

1. Considered: FEB 3, 1981

Water Right No. 4838-3
& FUTURE USE

2. Name of Applicant MINNEHAHA COMMUNITY WATER CORP

3. Post Office Address RR 2, Box 26A, DELL RAPIDS 57022

4. Amount of Water Claimed 1.00 & 6.00 (F.U.) maximum acre feet

5. Source of Water Supply 60' WELL

6. Water to be used for RWS acres to be irrigated

7. County MINNEHAHA about 2 miles SW of DELL RAPIDS

8. PROOF OF PUBLICATION: Received 1-6-82 Not Received

APPLICATION: Approved 2/4/82 Subject to DWA - FU

Not Approved Action: Deferred

PRIORITY Dated Received 10-19-81 Application complete-yes- no FEE N/A

10-19-81 Remarks

Corrected Application Received 12-11-81 Period of Annual Use Continuously

WATER Received yes no APPROVED/CONDITIONAL (Circle one)

QUALITY N/A

WI-1 Description same as application-yes no Remarks

Disapproved Returned

					x

Diversion Point

E¹/₂ NE⁴ 29-104N-49W

Land to be irrigated

WELL LOG Driller LACY Licensed - (YES) no

Depth 60' deep.

Remarks

MAP Map No. 1693-3 Map located in Water Right X-2311-3 Map file _____
 Type of Map Engu # telephone Prepared by # 4839-3 Schmitz-Kalden
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:

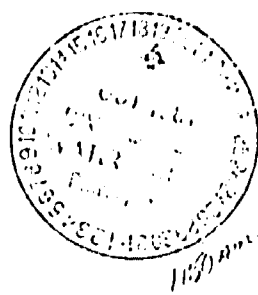
12-11-81

Betty Orstedlund

(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. 4838-3
Map No. 1693-3 Water Division No. 3 Big Sioux River 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 ☒ (6 cfs) 500' W 12' d
See letter

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____ Colton 57018

1. Name of Applicant MINNEHAHA COMMUNITY WATER CORP. Phone No. 428-5210
Post Office Address RR2 Box 204 Dell Rapids State S. DAK 57022
(Street, RR, or Box) 106 (Town) MAR 15, 1973 SOUTH DAKOTA (Zip Code)

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

3. Name of diversion work 1 WELL RURAL

4. Amount of water claimed (cubic feet per second) 1 cfs + 6 cfs future

5. Source of water supply GROUNDWATER

6. Location of point of diversion E 1/2 NE 1/4 Sec. 29, T104N, R49W
80 ACRES

7. Annual period or periods during which water is to be used Continuously

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal RURAL
Water

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 COMPLETED 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 DELL RAPIDS TRIBUNE

12. Principal Features of the Proposed Water Supply System.

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

WELL PUMP & MOTOR

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

MAINS = 10" - 8" - 6" - 5" - 4" - 3" - 2 1/2" - 2"
Approx. 800 Miles of Mains.

C. Works proposed to apply water to beneficial use.

Hook-ups 1650 plus SURVING TOWN of CROOKS
and BALTIC JONN.

Estimated Total Cost \$ 7,255,119²⁷

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 Minnehaha ss.

I, John H. Buss 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 John H. Buss Ingt.

Subscribed and sworn to before me this 3rd day of December, 1981

PATTY L. HALL
Notary Public
My Commission expires
July 2, 1984

John H. Buss
Notary Public (or other qualified officer).

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4838-3

MINNEHAHA COMMUNITY WATER CORP. RR 2 - Box 26A DELL RAPIDS
 (Applicant) 018 COLTON
SOUTH DAKOTA 57022 (Post Office Address)

With the following qualifications.

The ~~water~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~water~~ well owner, under this Permit, shall control his ~~water~~ withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

UNDER THE FUTURE USE PORTION OF THIS PERMIT, SPECIFIC APPLICATIONS MUST BE SUBMITTED AS DEFINITE PLANS ARE MADE FOR DEVELOPMENT OF ALL OR ANY PART OF THE APPROPRIATION.

THE FUTURE USE PORTION IS ALSO SUBJECT TO REVIEW BY THE WATER MANAGEMENT BOARD AS TO ACCOMPLISHMENT THEREUNDER UPON EXPIRATION OF SEVEN (7) YEARS. THE FUTURE USE PORTION OF THIS PERMIT IS APPROVED FOR GROUNDWATER LESS THAN 60 FEET DEEP.

Date of first receipt of application OCTOBER 19 1981
 Date of return to applicant for correction, amendments or changes required OCTOBER 26 1981
 Date of receipt of corrected application DECEMBER 7 1981
 Approved FEBRUARY 4, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4838-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4838-3 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 OCTOBER 19 1981
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ 19
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 COMPLETED, 19
5. The water appropriated shall be used for the purpose of RURAL WATER SYSTEM USE
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1 CFS NEW 6.0 CFS FOR FUTURE USE 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 RURAL WATER SYSTEM PURPOSES used for irrigation on or before THIS DATE, 19; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 18TH day of MARCH, 1982

THE WATER MANAGEMENT BOARD

By: John R. [Signature]
 Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D Well Information

NEW #6

- (1) Drill Hole, Diameter 20 INCHES Depth 48ft-6"
 (2) Casing, Type STEEL (wood, concrete, steel, etc.) Diameter 10 INCH Thickness 3/8 INCH
 (3) Screen, Type STAINLESS STEEL Diameter 10 INCH Length 17ft
 (4) Gravel Pack, Thickness 5" X 6 INCH Length of gravel pack 23ft-6 INCHES
 call 10/19/81 BU

E Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log) (OVER)

Depth to top of water bearing material ~~35ft-10in~~ 14ft-8in.

Depth to bottom of water bearing material QUIT @ 48'-6"

Depth to water (ground surface to water level) 14ft-8"

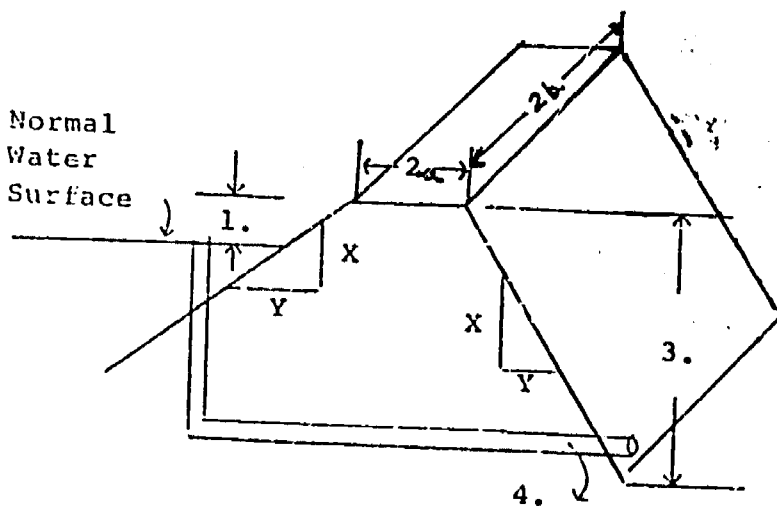
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others 1/2 mile rds.

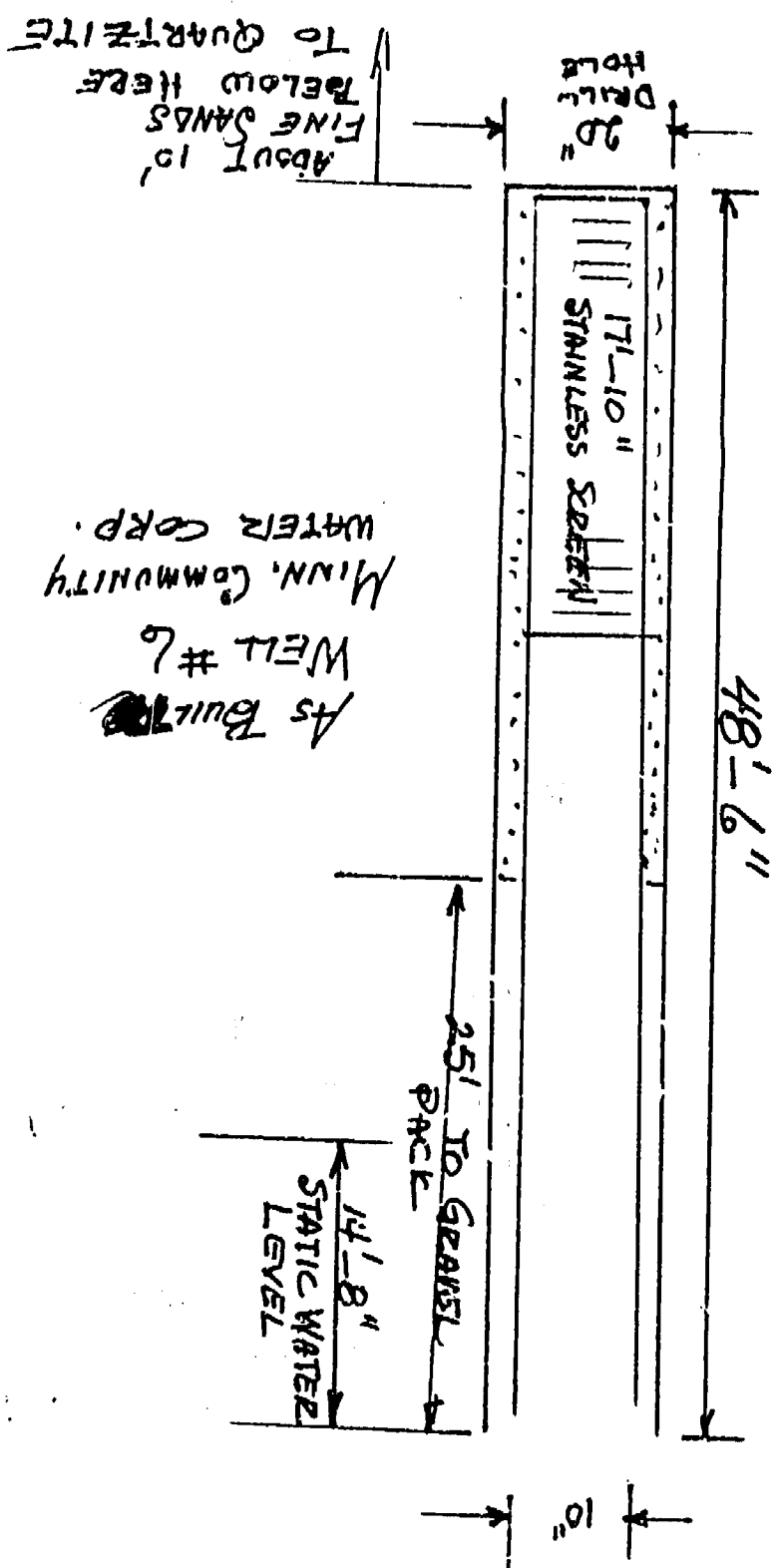
G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
 2a Crest width _____ b. length _____
 3. Height of Dam _____
 4. Outlet dimensions:
 Pipe diameter _____
 Spillway width _____
 X & Y slope:
 Upstream _____
 Downstream _____
 Surface area of impoundment _____
 Drainage area above dam _____

John H. Buss GEN. MGR.
 Signature of Applicant



No. 4838-3

Publish first publication on or before December 31, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 14, 1981

Notice is hereby given that the Minnehaha
Community Water Corp. whose post office

address is RR 2, Box 26A, Dell Rapids, 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
permit to appropriate for beneficial use 1.00 cubic feet of water per second of
time and for future use 0.00 cubic feet of water per second of time
time/from groundwater (1 well) through the one well rural
the point(s) of diversion of which is (are) to be located in the E 1/2 NE 1/4

of Section 29, Twp. 104N, Range 49W. Said water to be used for the purpose of pro-
viding water supplies for the present and future use needs of the rural water system

This Application No. 4838-3 will be considered by the Water Management Board
at Knoip Bldg, Church & Ill., Pierre SD upon the 3rd day of February, 1982

at 10 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, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for
assistance to assure access to the hearing.

For the Water Management Board

PETTY WESTLUND, Water Rights Specialist

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

No. 4838



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, William Sullivan hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Dell Rapids Tribune

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

Town of Dell Rapids

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

December 30, 1981

January 6, 1982

Jan W. W. W.
(Signature)

Office Manager
(Title)

1-5-82
(Date Signed)

Cost of Printing: \$21.87

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
December 14, 1981

Notice is hereby given that the Minnehaha Community Water Corp. whose post office address is RR 2, Box 26A, Dell Rapids, 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 permit to appropriate for beneficial use 1.00 cubic feet of water per second of and for future use 6.00 cubic feet of water per second of time from ground-water (1 well) through the one well Rural, the point of diversion of which (is) to be located in the E 1/2 NE 1/4 of Section 29, Twp. 104N, Range 48W. Said water to be used for the purpose of providing water supplies for the present and future use needs of the rural water system.

This Application No. 4838-3 will be considered by the Water Management Board at Knelp Bldg, Church & Ill., Pierre SD upon the 3rd day of February, 1982 at 10 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, DWR, 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

December 30,
January 6

Water Rights Division
605 773-3352

March 18, 1982

Minnehaha Community Water Corp
RR 2, Box 105
Colton SD 57018

Dear Sirs:

Enclosed herewith is your Water Right Permit No. 4838-3 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4838-3.

The Board will schedule an inspection so that your Certificate of Construction and Water License may be issued to you, thus completing your acquisition of Water Rights.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Minnehaha Community Water Corp.ADDRESS: RR 2, Box 26A, Dell Rapids SD COUNTY MinnehahaDATE: January 7, 1988 TELEPHONE 428-5210RE: Appropriation of water reserved by Future Use Permit No. 4838-3

COMMENTS:

F.U. Permit No. 4838-3 : 6.00 cfsappropriation by No. 5152-3 : - 2.00 cfsremaining reserve onF.U. Permit No. 4838-3 : 4.00 cfs

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.

4/82

NAME: Ron Durrell

Water Rights Division - DWR

4838-3
File No. 5152-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Minnehaha Community Water Corp.

ADDRESS: RR 2, Box 26A, Dell Rapids SD COUNTY Minnehaha

DATE: January 7, 1988 TELEPHONE 428-5210

RE: Appropriation of water reserved by Future Use Permit No. 4838-3

COMMENTS:

F.U. Permit No. 4838-3 : 6.00 cfs

appropriation by No. 5152-3 : - 2.00 cfs

remaining reserve on

F.U. Permit No. 4838-3 : 4.00 cfs

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.

4/82

NAME: R. C. Russell



Department of Water & Natural Resources

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

August 3, 1989

John H. Buss, General Manager
Minnehaha Community Water Corporation
RR 2, Box 26A
Dell Rapids SD 57022

Dear Mr. Buss:

I am writing in regard to Future Use Water Permit No. 4838-3 held by the Corporation. A copy of Permit No. 4838-3 is enclosed for your files.

Future Use Permit No. 4838-3 will be scheduled for review by the Water Management Board on September 27 or 28, 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 \$80.00.

Please respond in writing by August 18, 1989 regarding the Corporation's intentions for the future use permit. If the Corporation plans 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.



RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE
WATER PERMIT NO. 4838-3, Minnehaha Community Water Corporation

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. 4838-3, Minnehaha Community Water Corporation, RR 2, Box 26A, Dell Rapids SD.

The Chief Engineer is recommending that Future Use Permit No. 4838-3 REMAIN IN EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4838-3, 2) the Minnehaha Community Water Corporation has demonstrated a reasonable need for the water reserved by Permit No. 4838-3, 3) the proposed use will be a beneficial use and 4) in the public interest, and that Permit No. 4838-3 be amended by adding the following qualifications:

1. That Permit No. 4838-3 reserves for future use 1740 acre-feet annually. The diversion rate of 4.0 cfs is deleted from Permit No. 4838-3.

And that maintaining the effectiveness of Future Use Permit No. 4838-3 is subject to payment of the \$55.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Minnehaha Community Water Corporation.



JOHN HATCH, Chief Engineer
August 14, 1989

NOTE: The maximum annual acre-feet of full-time pumping represented by 4.0 cubic feet per second (cfs) reserved by No. 4838-3 is 2896 acre-feet. Assuming that the total amount pumped annually would equal 60% of 2896, expected developed pumping of water reserved under Permit No. 4838-3 would be about 1740 acre-feet per year.

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

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

August 23, 1989

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

John Buss, General Manager
Minnehaha Community Water Corp.
RR 2, Box 26A
Dell Rapids SD 57022

Dear Mr. Buss:

Future Use Permit No. 4838-3 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 Dell Rapids News printed at Dell Rapids 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 NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has 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
605 773-3732

enclosures



 **Department of
Water & Natural Resources**

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

August 23, 1989

Dell Rapids Tribune
Box 99
Dell Rapids SD 57022

Dear Sir:

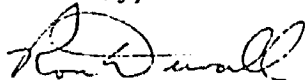
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4838-3 to be published twice. Please publish the first notice on or before August 30, 1989 with the second publication 7 days later.

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 Minnehaha Community Water, Corp, RR 2, Box 26A, Dell Rapids SD 57022.

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
No. _____ 523 E Capitol
Pierre SD 57501-3181

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

Name

Newspaper



Instruction to Newspaper-Publish first publication of the following Notice on or before August 30, 1989 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4838-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4838-3 held by the Minnehaha Community Water Corporation 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. 4838-3. This permit was approved February 4, 1982 to reserve 6.00 cubic feet of water per second (cfs) from the Big Sioux: Sioux Falls aquifer (less than 60 feet deep) for diversion from the E1/2 NE1/4 section 29-T104N-R49W. Water Permit No. 5152-3 appropriates 2.00 cfs reserved by Permit No. 4838-3. Therefore, the amount of water reserved by Permit No. 4838-3 has been reduced to 4.00 cfs.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4838-3 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. 4838-3 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on September 27, 1989 at 8:45 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.

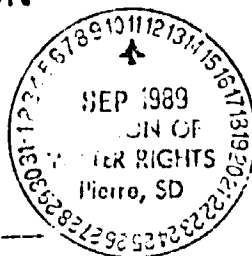
The hearing to review Future Use Permit No. 4838-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26.

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 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Minnehaha) ss.



I, Mario Kruger

certify that the attached printed Notice was taken
 from the Dell Rapids Tribune

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

8/30/89

9/6/89

Mario Kruger
 (Signature)

Public Defender
 (Title)

9/1/89

(Date Signed)

Cost of Printing: \$ 78.40

Notice/

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 4838-3

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The Water Management Board will conduct the hearing to review Future Use Permit No. 4838-3 in Room 216, Joe Foss Building, 523 E. Capitol, Pierre SD on September 27, 1989 at 8:45 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 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. 4838-3 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, DWNRA, Joe Foss Building, Pierre SD 605 773-3552 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.

T. August 30



MINNEHAHA COMMUNITY WATER, CORP.

RURAL ROUTE 2, BOX 26A
DELL RAPIDS, SOUTH DAKOTA 57022
TELEPHONE (605) 428-3374 or 529-5799

August 16, 1989

Ron Duvall, N.R. Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181



Re: Future Use Permit #4838-3

Dear Mr. Duvall:

This letter is in regard to your notification of Hearing on Water Rights Future Use Permit #4838-3 held by Minnehaha Community Water, Corp.

We are presently pumping a maximum of 3.6 cfs. Our water treatment plant addition completed in January, allows us to produce 4 mgd or 6.2 cfs using a split treatment process. If necessary, each clarifier basin could be run separately pushing production to near 6 mgd or 9.3 cfs. Since 1986, the annual increase in pumping has been 10-11%. Over 100 new users were added last year along with EROS Data Center. The first 7 months of 1989 indicate a 14% increase in pumping over 1988. The maximum day pumping was 2,000,000 gallons in May or 3.6 cfs over 20 1/2 hours. 11% annual increase over the next 10 years would be well over 11 cfs.

The following justification is offered for retention of the 4 cfs Future Use permit held by the Corporation.

1. Natural increase in water use from existing customers has been 7% per year on our system. This results in farms and ranches which previously had working wells that are now impaired as problems arise or which may become contaminated with nitrate, herbicide, or insecticide. They may have been using their well for livestock or watering at residences, but then use rural water as their sole source.
2. Existing wells become unusable due to the above reasons or drought, and properties which were not previously on the system request service. This has happened frequently in the last 2 years within some small towns without municipal water systems, where the Corp. serves individual properties.
3. Development in Minnehaha County has been at a very high rate the past few years. MCWC has taken on over 100 customers last year.

Aug. 16, 1989
Ron Duvall
Water Rights
Page 2

3. (continued)

Due to growth in our system, our distribution system is being taxed to the maximum this summer and a moratorium on new hookups has been enacted by the Board of Directors. The Corporation is still taking new applications and plans are in progress to make system-wide distribution improvements over the next 2 years. We expect to continue to add over 100 new services per year over the next decade. One factor fueling this demand is Federal Housing Administration's requirement of rural water installation on property where the Corp. can feasibly serve it, before HUD will guarantee the loan. It is the Corporation's policy to serve every location requesting service if capacity exists and cost is feasible.

4. At the present time, several rural residential developments and towns in the County, namely Hartford, Colton and Garretson, are considering MCWC becoming their water supplier. They all have various water quality problems with their present sources. Verbal agreement has been made to serve Coachman's Manor trailer court, west of Baltic, which has a primary drinking water standard violation. Other subdivisions considering rural water are Skyline Heights and Country Acres Subdivision. The Corporation also has commitments to Residential Developers who signed on at the time of original construction. These areas have approximately 200 lots which have water rights. In addition, a project to serve Ellis is being planned. Our information is that the wells serving residences and businesses there have some nitrate contamination. It is likely all properties will request service once the main is constructed into town.

We believe the natural attrition or contamination of well sources within Minnehaha County, outside of Sioux Falls and Brandon, combined with the growth rate of the population shows that demand for potable water will continue to increase through the next decade. We estimate that we will have demand for 2 to 2.5 cfs within the next several years and additional depending on the decision of the mentioned towns. At this time, we feel it would be prudent to hold our future water rights until these demand questions are answered.

Thank you for your consideration on this matter.

Sincerely, *John Buess*
JOHN BUSS, General Manager
For the Board of Directors

Sioux Falls UTILITIES

WATER • (605) 339-7031
WASTEWATER • (605) 339-7088

LIGHTS • (605) 339-7150
STORM DRAINAGE • (605) 339-7023

September 12, 1989



Mr. John Hatch, Chief Engineer
Department of Water and Natural Resources
Water Rights Division
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Subject: Notice of Hearing, Water Permit No. 4838-3

The Sioux Falls Utilities Department, Water Division, observed public notice regarding the above water permit hearing in the September 6, 1989, issue of the Dell Rapids Tribune. The City of Sioux Falls is interested in this permit, since we have both water rights and future water rights from the same aquifer. The City of Sioux Falls future use permit is No. 448-3. The area of the City's future use permit is approximately two miles south of Baltic, South Dakota.

In February of 1982 when Minnehaha Community Water Corporation's future use permit was issued, the rechargability of the Big Sioux Aquifer was not well known. Subsequent to their application, a digital computer model of the Big Sioux Aquifer in Minnehaha County, South Dakota, has been developed and published in Huron, South Dakota, in October of 1982. Said report contains specific information which leads us to believe that there is an overallocation of water in the area of Minnehaha Community Water Corporation's future use.

We have information that has been published regarding this aquifer that we believe proves that the water is currently overallocated. We therefore would like the opportunity to present this information for the Board's consideration.

Please send me a copy of the Chief Engineer's recommendation for our review. Also please list the City of Sioux Falls on the agenda to speak on this permit (No. 4838-3).

Sincerely,

Richard A. Willer
Utilities Support Services Manager

kta
cc Janet Brekke
Lyle Johnson
Commissioner Hanson

224 W. 9th Street • Sioux Falls, SD 57102 • TDD (605) 339-7039

Sept. 14, 1989
(date)

page 1

Parties of Record before Water Management Board regarding review of
Future Use Permit No. 4838-3, Minnehaha
Community Water Corporation

Proponents:

John Buss, General Manager
Minnehaha Community Water Corp.
RR 2, Box 264
Dell Rapids SD 57022

Interested:

Richard A. Willer,
Utilities Support Services Manager
Water Reclamation Division
City of Sioux Falls
224 W 9th Street
Sioux Falls SD 57102-0596

 **Department of
Water & Natural Resources**

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

September 15, 1989

Richard A Willer, Utilities Support Services Manger
City of Sioux Falls
Water Reclamation Division
224 W 9th Street
Sioux Falls SD 57102-0596

Dear Mr. Willer:

Enclosed is a copy of the Chief Engineer's recommendation for Future Use Permit No. 4838-3. A copy of your letter dated September 12, 1989 has been forwarded to the Minnehaha Community Water Corporation as required by the published notice of hearing. The City of Sioux Falls may testify during the hearing on Permit No. 4838-3 subject to the Water Management Board finding that the city is a party of record.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



 **Department of
Water & Natural Resources**

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

September 15, 1989

John Buss, Manager
Minnehaha Community Water Corp.
RR 2, Box 26A
Dell Rapids SD 57022

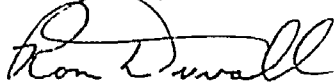
Dear Mr. Buss:

Enclosed for your information is a copy of a petition received on September 13, 1989 from the City of Sioux Falls regarding Future Use Water Permit No. 4838-3. The permit is scheduled for a review by the Water Management Board on September 27, 1989 at 8:45 am, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The City of Sioux Falls plans to testify during the hearing concerning your future use permit. I recommend that you have someone present on behalf of the water corporation.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Sioux Falls UTILITIES



WATER • (605) 339-7031
WASTEWATER • (605) 339-7088

LIGHTS • (605) 339-7150
STORM DRAINAGE • (605) 339-7023

September 20, 1989



Mr. John Hatch
South Dakota Department of Water
and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Notice of Hearing, Water Permit No. 4838-3

Dear Mr. Hatch:

On September 12, 1989, the City of Sioux Falls sent a letter to you concerning the above Future Use Permit for the Minnehaha Community Water Corporation. After reviewing the information and after conversations with James Goodman of your staff, we realize that our request to present information to the Water Board was made in haste. I, therefore, would like to rescind our request to speak on this permit at the September 27, 1989 meeting of the Water Board.

We appreciate the assistance given to the City of Sioux Falls by you and your staff. I hope our letter of September 12, 1989 did not cause you a great deal of inconvenience. If you have any questions, please contact me or my staff.

Sincerely,

Gary Hanson
Waterworks and Sewerage Commissioner

cc Richard A. Willer
Janet Brekke
Lyle Johnson

vls

SOUTH DAKOTA
Department of
Water & Natural Resources

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

September 25, 1989

John Buss, Manager
Minnehaha Community Water Corp.
Rm 2, Box 26A
Dell Rapids, SD 57022

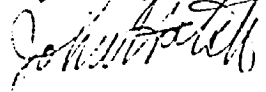
Dear Mr. Buss:

I am writing in reference to the petition received September 13, 1989 from the City of Sioux Falls regarding Future Water Use Permit No. 4838-3.

On September 22, 1989 we received a letter from Gary Hanson, Waterworks and Sewerage Commissioner with the City Of Sioux Falls, withdrawing their request to present information to the Water Management Board at their September 27, 1989 meeting. I have enclosed a copy of the City's letter for your information.

Feel free to contact us if you have any questions.

Very truly yours,



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

enclosure



DATE MICROFILMED

CAMERA OPERATOR



Department of Water & Natural Resources

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

October 16, 1989

NOTICE

TO: John Buss, Manager
Minnehaha Community Water Corp.
RR 2, Box 26A
Dell Rapids SD 57022

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

SUBJECT: Deferral of Review of Future Use Water Permit No.
4838-3, Minnehaha Community Water Corporation

On September 28, 1989, the Water Management Board deferred the review of Future Use Permit No. 4838-3 pending submission of additional information. The Board will consider limiting the Minnehaha Community Water Corporation to two times the amount of permitted water actually put to beneficial use pursuant to Board Rule 74:02:01:24.01. Therefore, your annual water use records for the past 3 years with an estimated use for 1989 need to be submitted to the Division of Water Rights. The Board will use these records as a basis for determining the amount of water to be held in reserve for future use. For example, if 200 acre-feet of water is used annually under existing permit(s), then the future use permit may be limited to 400 acre-feet annually.

The pumping records need to be submitted to the Division of Water Rights by November 1, 1989 and then a hearing before the Board will be scheduled for December 6 or 7, 1989. Notice of the time and place of hearing will be given.

Please contact Ron Duvall, staff engineer, if you have any questions.

cc: John Haak, Assistant Attorney General



CERTIFICATION

I hereby certify that on October 16, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelopes containing a Notice for Deferral of Review of Future Use Water Permit No. 4828-3 addressed as stated on the notice.

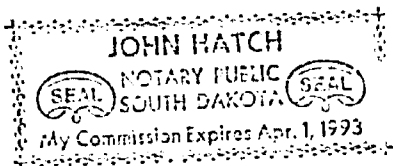
Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of October, 1989.

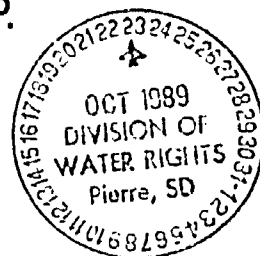
John Hatch
Notary Public





MINNEHAHA COMMUNITY WATER, CORP.

RURAL ROUTE 2, BOX 26A
DELL RAPIDS, SOUTH DAKOTA 57022
TELEPHONE (605) 428-3374 or 529-5799



October 18, 1989

TO: John Hatch, Chief Engineer
Water Rights Division

FROM: John Buss, Manager
Minnehaha Community Water Corp.

RE: Future Use Permit No. 4838-3
Minnehaha Community Water Corp.

In regard to your letter of October 16, 1989, requesting pumpage figures for the last four years, I submit the following information for your consideration.

<u>Year</u>	<u>Gallons Pumped</u>	<u>Acres Feet</u>
1986	242,903,000	745
1987	331,676,000	1,017
1988	365,906,000	1,123
1989	395,975,000 Estimated	1,215

I would also submit the following information for your consideration:

1. Our water usage has been increasing at an average annual rate of 10% for the last five or six years.
2. A recent vote in the City of Hartford indicated a strong desire to hook up to MCWC.
3. The City of Colton will have public hearings soon to look at hooking up to MCWC.
4. A recent grant application has requested funds to make a connection between Coachman's Manor and MCWC to eventually serve them water.
5. With the continued drought throughout the State, the demand will surely increase.
6. The Department's rule 74:02:01:24.01 would allow us about half our present treatment plant capacity design. In order to serve the numerous entities which our treatment plant was designed to serve and to follow through on the regional concept conceived by State government, we will probably need considerably more future water rights within the next decade.

If more information is necessary to help the Board reach a decision, please feel free to contact us.



Department of Water & Natural Resources

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

November 14, 1989

NOTICE

TO: John Buss, Manager
Minnehaha Community Water Corp.
RR 2, Box 26A
Dell Rapids SD 57022

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

SUBJECT: Reconsideration of Future Use Water Permit No.
4838-3, Minnehaha Community Water Corporation

On September 28, 1989, the Water Management Board deferred the review of Future Use Permit No. 4838-3 to review your annual water use pursuant to Board Rule 74:02:01:24.01. Pumping records for the past 3 years with an estimated use for 1989 have been received by the Division of Water Rights. The Chief Engineer's revised recommendation is enclosed.

The Board will reconsider Future Use Permit No. 4838-3 on December 6, 1989 at 1:30 pm in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of hearing may be later than 1:30 pm due to prior agenda items. Applicable provisions of the original notice of hearing published on August 30, 1989 and September 6, 1989 in the Dell Rapids Tribune will still apply at this hearing.

cc: John Haak, Assistant Attorney General

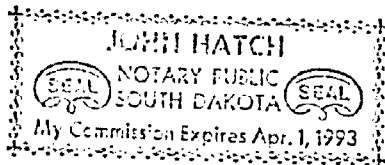
CERTIFICATION

I hereby certify that on November 14, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelopes containing a Notice for Deferral of Review of Future Use Water Permit No. 4838-3 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF NORTH DAKOTA)
COUNTY OF LOGGHESS) SS

Sworn to, before me, this 15th day of November, 1989.



John A. ...
Notary Public

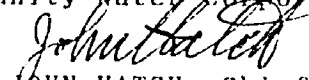
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE
WATER PERMIT NO. 4838-3, Minnehaha Community Water Corporation

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 4838-3.

The Chief Engineer is recommending that Future Use Permit No. 4838-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4838-3, 2) the Minnehaha Community Water Corporation has demonstrated a reasonable need for the water reserved by Permit No. 4838-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest, and that Permit No. 4838-3 be amended by adding the following qualifications:

1. That Permit No. 4838-3 reserves for future use 1740 acre-feet annually. The diversion rate of 4.0 cfs is deleted from Permit No. 4838-3.

And that maintaining the effectiveness of Future Use Permit No. 4838-3 is subject to payment of the \$55.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Minnehaha Community Water Corporation.


JOHN HATCH, Chief Engineer
November 14, 1989

NOTE: The maximum annual acre-feet of full-time pumping represented by 4.0 cubic feet of water per second (cfs) reserved by No. 4838-3 is 2896 acre-feet. Assuming that the total amount pumped annually would equal 60% of 2896 acre-feet, then the expected developed pumping of water reserved under Permit No. 4838-3 would be about 1740 acre-feet per year.

The estimated water usage in 1989 by Minnehaha Community Water Corporation is 1215 acre-feet. Doubling this annual use (2430 acre-feet) to estimate the volume that may be reserved exceeds the expected developed pumping of 4.0 cfs (1740 acre-feet) under Permit No. 4838-3. Therefore, Permit No. 4838-3 should be allowed to remain in effect as outlined in the above qualification.



Department of Water & Natural Resources

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

December 12, 1989

NOTICE

John Buss, Manager
Minnehaha Community Water Corp.
RR 2, Box 26A
Dell Rapids SD 57022

Dear Mr. Buss:

I am writing in response to action taken by the Water Management Board at the hearing on December 7, 1989 to review Future Use Permit No. 4838-3. The Board allowed the permit to remain in effect and amended Permit No. 4838-3 by adding the qualification on the enclosed "Attachment". The "Attachment" should be placed with the permit. Future Use Permit No. 4838-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4838-3 is \$55.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact us if you have any questions.

Very truly yours,

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

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

enc.

AMENDMENT TO FUTURE USE PERMIT NO. 4838-3

Minnehaha Community Water Corporation

Pursuant to the December 7, 1989, Water Management Board hearing, Future Use Permit No. 4838-3 was allowed to remain in effect and amended by adding the following qualification:

- 1) That Permit No. 4838-3 reserves for future use 1740 acre-feet annually. The diversion rate of 4.0 cfs is deleted from Permit No. 4838-3.

CERTIFICATION

I hereby certify that on December 12, 1989 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing a Notice and Attachment for Future Use Permit No. 4838-3 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of December, 1929.

JOHN HATCH
 **NOTARY PUBLIC** 
SOUTH DAKOTA
 My Commission Expires Apr. 1, 1993

John H. Allen
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412013

Pierre, January 4, 19 90

RECEIVED OF Minnehaha Community Water Corp., RR #2 Box 26A, Dell Rapids, SD 57022

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ 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 Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for <u>Review of Future Use Permit No. 4830-7</u>		50 00
(Any Other Work Provided by Law)	Total	55 00

By *John A. Hatch*
Chief Engineer

(initials)



4838-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/oenr

SEP 4 1998

5468-3

John Buss
Minnehaha Community Water Corp.
47381 248th St.
Dell Rapids, SD 57022

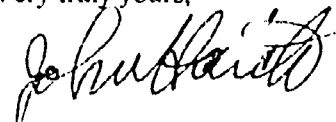
Dear Mr. Buss:

Enclosed is Water License No. 5468-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 431864 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5468-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

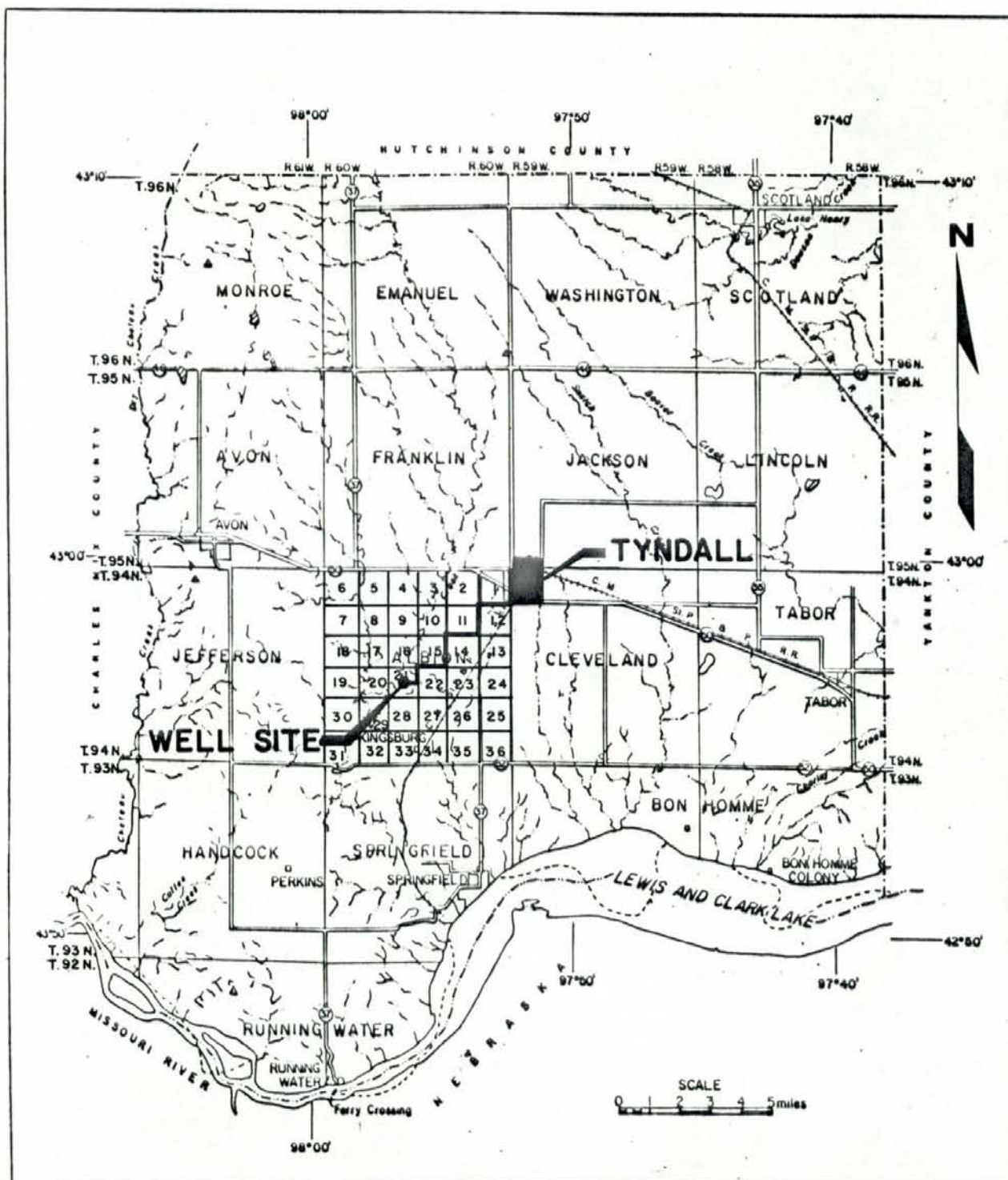
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,


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

ks
enclosures

NOTE: The applicable portions of Water Permit Nos. 4838-3 and 5152-3 have been incorporated into this Water License No. 5468-3.



VICINITY MAP

Map 4045-3

appl 4838-3