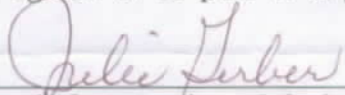
being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

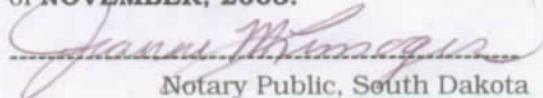
a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

NOVEMBER 6, 2003
NOVEMBER 13, 2003

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$64.00** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this **13th** day of **NOVEMBER, 2003**.


Notary Public, South Dakota

(Seal)

Jeanne M. Limoges
My Commission Expires
November 18, 2003

RECEIVED

NOV 17 2003

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved in 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in the Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am, December 3, 2003 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use

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

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources, (11-6, 13)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 2003

NOTICE

John Sievers, Manager
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Mr. Sievers:

I am writing in response to action taken by the Water Management Board at the hearing on December 3, 2003 to review Future Use Permit No. 4817-3. The Board allowed the permit to remain in effect for 1,448 acre-feet of water annually. Future Use Permit No. 4817-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4817-3 is \$50.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on December 5, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 5, 2003 regarding Water Right No. 549-1, 1159-2, 386B-3, 429-3, 809-3, 1141-3, 2388-3, 4545-3, 1045-3, 1962-3, 1105-3A, 1143-3A, 1146-3, 1154-3, 1170-3, 4146-3, 4147-3, 4546-3, 1225-3, Water Permit No. 1714-1, 914-2 & 1006-2, 1271-2, Future Use Permit No. 4860-3, 4798-3, 4839A-3, 2086-2, 4817-3, 3574-3. addressed as stated below:

549-1
Douglas & Martina Ham
905 2nd Ave W
Lemmon SD 57638

809-3, 1141-3, 2388-3, 4545-3
Victor & Peggy Kleinsasser
40008 198th St
Huron SD 57350

1225-3
James Esser
39063 170th St
Redfield SD 57469

1714-1
Larry Burditt
1409 Junction Ave
Sturgis SD 57785

1045-3, 1962-3
Mrs. Alvin Gutormson
2187 21st Street SE
Huron SD 57350

4860-3
Patti Arbach Finance Officer
City of Hoven
PO Box 157
Hoven SD 57450-0157

914-2, 1006-2
Charles & Janet Vander May
HC 66 Box 81
Kadoka SD 57543

1105-3A
James Osborn
720 E 2nd St
Huron SD 57350

4798-3
Jeanne Duchscher Finance Officer
City of Parker
PO Box 265
Parker SD 57053-0265

1159-2
Judy Knecht
HC 77 Box 22
Tuthill SD 57574

1143-3A
George & Virginia Cluts
39397 US Hwy 212
Frankfort SD 57440

4839A-3
Peg Patterson Finance Officer
City of Tyndall
PO Box 29
Tyndall SD 57066-0029

1271-2
Vergil Kjerstad
12780 Black Forest Road
Rapid City SD 57702

1146-3
George or Marjorie Wiese
23233 420th Ave
Fedora SD 57337-6824

2086-2
Ted Vore Acting Public Works Director
City of Rapid City
300 6th St
Rapid City SD 57701

386B-3
Harold Booze
18004 373rd Ave
Redfield SD 57469

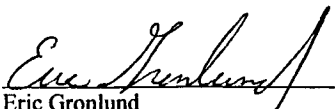
1154-3
Jesse Barton
1452 Utah Ave
Huron SD 57350

4817-3
John Sievers Manager
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

429-3
Rowan Doorn
46471 279th St
Lennox SD 57039

1170-3, 4146-3, 4147-3, 4546-3
Reed Hutchinson Attorney
Fosheim Haberstick & Hutchinson
Centre Plaza
Huron SD 57350

3574-3
Jay P Gilbertson Manager/Treasurer
East Dakota Water Development Dist
132B Airport Drive
Brookings SD 57006


Eric Gronlund
Natural Resource Engineer
Water Rights

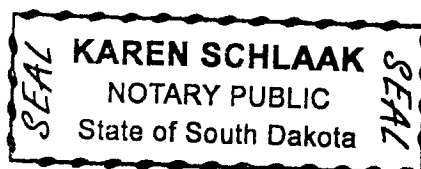
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 8th day of December, 2003.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 19, 2003

RECEIVED OF South Lincoln Rural Water System, PO Box 155, Canton SD 57003

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>4817-3</u> after period of seven years.	50	00
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	50.00

No.

000992

By

Darland Eide
Chief Engineer *gm*



4817-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 26, 2010

South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Sir:

I am writing in regard to the seven year review of Future Use Water Permit No. 4817-3 from the Dakota Aquifer which is held by the South Lincoln RWS. 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 1,448 acre-feet remain in reserve under this future use permit that was issued in 1982 and last reviewed in 2003.

Please respond in writing by September 1, 2010, regarding the rural water system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4817-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 2010

South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Sir:

On July 26, 2010, we notified you that Future Use Water Permit No. 4817-3 held by South Lincoln Rural Water System was to be scheduled for review by the Water Management Board. This letter is a reminder that we have not received a response from you.

The future use permit was obtained by the system in 1982 to reserve water for future development. By state law, these permits are subject to review every seven years. Enclosed is a copy of the July 26th letter. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit including an estimate of future needs.

The Water Management Board will schedule review of Permit No. 4817-3 when the above information has been submitted.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2010

Layne Burgess
South Lincoln Rural Water System
PO Box 155
Canton SD 57013

Dear Mr. Burgess:

On July 26 and September 14, 2010, South Lincoln Rural Water System was notified of the pending review of Future Use Water Permit No. 4817-3. Water Permit No. 4817-3 currently has 1,448 acre-feet of groundwater (Dakota Aquifer) remaining in reserve for future development by the rural water system use. The permit issued in 1982 and was last reviewed in October, 2003. By law, all future use permits are to be reviewed by the Water Management Board every seven years. This review is to determine whether a reasonable need exists for the reserved water. To use as a guide, enclosed is the letter John Sievers submitted in 2003 to retain the future use permit.

If the system plans to retain the permit, then a response needs to be submitted outlining a reasonable need for retaining the future use permit, including an estimate of future needs. Please submit this response by January 15, 2011.

Water Permit No. 4817-3 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. The next board hearing is scheduled for March 9 & 10, 2011. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

SOUTH LINCOLN RURAL WATER SYSTEM, INC.
28647 472ND AVE.
CANTON, SD 57013
Email: slrw@slrws.com
PH: 605-372-4211
FAX: 605-372-4214

RECEIVED

JAN 10 2011

WATER RIGHTS
PROGRAM

December 29, 2010

Karen Schlaak
DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Re: Future Use Water Permit No. 4817-3

Dear Ms. Schlaak,

I submit to you this letter on the behalf of South Lincoln Rural Water, its 1800 members, businesses and future users to emphasize to the South Dakota Water Management Board that we have a continued interest in Future Use Water Permit No. 4817-3.

South Lincoln Rural Water is located in the heart of Lincoln County. We are a primary source of water in one of South Dakota's fastest growing regions (Lincoln County; portions of Turner and Union counties.) South Lincoln Rural Water has experienced steady growth over that past seven years. Our future water needs have not changed since our last review under this permit. Our growth and expansions are tied to the development of Sioux Falls and other surrounding communities, i.e. Harrisburg, Tea, Lennox, Beresford, Worthing, Alcester and Canton. As people continue to move out of the urban setting into the rural community, there is an increased demand for our services. With never ending demands for quality water, South Lincoln Rural Water needs the assurances of Future Use Water Permit No. 4817-3 to remain as a primary source of safe and reliable water for our current customers and future users.

In 2011 South Lincoln Rural Water and the City of Fairview are joining hands. South Lincoln Rural Water will become Fairview's source for water for its thirty-five residences and businesses. With a reliable supply of water, the City of Fairview could experience similar growth to that of Worthing, SD. Since 2003, when Worthing started receiving a reliable water supply, it is estimated that its population for the first 5 years of the past decade has grown by approximately 27%. Since 2005 Worthing's population has grown by about 22%.

In closing, Future Use Water Permit No. 4817-3 is our operations future. It provides us at South Lincoln Rural Water the assurances that we will be able to deliver reliable water for our 1800 members, businesses, and future users for today and beyond.

Should you require additional information regarding our request, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Tom Rausch, Manager
South Lincoln Rural Water
605-372-4211

TR/ck



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4817-3, South Lincoln Rural Water System, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4817-3, South Lincoln Rural Water System, Inc., c/o Tom Rausch, Manager, PO Box 155, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4817-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 4817-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4817-3 is subject to payment of the \$185.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Garland Erbele, Chief Engineer
January 13, 2011

Instruction to Newspaper-Publish first publication of the following Notice on January 27, 2011 with 2nd publication 7 days later. South Lincoln RWS 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 TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc. c/o Tom Rausch, Manager, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W, Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W ½ Section 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S ½ Sections 26 and 27, all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S ½ Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am, March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of_____.

CUSTOMER NUMBER:	78200	Argus Leader	
INVOICE NUMBER:	1314059		
DATES	1/27, 2/3, 2011	P.O. Box 5677349, Dallas, TX 75267-7349	\$189.68

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

RECEIVED

FEB - 7 2011

WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RI

AFFIDAVIT OF PUBLICATION-

Customer Number: 78200

Invoice Number: 1314059

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

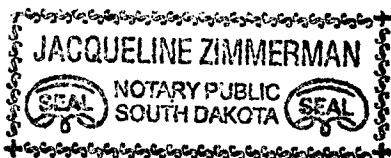
Thursday the 27 day of January 2011 ,
Thursday the 3 day of February 2011 ,
_____, the _____ day of _____ 2011
_____, the _____ day of _____ 2011 ,
_____, the _____ day of _____ 2011 ,
_____, the _____ day of _____ 2011 ,
_____, the _____ day of _____ 2011 ,

and that \$189.68 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 2/3/2011

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3
Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc. c/o Tom Rausch, Manager, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 18, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W. Sections 1 thru 36; all in T97N-R50W. Sections 1 thru 27, W 1/2 Section 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am, March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition, to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74-02:01:25.01 thru 74-02:01:25.03 and contested case procedures contained in

SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$189.68, 1314059 Jan. 27, Feb. 3, 2011

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

**South Lincoln Rural Water
DENR Notice Permit No. 4817-3**

a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive week(s) upon the following dates, to-wit:

**January 27, 2011
February 3, 2011**

that the full amount of the fees charged for publishing the same to-wit: the sum of \$77.98 insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Andy Wilcox
Subscribed and sworn to before me this 3rd day of
February, 2011.

Teresa J. Wilcox
Notary Public, South Dakota



My Commission Expires
12/9/2014

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc. c/o Tom Rausch, Manager, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W, Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Section 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is a need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit NO. 4817-3 at 10:00 am, March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not

exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011.

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

Published in the Sioux Valley News on January 27 and February 3, 2011 at the total approximate cost of \$77.98.

RECEIVED
FEB 14 2011
WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

RECEIVED

COUNTY: UNION

MAR - 2 2011

CITY: BERESFORD

**WATER RIGHTS
PROGRAM**

NEWSPAPER: BERESFORD REPUBLIC

Allyson M. Hill, being first duly sworn, on oath, says that the BERESFORD REPUBLIC IS a weekly newspaper published in said city and county, 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, and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that said notice, 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

2 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

27 day of January, 2011, and that the succeeding publications were severally on

Thursday, the 3 day of February, 2011;

Thursday, the ____ day of _____, 2011;

Thursday, the ____ day of _____, 2011

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication thereof are:

DOLLARS \$ 69.62

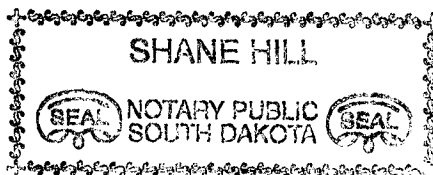
X Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 28 day of February, 2011.

[Signature]

Notary Public

My commission expires 11/14/2012.



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc. c/o Tom Rausch, Manager, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W, Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Section 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27, all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will

BERESFORD REPUBLIC LEGALS

be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am, March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$69.62.

RECEIVED

MAR - 2 2011

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF TURNER)

Allyson M. Hill, being first duly sworn, on oath says the VIBORG ENTERPRISE is a WEEKLY newspaper published in VIBORG in said county of TURNER, State of South Dakota; and that she is authorized to and does make this affidavit on behalf of said VIBORG ENTERPRISE; that affiant has personal knowledge of all facts stated in this affidavit; that said newspaper is a legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4 inclusive as amended, has a bona fide circulation of at least two hundred copies WEEKLY, has been published in the English language within said county and has been admitted to the United States mail under the second class mailing privilege, for at last one year continuously next prior to the publication of the notice herein mentioned and was and is printed wholly or in part in an office maintained at said place of publication; that said notice, a printed copy of which taken from the paper in which the same was published is hereto attached and is made part of this affidavit, was published in said newspaper

2 time(s) as follows: that the first publication of said

notice in said newspaper aforesaid was on Thursday

the 27 day of January, 2011,

and that the succeeding publications were severally

on Thursday, the 3 day of February, 2011;

on Thursday, the ____ day of _____, 2011;

on Thursday, the ____ day of _____, 2011;

on Thursday, the ____ day of _____, 2011;

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charged for the publication thereof are:

DOLLARS (\$ 70⁰⁰)

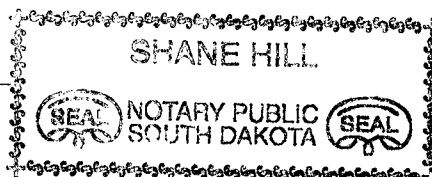
(x) Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 28 day of

February, 2011

Notary Public

My commission expires 11/14/2012.



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc. c/o Tom Rausch, Manager, PO Box 155, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 currently reserves 1,448 acre feet from the Dakota Sandstone Formation located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Sections 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in T97N-R50W; Sections 1 thru 27; W 1/2 Section 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36; ~~S 1/2 Sections 26 and 27, all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W.~~ This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am, March 9, 2011 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 28, 2011. ~~The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above.~~ The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of

VIBORG ENTERPRISE

SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 28, 2011. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 28, 2011. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$70.15



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2011

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

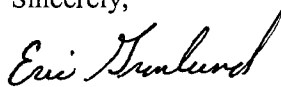
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on January 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is South Lincoln Rural Water System, Inc., c/o Tom Rausch, PO Box 155, Canton SD 57013.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 14, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2011

Sioux Valley News
PO Box 255
Canton SD 57013

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on January 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is South Lincoln Rural Water System, Inc., c/o Tom Rausch, PO Box 155, Canton SD 57013.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 27, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2011

Viborg Enterprise/Hurley Leader
PO Box 164
Viborg SD 57070

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on January 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is South Lincoln Rural Water System, Inc., c/o Tom Rausch, PO Box 155, Canton SD 57013.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 14, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2011

Beresford Republic
PO Box 111
Beresford SD 57004

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4817-3 to be published twice. Please publish the first notice on January 27, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is South Lincoln Rural Water System, Inc., c/o Tom Rausch, PO Box 155, Canton SD 57013.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 14, 2011 enclosing Notice of Hearing to Review Future Use Water Permit No. 4817-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2011

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

South Lincoln Rural Water System, Inc.
c/o Tom Rausch, Manager
PO Box 155
Canton SD 57013

Dear Mr. Rausch:

Future Use Permit No. 4817-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Argus Leader – 605 331-2200	Sioux Valley News – 605 764-2000
Beresford Republic – 605 763-2006	Viborg Enterprise/Hurley Leader – 605 766-7827

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2011

NOTICE

South Lincoln Rural Water System, Inc.
c/o Tom Rausch, Manager
PO Box 155
Canton SD 57013

Dear Mr. Rausch:

I am writing in response to action taken by the Water Management Board at the hearing on March 9, 2011 to review Future Use Permit No. 4817-3. The Board allowed the permit to remain in effect for 1,448 acre-feet of water annually. Future Use Permit No. 4817-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4817-3 is \$185.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

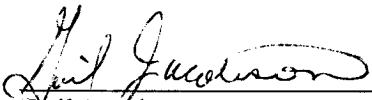
Sincerely,

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

CERTIFICATION

I hereby certify that on March 10, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 10 2011 regarding future use permits addressed as stated below:

South Lincoln RWS, T Rausch, PO Box 15, Canton SD 57013 **4817-3**
Clay RWS, G Merrigan, 30376 Hwy 19, Wakonda SD 57073 **3574A-3**
City of Hoven, W Rausch, PO Box 157, Hoven SD 57450 **4860-3**
East Dakota WDS, 132 B Airport Dr., Brookings SD 57006 **3574-3**
City of Parker, J Duchscher, PO Box 265, Parker SD 57053 **4798-3**



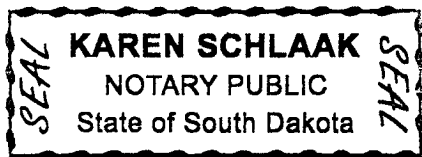
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 20 11.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



4817-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 2011

South Lincoln Rural Water System, Inc.
c/o Tom Rausch, Manager
PO Box 155
Canton SD 57013

Dear Mr. Rausch:

On March 10, 2011 we requested the fee for maintaining the effectiveness of Future Use Permit No. 4817-3. To date, we have not received this payment.

Please submit the \$185.00 fee as soon as possible to avoid jeopardizing the rural water system's future use permit. If you have questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/26, 20 11

RECEIVED OF South Lincoln Rural Water System PO BOX 155 Canton SD 57013

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	185 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4817-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	185 00

No. **04982**

By Lakeland Erbe
Chief Engineer



4817-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 6, 2017

South Lincoln Rural Water System Inc
c/o Tom Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Dear Mr. Rausch:

I am writing in regard to the seven year review of Future Use Water Permit No. 4817-3 from the Dakota Aquifer held by the South Lincoln Rural Water System Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the system. Currently, our records show that 1,448 acre-feet remain in reserve under this future use permit that was issued in 1982 and last reviewed in 2011.

Please respond in writing by January 6, 2018 regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4817-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,448 acre-feet remain in reserve, the fee will be \$185.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

SOUTH LINCOLN RURAL WATER SYSTEM, INC.

28647 472ND AVE.
Beresford, SD 57004
Phone: 605-777-9905

December 15, 2017

RECEIVED

DEC 20 2017

**WATER RIGHTS
PROGRAM**

South Dakota Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Re: Future Use Water Permit No. 4817-3

Dear Ms. Schlaak,

South Lincoln Rural Water System has many reason for keeping its Future Use Water Permit 4817-3.

South Lincoln continues to add 25 to 40 new customer annually. We have seen an increase in request for water in northern Lincoln and Turner counties from people wanting to be close to Sioux Falls, but wanting to enjoy the rural setting. We have been in discussions with an area community looking to partner with South Lincoln as their primary source for water. If we add this community to our system, this will double our current output.

Rural dairy development is also on the rise. Dakota Plains Dairy, with a 4200 head herd, is tripling in size by the end of 2018. Hog and other livestock confinements continues to increase in southern Lincoln and north Union counties.

South Lincoln is working with engineering on a \$9.9 million dollar improvements project. This project addresses future piping and storage needed to accommodate the growth South Lincoln is anticipating.

We ask that you allow South Lincoln to keep its Future Use Water Permit 4817-3, as it is an essential component to meeting our future water needs in Lincoln, Turner and Union counties.

Respectfully,

Thomas Rausch

Thomas Rausch
General Manager
South Lincoln Rural Water



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4817-3, South Lincoln Rural Water System, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4817-3, South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004.

The Chief Engineer is recommending that Future Use Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4817-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 4817-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4817-3 is subject to payment of the \$185.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Jeanne Goodman, Chief Engineer
January 17, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2018

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

South Lincoln Rural Water System Inc
c/o Thomas Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Dear Mr. Rausch:

Future Use Permit No. 4817-3 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 the counties where water will be diverted or used. Notice of this review has been sent to the following papers:

✕ Argus Leader, Sioux Falls	605 331-2200	✕ New Era, Parker	605 297-4419
✕ Sioux Valley News, Canton	605 764-2000	✕ Beresford Republican	605 763-2006

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 25, 2018. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

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

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28; 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in 97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27; all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

(continued)

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:36 AM
To: republic@bmtc.net
Subject: 4817-3, South Lincoln RWS
Attachments: 4817-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004 (605 777-9905) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:35 AM
To: sebeling@ncppub.com
Subject: 4817-3, South Lincoln RWS
Attachments: 4817-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004 (605 777-9905) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:35 AM
To: svn@siouxvalleynewsonline.com
Subject: 4817-3, South Lincoln RWS
Attachments: 4817-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004 (605 777-9905) 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
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 18, 2018 11:34 AM
To: allegals@argusleader.com
Subject: 4817-3, South Lincoln RWS
Attachments: 4817-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on January 25, 2018.

South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004 (605 777-9905) 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
SD DENR, Water Rights Program
(605) 773-3352



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

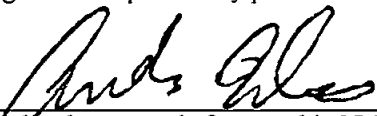
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

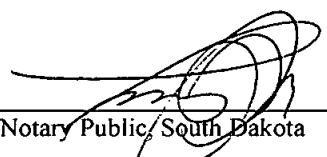
**Notice of Hearing
Water Permit NO. 4817-3**

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

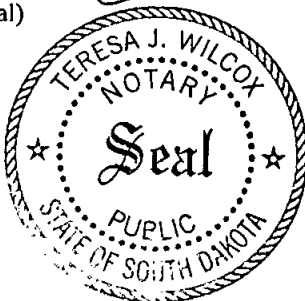
January 25, 2018

that the full amount of the fees charged for publishing the same to-wit: the sum of \$50.51 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.


Ascribed and sworn to before me this 25th day of
January, 2018.


Notary Public, South Dakota

(Seal)



My Commission Expires
December 9, 2020

RECEIVED
JAN 29 2018
WATER RIGHTS
PROGRAM

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 4817-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28; 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in 97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27; all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN IN EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed; 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on January 25, 2018, at the total approximate cost of \$60.51.

Form 8

RECEIVED

JAN 31 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Dawn Rye

certify that the attached printed Notice was taken

from the New Century Press,
publisher

printed and published in The New Era

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

Thurs. Jan. 25th 2018

Cost of Printing \$162.89

Dawn Rye
(Signature)

Office manager
(Title)

1/25/18
(Date Signed)

**Notice of hearing to review
future use water permit NO.
4817-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28; 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in 97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27; all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address

of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by Monday, Feb. 26.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by Monday, Feb. 5. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$62.89

(N0125-4)

Argus Leader

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

Affidavit of Publication

SOUTH LINCOLN RURAL WATER
28647 472ND AVE
Beresford CA 57004

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

1/25/2018

Account Number: SFA-055347

Ad Number: 0002684115

Total Ad Cost: \$116.48

(Signed): Erin Oettinger Date: 1/31/18
Legal Clerk

Signed and sworn to before me

[Signature]
Notary Public,
Brown County, Wisconsin

My commission expires 12-14-2021

BERGEN GORNOWICH
Notary Public
State of Wisconsin

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 20547 472nd Ave, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1992 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Sections 13 thru 16, 21 thru 23, 33 thru 35, all in T89N-R51W, Section 1 thru 4, 9 thru 16, 21 thru 23, 33 thru 35, all in T97N-R51W, Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 23, 33 thru 35, all in T99N-R51W, Sections 13 thru 35, all in T99N-R50W, Sections 1 thru 35, all in 97N-R50W, Sections 1 thru 27, W 1/2 Sections 30 and 31, 34 thru 35, all in T99N-R50W, Sections 16 thru 21, 28 thru 35, S 1/2 Sections 25 and 27, all in T99N-R49W, Sections 1 thru 35, all in T97N-R49W, Sections 1 thru 35, all in T99N-R49W, S 1/2 Section 31-T99N-R49W, Sections 6, 14 thru 23, 25 thru 35, all in T97N-R49W, and Sections 2 thru 11, 14 thru 35, all in T99N-R49W. This description does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board

decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-25, must file a written petition with BOTH the permit owner and the Chief Engineer by February 25, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38; Board Rules ARSD 74:02.01:25.01 thru 74:02.01:25.03 and contested case procedures contained in SDCL 1-25.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 25, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 25, 2018.

According to SDCL 1-25-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure

described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources
Published once at the approximate cost of \$116.48.
2684115 Jan 25, 2018

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

COUNTY: UNION

CITY: BERESFORD

NEWSPAPER: BERESFORD REPUBLIC

RECEIVED

FEB 26 2018

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by South Lincoln Rural Water System, Inc., c/o Thomas Rausch, Manager, 28647 472nd Ave, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Sections 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Sections 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28; 33 thru 36; all in T96N-R51W; Sections 13 thru 36; all in T98N-R50W; Sections 1 thru 36; all in 97N-R50W; Sections 1 thru 27; W 1/2 Sections 30 and 31; 34 thru 36; all in T96N-R50W; Sections 16 thru 21, 28 thru 36, S 1/2 Sections 26 and 27; all in T98N-R49W; Sections 1 thru 36; all in T97N-R49W; Sections 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Sections 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Sections 2 thru 11, 14 thru 36; all in T96N-R48W. This descrip-

Allyson M. Hill, being first duly sworn, on oath, says that the BERESFORD REPUBLIC IS a weekly newspaper published in said city and county, 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, and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that said notice, 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

1 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

25 day of January, 2018, and that the succeeding publications were severally on

Thursday, the ____ day of _____, 2018;

Thursday, the ____ day of _____, 2018;

Thursday, the ____ day of _____, 2018

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication thereof are:

DOLLARS \$ 42⁷⁶

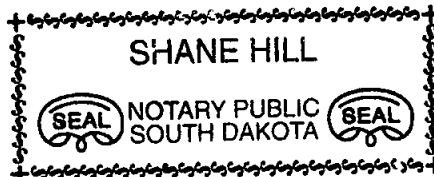
X Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 31 day of January, 2018.

Shane Hill

Notary Public

My commission expires 11/14/2018



Thursday, January 25, 2018

tion does not include areas in and adjacent to the cities of Canton and Beresford. This water is for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4817-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD, 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4817-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dol-

lar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$42.76.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

NOTICE OF ENTRY OF ORDER

South Lincoln Rural Water System Inc
c/o Tom Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Dear Mr. Rausch:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2018 to review Future Use Permit No. 4817-3. The Board allowed the permit to remain in effect for 1,448 acre-feet of water annually. Future Use Permit No. 4817-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4817-3 is \$185.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

A handwritten signature in black ink that reads 'Jeanne Goodman'. The signature is written in a cursive, flowing style.

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

CERTIFICATION

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated March 8, 2018 addressed as stated below:

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

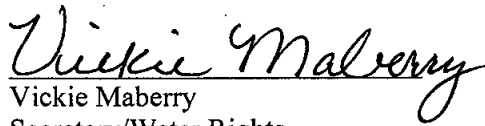
Clay Rural Water System
c/o Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 57073

City of Parker
Adam Jans, Finance Officer
PO Box 265
Parker SD 57053

South Lincoln Rural Water System Inc
c/o Tom Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Wendy Rausch, Finance Officer
City of Hoven
PO Box 157
Hoven SD 57450

Lewis & Clark Regional Water System
Jim Auen, Operations Manager
46986 Monty St
Tea SD 57064

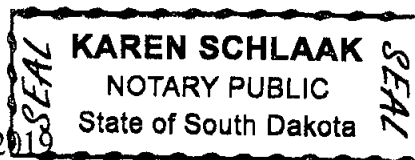

Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 2018.


Karen Schlaak
Notary Public

My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 29, 20 18

RECEIVED OF South Lincoln Rural Water System 28647 472nd Avenue Beresford, SD 57004

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	185	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
4817-3		
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. _____	1850	00
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. _____	TOTAL	1850 00
(Any Other Work Provided by Law)		

No. **08643**

By

Jeanne Goodman
Chief Engineer

6778A-3

4817-3
6300-3
6490-3

5647-3
6435-3
6727-3

Dewell, Amanda

From: Gronlund, Eric
Sent: Friday, March 15, 2024 3:45 PM
To: Dewell, Amanda
Subject: South Lincoln RWS

Follow Up Flag: Follow up
Flag Status: Flagged

When you have time:

Change the contact person for South Lincoln RWS's from Tom Rausch to John Stearns. John Stearns became the new manager of SLRWS on Jan. 29th with Mr. Rausch's retirement.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

South Lincoln Rural Water System
c/o John Sterns
28647 472nd Ave
Beresford SD 57004

Dear Mr. Sterns,

I am writing in regard to the seven year review of Future Use Water Permit No. 4817-3 from the Dakota Aquifer held by Southern Lincoln Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the system. Currently, our records show that 1,448 acre-feet remain in reserve under this future use permit that was issued in 1982 and last reviewed in 2018.

Please respond in writing by January 31, 2025, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 4817-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,448 acre-feet remain in reserve, the fee will be \$185.00.

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: John Stearns <john.stearns@slrws.com>
Sent: Tuesday, January 28, 2025 4:07 PM
To: Rodriguez, Rachel
Subject: [EXT] Future Use Water Permit No. 4817-3
Attachments: Permit Review Notice_4817_3_2025.pdf

Rachel,

Please find attached a letter stating SLRW's intent to renew Future Use Water Permit No. 4817-3.

Thank you,

John Stearns
General Manager
South Lincoln Rural Water
Beresford, SD
(605) 777-9905



January 27, 2025

South Dakota DANR
Water Rights Program
c/o Rachel Rodriguez
523 E Capitol Ave
Pierre, SD 57501

RE: Future Use Water Permit No. 4817-3

Dear Ms. Rodriguez,

South Lincoln Rural Water System (South Lincoln, SLRW) recently received notice of review for its Future Use Water Permit, Permit No. 4817-3. Under this permit, SLRW reserves 1,448 acre-feet for future use. It is South Lincoln's intent to renew the permit in its entirety until such time it is subject to additional review and renewal.

South Lincoln's existing water rights allow for a total withdrawal of 1,048 acre-feet under permits 4300-3, 6490-3, 5116, 5647, and 6300-3. The historic pumped volume from these permits has increased over the past several years from 643 acre-feet in 2017 to 964 acre-feet in 2024.

Recent projections suggest South Lincoln will meet or exceed its historical growth rate over the next decade. The system adds 25 to 40 new household and/or farm users annually and has, since the last permit review in 2017, added bulk users with contracts exceeding 400,000 gallons per day. The historic growth rate and large user inquiries suggest system demand will exceed 3,000 acre-feet by 2035. Such growth will likely require SLRW to convert its future use permit to an active permit and apply for additional future water rights.

Please consider this letter South Lincoln's formal request for the renewal of Permit No. 4817-3 as it is essential to meeting the future water needs of Lincoln, Turner, and Union Counties. The organization is aware the permit is subject to public notice and a hearing before the Water Management Board.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Stearns", is written over a light blue horizontal line.

John Stearns
General Manager
South Lincoln Rural Water System, Inc
john.stearns@slrws.com



**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
NO. 4817-3**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 4817-3, South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004.

The Chief Engineer is recommending that Future Use Permit No. 4817-3 REMAIN in EFFECT for 1,448 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4817-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 4817-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4817-3 is subject to payment of the \$185.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Eric Gronlund, Chief Engineer
January 29, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 29, 2025

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

South Lincoln Rural Water System
c/o John Stearns
28647 472nd Avenue
Beresford SD 57004

Dear Mr. Stearns:

Future Use Permit No. 4817-3 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 or used. Notice of this review has been sent to the following newspapers:

Argus Leader, Sioux Falls (see attachment)
Sioux Valley News, Canton 605 764-2000

New Era, Parker 605 297-4419
The Republican, Beresford 605 763-2006

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on February 6, 2025. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
rachel.rodriguez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on February 6, 2025. The South Lincoln Rural Water System is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 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 No. 4817-3 on March 5, 2025, 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 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 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 permit, 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 February 18, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4817-3 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 Permit. The request for a delay must be filed with the Chief Engineer by February 18, 2025.

Any interested person may file a comment on the future use permit 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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 _____.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF Lincoln

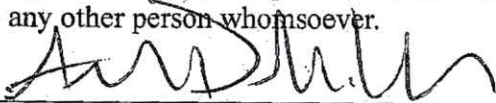
I, Amber Miller of New Century Press, publisher of The Republic, which is a weekly newspaper of general circulation, Printed and published in the City of Beresford, in said County of Lincoln., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

B0206-2 Notice of Hearing

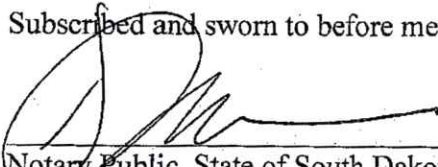
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 6th day of February, 2025

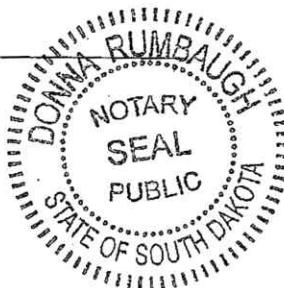
That \$60.48 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 10th day of February, 2025



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$60.48
Notary Fee...\$
Total ...\$60.48

**NOTICE OF HEARING
TO REVIEW FUTURE USE WATER
PERMIT NO. 4817-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 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 No. 4817-3 on March 5, 2025, 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 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 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 permit, 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 February 18, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4817-3 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 Permit. The request for a delay must be filed with the Chief Engineer by February 18, 2025.

Any interested person may file a comment on the future use permit 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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 \$60.48 and may be viewed free of charge at www.sdpublicnotices.com. (B0206-2)

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

RECEIVED

FEB 13 2025

OFFICE OF
WATER

TERESA ZOMER

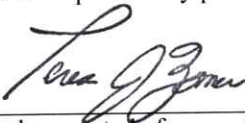
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

South Lincoln Rural Water Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive week(s) upon the following dates, to-wit:

February 6, 2025

that the full amount of the fees charged for publishing the same to-wit: the sum of \$77.22 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this **6th** day of
February, 2025.



Notary Public, South Dakota



My Commission Expires
January 12, 2030



South Dakota

PO Box 630567 Cincinnati, OH 45263-0567

GANNETT

AFFIDAVIT OF PUBLICATION

John Stearns
South Lincoln Rural Water
28647 472Nd Ave
Beresford SD 57004-6024

STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

02/06/2025

and that the fees charged are legal.

Sworn to and subscribed before on 02/06/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$91.20

Tax Amount: \$0.00

Payment Cost: \$91.20

Order No: 10989887

of Copies:

Customer No: 1248743

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NANCY HEYRMAN
Notary Public
State of Wisconsin

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 4817-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 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 No. 4817-3 on March 5, 2025, 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 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 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 permit, 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 February 18, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4817-3 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 Permit. The request for a delay must be filed with the Chief Engineer by February 18, 2025.

Any interested person may file a comment on the future use permit 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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location.

Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 on Feb. 6, 2025 at the total approximate cost of \$91.20 and may be viewed free of charge at www.sdpublicnotices.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, January 29, 2025 2:03 PM
To: john.stearns@slrws.com
Subject: 4817-3 Future Use Review - Public Notice
Attachments: 4817-3 Rec.pdf; 4817-3 Ltr.pdf; 4817-3 PubNotice.pdf; Argus Leader.pdf

Good afternoon,

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

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, January 29, 2025 1:53 PM
To: Rodriguez, Rachel
Cc: john.stearns@slrws.com
Subject: [EXT] 10989887 RE: 4817-3 Future Use Review - Public Notice
Attachments: Order_Confirmation_Liners - 2025-01-29T145223.200.pdf

Hello!

Please find your order confirmation and proof of ad attached.

Your notice is set to run in the Argus Leader on 2/6. The order cost is \$91.20 which includes an affidavit that will be sent 7-10 business days after the last day of the notice printing. Please email before 8am on Tuesday with any changes.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!
Final order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you reply to this email before the deadline above requesting changes or to cancel.

Thank you!

Kerri Furnace

Public Notice Representative



Office: 844-254-5287

*NOTE: We are not legally trained, and it is your responsibility to make sure your ad meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not complaint with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Sent: Wednesday, January 29, 2025 12:51 PM

To: SFA-Legals mbx <allegals@gannett.com>

Subject: 4817-3 Future Use Review - Public Notice

Attached is a notice to be published on February 6, 2025.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, john.stearns@slrws.com 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, January 29, 2025 11:46 AM
To: svn@midconetwork.com
Subject: 4817-3 Future Use Review - Public Notice
Attachments: 4817-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, January 29, 2025 11:47 AM
To: republic@bmtc.net
Subject: 4817-3 Future Use Review - Public Notice
Attachments: 4817-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, January 29, 2025 11:48 AM
To: New Era
Subject: 4817-3 Future Use Review - Public Notice
Attachments: 4817-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, January 29, 2025 11:51 AM
To: legals@argusleader.com
Subject: 4817-3 Future Use Review - Public Notice
Attachments: 4817-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on February 6, 2025.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, john.stearns@slrws.com 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2025

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

South Lincoln Rural Water System
c/o John Stearns
28647 472nd Avenue
Beresford SD 57004

Dear Mr. Stearns:

Future Use Permit No. 4817-3 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 or used. Notice of this review has been sent to the following newspapers:

Argus Leader, Sioux Falls (see attachment)
Sioux Valley News, Canton 605 764-2000

New Era, Parker 605 297-4419
The Republican, Beresford 605 763-2006

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on February 6, 2025. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
rachel.rodriguez@state.sd.us

enclosures

Instruction to Newspaper - Publish the following Notice on March 20, 2025. The South Lincoln RWS is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 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 No. 4817-3 on May 7, 2025, 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 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 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 permit, 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 March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4817-3 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 Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit 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 March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 March 31, 2025. 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 _____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 8:10 AM
To: svn@midconetwork.com
Subject: 4817-3 South Lincoln RWS - Public Notice
Attachments: 4817-3 FU REVIEWpubnotice_final2.doc; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025, in the Sioux Valley News.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 8:12 AM
To: republic@bmtc.net
Subject: 4817-3 South Lincoln RWS - Public Notice
Attachments: 4817-3 FU REVIEWpubnotice_final2.doc; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025, in the Beresford Republic.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 8:14 AM
To: legals@argusleader.com
Subject: 4817-3 South Lincoln RWS - Public Notice
Attachments: 4817-3 FU REVIEWpubnotice_final2.doc; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 8:17 AM
To: New Era
Subject: 4817-3 South Lincoln RWS - Public Notice
Attachments: 4817-3 FU REVIEWpubnotice_final2.doc; FORM8.FRM.doc

Attached is a notice to be published on March 20, 2025, in the New Era.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, March 10, 2025 8:47 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11117519 4817-3 South Lincoln RWS - Public Notice
Attachments: 11117519.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on March 20. The order cost is \$90.62 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

If you would like to utilize our online self-serve ad portal to place your legal notices in the future, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, March 10, 2025 8:14 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11117519 4817-3 South Lincoln RWS - Public Notice

Attached is a notice to be published on March 20, 2025.

South Lincoln Rural Water System, c/o John Stearns, 28647 472nd Avenue, Beresford SD 57004, 605-777-9905, 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 Ave, Pierre SD 57501.

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

Thank you,

Order Confirmation
Not an Invoice

Account Number:	1248743
Customer Name:	South Lincoln Rural Water
Customer Address:	South Lincoln Rural Water 28647 472Nd Ave Accounts Payable Beresford SD 57004-6024
Contact Name:	JOhn Stearns
Contact Phone:	
Contact Email:	john.stearns@slrws.com
PO Number:	

Date:	03/10/2025
Order Number:	11117519
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	278.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	03/20/2025 - 03/20/2025	Public Notices
SFA argusleader.com	1	03/20/2025 - 03/20/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$90.62
Tax Amount	\$0.00
Service Fee 3.99%	\$3.62
Cash/Check/ACH Discount	-\$3.62
Payment Amount by Cash/Check/ACH	\$90.62
Payment Amount by Credit Card	\$94.24

Order Confirmation Amount	\$90.62
----------------------------------	----------------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, March 10, 2025 8:56 AM
To: cindy slrws.com
Subject: 4817-3 South Lincoln RWS - Public Notice
Attachments: 4817-3 Rec.pdf; 4817-3 Ltr.pdf; 4817-3 PubNotice.pdf; ArgusLeader Info.pdf

Good morning,

Attached is a copy of the chief engineer's recommendation and information regarding the public notice for Future Use Permit No. 4817-3. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF Lincoln

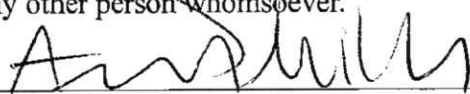
I, Amber Miller of New Century Press, publisher of The Republic, which is a weekly newspaper of general circulation, Printed and published in the City of Beresford, in said County of Lincoln., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

B0320-2 Notice of Hearing 4817-3

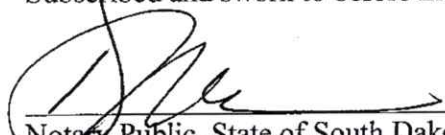
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 20th day of March, 2025

That \$66.96 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 24th day of March, 2025



Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$66.96
Notary Fee...\$
Total ...\$66.96

Hudson Republic

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 www.sdsandis.com 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

under SDCL 1-261(7), the amount of the fee shall be the amount that a property right may be terminated by any party to the contested matter. The agency may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than the date after service of a notice of hearing under SDCL 1-261(7). The notice shall be given by the agency. This is a Notice of Hearing, service is being provided by publication and the applicable date to give notice to the Chief Engineer is February 18, 2025. However, in this particular matter is a future permit renewal and not a monetary permit renewal in excess of \$250,000 or termination of a property right. The Chief Engineer supports the application for the permit renewal as stated in the hearing minutes submitted by the Board.

sitting
 ment
 injury
 use
 'the
 tion
 use
 killing
 y his
 el is
 view
 i will
 the
 45-
 38.1;
 25.01

tested

NOTICE OF HEARING
TO REVIEW FUTURE USE[illegible]

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

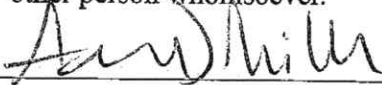
I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0320-11 Notice of Hearing 4817-3

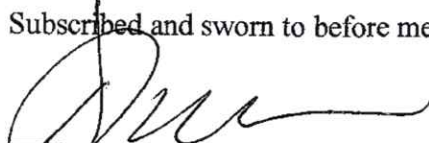
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

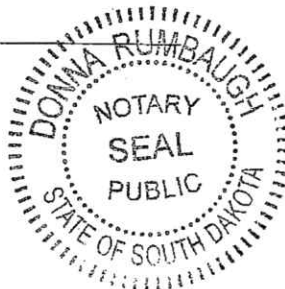
On Thursday, the 20th day of March, 2025

That \$66.96 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 24th day of March, 2025


Notary Public, State of South Dakota
My Commission Expires August 11, 2029



Publication Fee...\$66.96
Notary Fee...\$
Total \$66.96

12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 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 No. 4817-3 on March 5, 2025, 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 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 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 permit, 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 February 18, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4817-3 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 Permit. The request for a delay must be filed with the Chief Engineer by February 18, 2025.

Any interested person may file a comment on the future use permit 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 February 18, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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 February 18, 2025. 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 \$66.96 and may be viewed free of charge at www.sdpublicnotices.com.

(N0320-11)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11,



South Dakota

GANNETT

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

John Stearns
South Lincoln Rural Water
28647 472Nd Ave
Beresford SD 57004-6024

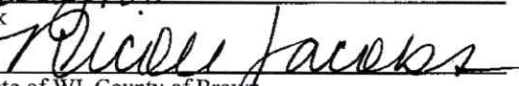
STATE OF WISCONSIN, COUNTY OF BROWN

The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

03/20/2025

and that the fees charged are legal.
Sworn to and subscribed before on 03/20/2025


Legal Clerk


Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost: \$90.62

Tax Amount: \$0.00

Payment Cost: \$90.62

Order No: 11117519

of Copies:

Customer No: 1248743

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 4817-3**

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 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 No. 4817-3 on May 7, 2025, 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 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 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 permit, 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 March 31, 2025. The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4817-3 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 Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025. Any interested person may file a comment on the

future use permit 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 March 31, 2025. Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available. 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 March 31, 2025. 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 on Mar 20, 2025 at the total approximate cost of \$90.62 and may be viewed free of charge at www.sdpublicnotices.com

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA ZOMER

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

South Lincoln Rural Water Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

March 20, 2025

that the full amount of the fees charged for publishing the same to-wit: the sum of \$76.83 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this 20th day of
March, 2025.



Notary Public, South Dakota



RECEIVED

MAR 26 2025

OFFICE OF
WATER

My Commission Expires
January 12, 2030

Notice of Hearing

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4817-3

Notice is given that the Water Management Board will review Future Use Permit No. 4817-3 held by the South Lincoln Rural Water System, 28647 472nd Avenue, Beresford SD 57004 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4817-3. This permit was approved 1982 and currently reserves 1,448 acre-feet from the Dakota Aquifer located in Section 13 thru 16, 21 thru 28, 33 thru 36; all in T98N-R51W; Section 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36; all in T97N-R51W; Section 1 thru 4, 9 thru 11, 12 thru 16, 21 thru 28, 33 thru 36; all in T96N-R51W; Section 13 thru 36; all in T98N-R50W; Section 1 thru 36; all in T97N-R50W; Section 1 thru 27, W 1/2 Section 30 and 31, 34 thru 36; all in T96N-R50W; Section 16 thru 21, 28 thru 36, S 1/2 Section 26 and 27; all in T98N-R49W; Section 1 thru 36; all in T97N-R49W; Section 1 thru 36; all in T96N-R49W; S 1/2 Section 31-T98N-R48W; Section 6, 14 thru 23, 26 thru 35; all in T97N-R48W; and Section 2 thru 11, 14 thru 36; all in T96N-R48W. This description does not include areas in and adjacent to the cities of Canton and Beresford. The water is reserved for rural water system use. The permit was last reviewed in 2018.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4817-3 REMAIN in EFFECT for 1,448 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 No. 4817-3 on May 7, 2025, 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 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 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 permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must

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 March 31, 2025.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, 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 No. 4817-3 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 Permit. The request for a delay must be filed with the Chief Engineer by March 31, 2025.

Any interested person may file a comment on the future use permit 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 March 31, 2025.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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

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

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 March 31, 2025. 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 in the Sioux Valley News on March 20, 2025, at the total approximate cost of \$76.83 and may be viewed free of charge at www.sdpublicnotices.com.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

NOTICE OF ENTRY OF ORDER

MAY 13 2025

South Lincoln Rural Water System
c/o John Stearns
28647 472nd Avenue
Beresford SD 57004

Dear Mr. Stearns,

I am writing in response to action taken by the Water Management Board at the hearing on May 7, 2025, to review Future Use Permit No. 4817-3. The Board allowed the permit to remain in effect for 1,448 acre-feet of water annually. Future Use Permit No. 4817-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4817-3 is \$185.00 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 Rachel Rodriguez if you have any questions.

Sincerely,

Mark Mayer, PE
Director of Office of Water

CERTIFICATION

I hereby certify that on May 13th, 2025, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated May 13th, 2025 involving action taken by the Water Management Board hearing on March 7th, 2025:

City of Parker, C/O Adam Jans, PO Box 265, Parker SD 57053

South Lincoln Rural Water System, C/O John Stearns, 28647 472nd Avenue, Beresford SD

City of Hoven, Wend Rausch, Finance Officer, PO Box 157, Hoven SD 57450

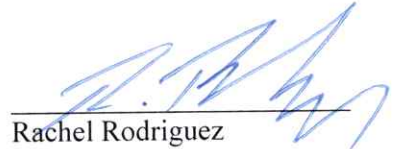
Clay Rural Water System, C/O Steven Muilenburg, 30376 SD Hwy 19, Wakonda SD 57073

City of Madison, C/O Rick Nighbert Water Supt, 503 S Highland Avenue, Madison SD 57042


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of May, 20 25.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 4817-3

Name of Applicant: South Lincoln Rural Water System, John Stearns

Date of Posting: 3/17/2025

Date of Removal: 5/13/2025



Ron Duvall, Engineer III

5/13/2025

Date

Subscribed and sworn to before me, a notary public, this 13th day of May, 2025.



Notary Public - South Dakota
My commission expires:
*Rachel Rodriguez
My Commission Expires
May 16, 2029*

(SEAL)



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 23rd, 2025

RECEIVED OF South Lincoln RWS C/O John Sterns 28647 472nd Avenue Beresford SD 57004

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	\$ <u>185.00</u>
Fee to retain Future Use Permit No. <u>4817-3</u> after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
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>185.00</u>

By 
Chief Engineer