

WATER PERMIT NO. 4838a-3

Phone: 428-3374

Name of Applicant: Minnehaha Community Water Corporation

Post Office Address: 47381 248th St, Dell Rapids SD 57022-5303

Amount of Water Claimed: NA Total Acres: NA

Source of Water Supply: _____

Water to be used for: future use County: Minnehaha

About 3 miles SE of Dell Rapids

PRIORITY Date Received: 1-10-94 Fee: \$50.00 Remarks: Add to

future use area on Permit No. 4838-3

Corrected Application Received: _____ Period of Annual Use: _____

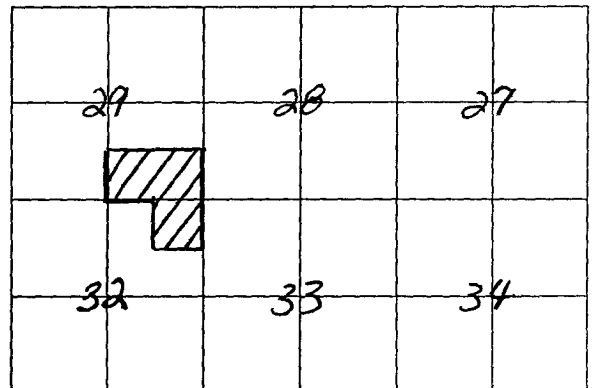
WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: area added: NE 1/4 NE 1/4

Sec 32 and S 1/2 SE 1/4 Sec 29; all in T104N-R49W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: topo PREPARED BY: Daryl C. Englund Reviewed and the Number

Assigned on: 1-11-94 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 4838A-3**

Date of first receipt of application January 10, 1994.

The Water Management Board approved Water Permit No. 4838A-3 on June 28, 1994 for Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-3374 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4838A-3 amends Future Use Permit No. 4838-3 by transferring the water remaining in reserve by Future Use Permit No. 4838-3 to a new area within the aquifer. Future Use Permit No. 4838-3 currently reserves 1500 acre-feet of water annually from the Sioux Falls Management Unit of the Big Sioux Aquifer from wells to be located in the E 1/2 NE 1/4 Section 29-T104N-R49W. This permit transfers the future use area to the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W.
2. The water appropriated shall be used for the purpose of supplying water to the rural water system and may not exceed the amount of water needed for beneficial use for rural water system purposes.
3. The water is to be used during the following described annual period: January 1 - december 31.
4. The date from which applicant may claim right is October 19, 1981 (established by Future Use Permit No. 4838-3).
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. That Water Permit No. 4838A-3 is approved with the stipulation that this Permit and Future Use Permit No. 4838-3 are subject to review by the Water Management Board as to accomplishment thereunder subject upon expiration of seven (7) years.
2. At such times as definite plans are made to construct works and put the water reserved by this Permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

JUL 25 1994
date

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 48389-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Dell Rapids Tribune, Box 99, Dell Rapids
(office use only)



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

Check use of water:

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

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 4838-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____
Add following parcel of land to permit: NE1/4, NE1/4 Section 32 & S1/2 SE 1/4
Section 29, all in township T104N - R49W. (see attached area and site maps)

- Name of Applicant Minnehaha Community Water Corporation Phone (605)428-3374
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 47381 248th Street Dell Rapids State SD 57022-5305
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Big Sioux Aquifer.
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Add to future use,
area: NE1/4 NE1/4 Sec 32 and S1/2 SE1/4 Sec 29; all in T104N-R49W
County Minnehaha
- County or counties where water will be used Minnehaha, Lincoln, McCook
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)

County of Minnehaha)^{SS}

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

Signed John Buss
Subscribed and sworn to before me this 6th day of January 19 93
Patty L. Hall
Notary Public

PATTY L. HALL
Notary Public
My Commission Expires
July 2, 2000

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

2. Dugout Information

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

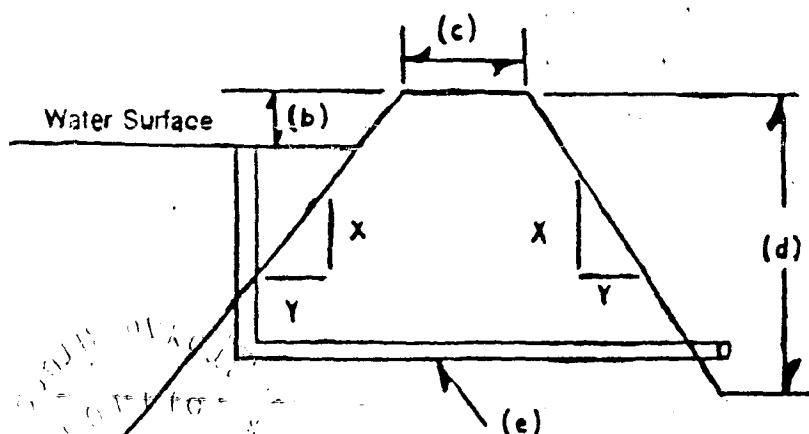
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

413990

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 11, 19 94

RECEIVED OF Minnehaha Community Water Corp, RR 2 Box 26 A, Dell Rapids, SD 57022-9424

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

Fee for Application for Permit No. 4838A-3 to Appropriate Water, to construct and to put water to beneficial use _____

50 00

Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. XXXXXX _____

50 00

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 3, 2021

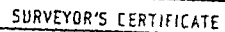
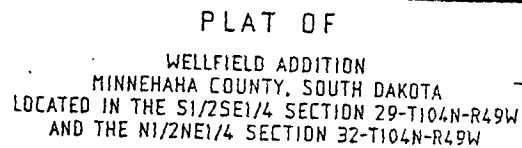
RECEIVED OF Minnehaha Community Water Corp. 47281 248th St Dell Rapids SD 57022-5305

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>4838A-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. _____	\$
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	\$50.00

By

Eric Gronlund
Chief Engineer
vm



SURVEYOR'S CERTIFICATE

I, Fred J. Rittershaus, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I have, on or before the 26th day of March, 1993, and at the Instance and request of Minnehaha Community Water Corporation, surveyed and plotted a parcel of land located in the S1/2SE1/4 OF Section 29-T104N-R49W and the N1/2NE1/4 OF Section 32-T104N-R49W, 5th P.M., as shown on the attached plat and mark upon the ground the boundaries thereof in the manner shown on said plat, and that the attached plat is a true and correct representation of said survey, and that the location and dimensions of said parcel are represented on said plat. The said plat is to be hereafter known as Wellfield Addition to the S1/2SE1/4 of Section 29-T104N-R49W and the N1/2NE1/4 Section 32-T104N-R49W of the 5th P.M. in Minnehaha County, South Dakota.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 26th DAY OF March, 1993.



DELUXE - FORM DVC-3 V-5

10.	
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AMOUNT

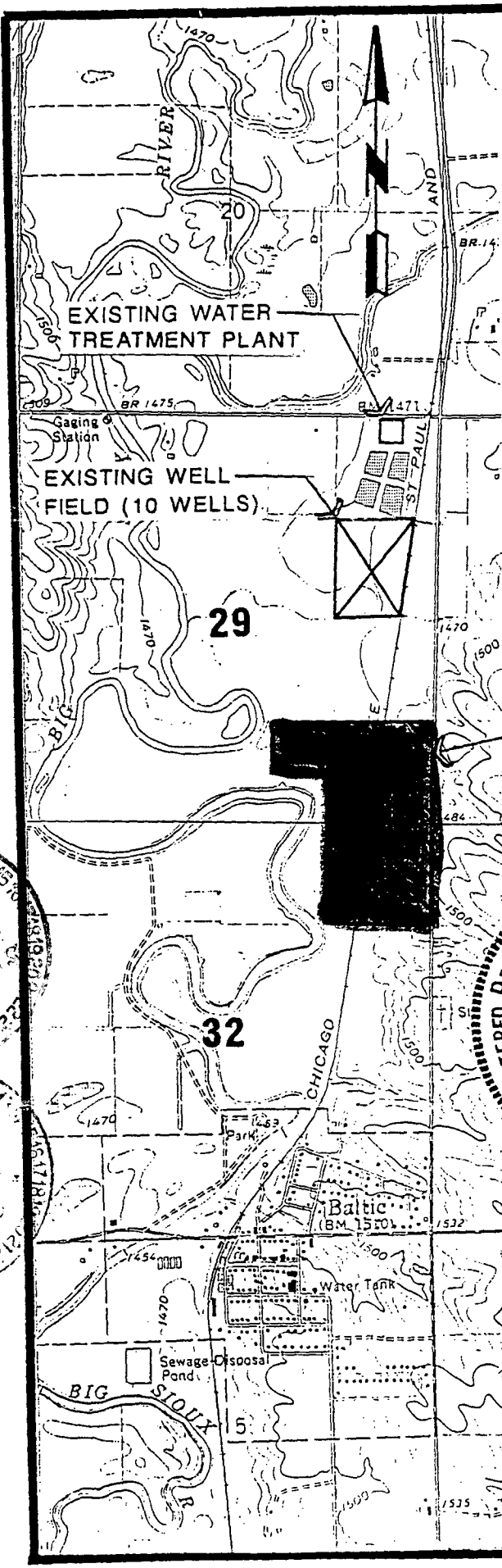
3-29-93

DOWNPAYMENT ON LAND PURCHASE
WELLFIELD ADDITION S¹ SE⁴ 29-104-49
AND WITHIN N¹4 NE⁴ 32-104-49

10,000.00

Ch. # 9982

009982 10914084.881 18200065



STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS

I, DARYL ENGLUND, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE MINNEHAHA COMMUNITY WATER CORPORATION, DELL RAPIDS, SOUTH DAKOTA, I DO PREPARE THE MAP ON THIS SHEET FROM EXISTING INFORMATION AND THAT I DID SURVEY AND LOCATE THE SITES FOR WHICH APPLICATION FOR AN APPROPRIATE FUTURE WATER RIGHTS TO WITHDRAW UNDERGROUND WATERS FOR RURAL WATER SUPPLY PURPOSES IS MADE, AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 8th DAY OF June A.D. 1992.

Daryl Englund
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS

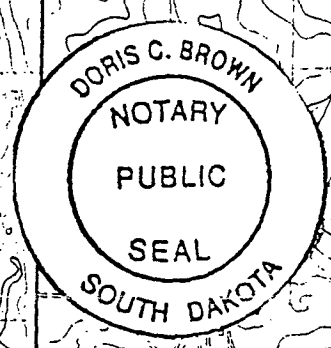
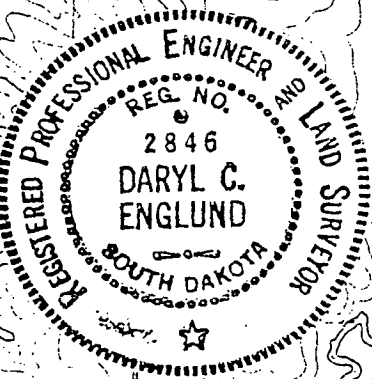
ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DARYL ENGLUND, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 9th DAY OF June A.D. 1992.

Doris C. Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES 12-9-97

LOCATION OF SITES FOR
FUTURE WATER USE PERMIT



MINNEHAHA COMMUNITY WATER CORPORATION
RR2 BOX 26A
DELL RAPIDS, SOUTH DAKOTA

EXHIBIT 1
APPLICATION FOR FUTURE
USE WATER PERMIT

MINNEHAHA COUNTY, SOUTH DAKOTA
SE1/4 OF SE1/4 SEC. 29 AND
NE1/4 OF NE1/4 SEC. 32 T104N R49W

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4838A-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 Environment and Natural Resources concerning Water Permit Application No. 4838A-3, Minnehaha Community Water Corporation, c/o John Buss, Manager, RR 2, Box 26A, Dell Rapids, SD 57022.

The Chief Engineer is recommending DEFERRAL of Application No. 4838A-3 to allow the staff report on this application to be prepared at the same time as the staff report for Water Permit Application No. 5805-3 to construct and place to beneficial use within the proposed amended future use area.

A handwritten signature in cursive script, appearing to read "John Hatch", is written in black ink.

JOHN HATCH, Chief Engineer
March 2, 1994

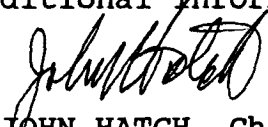
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4838A-3, Minnehaha Community Water Corporation

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 4838A-3, Minnehaha Community Water Corporation, c/o John Buss, Manager, RR 2 Box 26A, Dell Rapids, SD 57022.

The Chief Engineer is recommending APPROVAL of Application No. 4838A-3 because 1) the future use area can be transferred without unlawful impairment of existing rights, 2) the proposed use will be a beneficial use of water, and 4) it is in the public interest with the following qualifications:

1. That Water Permit No. 4838A-3 is approved with the stipulation that this Permit and Future Use Permit No. 4838-3 are subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this Permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 20, 1994

this limit, water use will be restricted on a priority basis so withdrawals do not exceed 32,200 ac-ft/yr. Therefore, the priority date associated with any development from the Sioux Falls Management unit could be important.

The priority for the future development of up to 11,565 ac-ft/yr from the aquifer has been established through four future use permits. The Future Use Permits include:

Permit No.	Holder	Appropriation	Priority Date
448-3	Sioux Falls	5,265 ac-ft/yr	4/8/57
4838-3	MCWC	1,500 ac-ft/yr	10/19/81
5523-3	Sioux Falls	4,050 ac-ft/yr	3/26/91
5716-3	MCWC	750 ac-ft/yr	8/7/92

In 1991, the Water Management Board approved Future Use Permit No. 5523-3 for an amount considerably less than was originally applied for, and left a "contingency for expansion of use under existing legal rights and a contingency for expansion of present and new systems." The amount of water remaining in this contingency is 1,116 ac-ft/yr, (from report for Water Permit No. 5716-3). The best information available at this time indicates that when this contingency is appropriated, the aquifer will be fully appropriated.

Application No. 4838A-3 proposes to transfer the 1500 ac-ft/yr which remains reserved for future use by Minnehaha Community Water Corporation (MCWC), to a different area by amending Future Use Permit No. 4838-3. The priority date of Future Use Permit No. 4838-3, (October 19, 1981), will be retained for the amended area. The new area to be reserved for future use by this amendment coincides with the area MCWC currently has reserved for future use through Future Use Permit No. 5716-3.

MCWC has developed 10 wells which produced 1,489 acre-feet in 1993, (Zeck, personal communication 1994), it is unlikely that all of the water that remains reserved by Future Use Permit No. 4838-3 can be developed within the limited area (less than 80 acres) originally specified. In fact, in the Report on Ground Water Exploration Minnehaha Community Water Corporation prepared by Schmitz, Kalda & Associates Hoskins-Western-Sonderegger, Inc., 1974, MCWC was advised:

"The results indicate a high transmissibility in the formation. Drawdown in the observation well was low indicating that well spacing will not be critical. Spacing between wells is recommended to be in the order of 300 to 400 feet depending on the capacity of each well. The potential development of 10 to 12 wells each with a minimum capacity of 200 gallons per minute on the approximately 60-acre site west of the railroad right-of-way is indicated", (on file in Water Right No. 2311-3).

Any water reserved by a future use permit which cannot be developed would revert to the public and would be regarded as unappropriated public water.

The Water Management Board has allowed expansion of future use areas with retention of the original priority dates in the past. Therefore, a future use permit may be viewed as a reservation of water from an

aquifer or management unit. Amending Future Use Permit No. 4838-3 to change the future use area will not affect the availability of unappropriated water in the Sioux Falls Management Unit. The new area to be reserved for future use by this amendment coincides with the area MCWC currently has reserved for future use through Future Use Permit No. 5716-3. Approval of this amendment will result in a total reservation for future use of 2,250 ac-ft/yr from the area (approximately 90 acres). The aquifer characteristics delineated through pump tests conducted on Well #11 and Well #12 suggest that this is a viable area within the aquifer. The transmissivity defined by these wells ranged from 374,000 gpd/ft to 802,000 gpd/ft, and the Storage Coefficient ranged from 3.75×10^{-6} to 9.89×10^{-6} . The specific capacities of these wells were 111 gpm/ft and 176 gpm/ft respectively (compared with specific capacities of 16-22 gpm/ft for MCWC Wells #7, #8, #9). It is possible that 2,250 ac-ft/yr can be developed from this new area. Development of the future use area as defined by this amendment should not be detrimental to other users from the Sioux Falls Management Unit.

Water Permit Application No. 5805-3 proposes to place to beneficial use water appropriated and reserved for future use by Future Use Permit No. 4838-3. The availability of unappropriated water is not an issue for Water Permit Application No. 5805-3. Approval of Future Use Permit No. 4838-3 appropriated 1,500 ac-ft/yr from the Sioux Falls Management Unit for future use with a 1981 priority date.

Although water has been appropriated through a future use permit, a permit to place water to beneficial use can only be approved if it will not unlawfully impair existing water rights. Unlawful impairment of groundwater rights may be due to "well interference" which is the overlapping of drawdown cones of depression of two or more wells; or by "cumulative pumping affects" which is the lowering of the water level throughout the entire aquifer, as the result of an extended interim between withdrawal and recharge causing an "overdraft" from storage.

Drawdown caused by individual well pumping is not expected to be significant except in the immediate vicinity of a production well due to the nature of this unconfined aquifer.

The amount of water in storage in an aquifer may be reduced to less than "normal" as the result of below normal recharge, and/or above normal pumping in relation to recharge. It should be understood that water rights within the Sioux Falls Management Unit can potentially be adversely impacted even though substantially less than established annual pumping limitation (32,200 acre-feet per year) is pumped. The Water Management Board adopted a declaratory ruling on November 14, 1991 stating (in part):

"That private domestic wells are being impacted and deprived of reasonable use of water for domestic purposes by appropriative permit holders' withdrawals from the Big Sioux Aquifer: Sioux Falls Management Unit."

The City of Sioux Falls offered a seven point proposal that would

eliminate the problem addressed in the declaratory ruling. Since the problem was addressed and corrected through the proposal, the board did not need to order mitigation.

Following the declaratory ruling, the Board approved a reservation for future use from the Sioux Falls Management Unit (Permit No. 5523-3, City of Sioux Falls). The consequence of the declaratory ruling was the inclusion of the following qualification on Future Use Permit No. 5523-3:

"If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water reserved by Future Use Permit No. 5523-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04."

In 1993, the Water Management Board included a similar qualification to Future Use Permit No. 5716-3 for MCWC.

CONCLUSIONS:

1. Application No. 4838A-3 proposes to transfer the 1500 ac-ft/yr which remains reserved for future use by Minnehaha Community Water Corporation (MCWC), to a different area, through an amendment to Future Use Permit No. 4838-3.
2. The amendment to Future Use Permit No. 4838-3 will not increase the amount of water appropriated from the Sioux Falls Management Unit of the Big Sioux Aquifer.
3. The amendment to Future Use Permit No. 4838-3 will not cause withdrawals to exceed the annual limitation that was established for the management unit by Board's November 14, 1992 declaratory ruling (32,200 acre-feet per year).
4. The transfer of the future use area specified by Future Use Permit No. 4838-3 as proposed by this amendment will not be detrimental to prior water rights.
5. Water Permit Application No. 5805-3 proposes to place to beneficial use 1,467 acre-feet of water per year water which has been reserved for future use by Minnehaha Community Water Corporation.
6. If the future use area is not transferred, the water developed with the two wells proposed by Application No. 5805-3 will have more recent priority dates. The first 750 ac-ft/yr developed

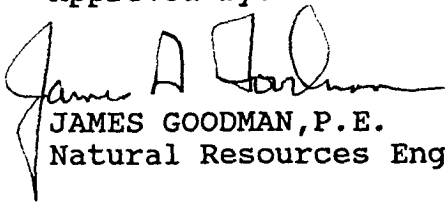
under the permit will have a priority date of 8/7/92 as established by Future Use Permit NO. 5716-3, and the remaining 717 ac-ft/yr will have a 2/24/94 priority date (date of application).

7. Approval of Application No. 4838A-3 and 5805-3 will leave a total of 783 acre-feet per year reserved for future use by Minnehaha Community Water Corporation (33 ac-ft/yr remaining in 4838-3 and 750 ac-ft/yr remaining in 5716-3)
8. If approved Water Permit No. 5805-3 should include the following qualification:
"If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water by Water Permit No. 5805-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriate rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04."
9. If this transfer is approved, the City of Sioux Falls may choose to file an application to transfer undeveloped portions of future use reservations within the Sioux Falls Management Unit, to retain earliest possible priority dates.



KEN BUHLER
Natural Resources Engineer

Approved by:



JAMES GOODMAN, P.E.
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 19, 1994

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

Dear Mr. Buss:

Water Permit Application No. 5805-3 for rural water system use, and Application No. 4838A-3 to amend Future Use Permit No. 4838-3 have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Dell Rapids Tribune printed at Dell Rapids, SD (Ph # 428-5441), Salem Special printed at Salem, SD (Ph # 425-2361), and Sioux Valley News printed at Canton, SD (Ph # 987-2631). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspapers have been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

c: Gary Hanson, Commissioner, City of Sioux Falls, 224 W 9th St, Sioux Falls, SD 57102
Lyle Johnson, Water Superintendent, City of Sioux Falls, 224 W 9th St, Sioux Falls, SD 57102
William Siemonsma, Box 37, Lyons, SD 57041



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 1994

Dell Rapids Tribune
Box 99
Dell Rapids, SD 57022

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5805-3, and Application No. 4838A-3 to Amend Future Use Water Permit No. 4838-3 to be published twice. Please publish the first notice on May 25, 1994, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Minnehaha Community Water Corporation, c/o John Buss, Manager, RR 2 Box 26A, Dell Rapids, SD 57022 (Ph # 428-3374).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

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

Date _____

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

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 1994

Salem Special
PO Box 220
Salem, SD 57058-0220

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5805-3, and Application No. 4838A-3 to Amend Future Use Water Permit No. 4838-3 to be published twice. Please publish the first notice on May 26, 1994, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Minnehaha Community Water Corporation, c/o John Buss, Manager, RR 2 Box 26A, Dell Rapids, SD 57022 (Ph # 428-3374).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

No. _____

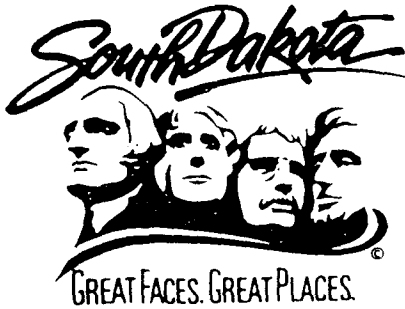
Date _____

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

-----CUT HERE-----
TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 1994

Sioux Valley News
Box 255
Canton, SD 57013

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5805-3, and Application No. 4838A-3 to Amend Future Use Water Permit No. 4838-3 to be published twice. Please publish the first notice on May 26, 1994, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Minnehaha Community Water Corporation, c/o John Buss, Manager, RR 2 Box 26A, Dell Rapids, SD 57022 (Ph # 428-3374).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

No. _____

Date _____

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

-----CUT HERE-----
TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 25, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5805-3, and Application No. 4838A-3
to Amend Future Use Water Permit No. 4838-3

Notice is given that the Minnehaha Community Water Corporation 47381 248th St, Dell Rapids, SD 57022-5305 has filed applications for two water permits.

Water Permit Application No. 4838A-3 proposes to amend Future Use Permit No. 4838-3 by transferring the water remaining in reserve by Future Use Permit No. 4838-3 to a new area within the aquifer. Future Use Permit No. 4838-3 currently reserves 1500 acre-feet of water annually from the Sioux Falls Management Unit of the Big Sioux Aquifer from wells to be located in the E 1/2 NE 1/4 Section 29-T104N-R49W. This application proposes to transfer the future use area to the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. This application, if approved, will transfer the future use area and retain the October 19, 1981, priority date established by Future Use Permit No. 4838-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4838A-3 because 1) the future use area can be transferred without unlawful impairment of existing rights, 2) the proposed use will be a beneficial use of water, and 3) it is in the public interest.

Water Permit Application No. 5805-3 is to construct and place to beneficial use 2.9 cfs (1467 acre-feet annually) reserved for future use by Permit Nos. 4838-3 and 4838A-3. The point of diversion will be from two wells (Sioux Falls Management Unit of the Big Sioux Aquifer) 45 and 44 feet deep located in the S 1/2 SE 1/4 Section 29-T104N-R49W. The water will be used to supply the Minnehaha Community Water Corporation's system located in Minnehaha County.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5805-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 20, 1994. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider the applications at 10:00 a.m., June 28, 1994, Gallery D, Ramkota Inn Best Western, 920 West Sioux, Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. The June 28, 1994, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by June 20, 1994.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 20, 1994, at the above Water Rights Division address to request copies of information pertaining to the applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

REPORT FOR
WATER PERMIT APPLICATION NO. 4838A-3
AND
WATER PERMIT APPLICATION NO. 5805-3
MINNEHAHA COMMUNITY WATER CORPORATION
APRIL 14, 1994

Application No. 4838A-3 proposes to transfer the water remaining reserved for future use by Future Use Permit No. 4838-3 to a new area within the aquifer. Future Use Permit No. 4838-3 currently reserves 1500 acre feet of water annually from the Sioux Falls Management Unit of the Big Sioux Aquifer from wells to be located in the E 1/2 NE 1/4 Section 29, T104N-R49W. This application proposes to transfer the future use area to the NE 1/4 NE 1/4 Sec. 32 and the S 1/2 SE 1/4 Sec. 29; all in T104N-R49W.

Water Permit Application No. 5805-3 proposes to construct and place to beneficial use 2.9 cfs (1467 acre-feet annually) reserved for future use by Permit Nos. 4838-3 and 4838A-3. The point of diversion will be from two wells completed into the Sioux Falls Management Unit of the Big Sioux Aquifer, located in the S 1/2 SE 1/4 Sec. 29, T104N-R49W. The water will be used to supply the Minnehaha Community Water Corporation's system located in Minnehaha County.

AQUIFER: Big Sioux: Sioux Falls (BS:SF)

DISCUSSION:

On November 14, 1991, through a declaratory ruling, the Water Management Board established a limitation on the annual withdrawals due to pumping by Water Permit/Right holders from the Sioux Falls Management Unit of 32,200 acre-feet per year (ac-ft/yr).

Reported withdrawals from the Sioux Falls Management Unit by appropriative users include:

User	1990	1991	1992	1993
City of Sioux Falls	17,788 ₁	10,257 ₂	12,334 ₂	9,956 ₃
MCWC	1,253 ₁	1,400 ₃	1,458 ₃	1,489 ₄
Irrigation	473 ₃	409 ₃	160 ₃	124 ₃
Total	19,514	12,066	13,952	11,569

- ¹ Report for Water Permit Application No. 5523-3
- ² Lyle Johnson, Personal Communication Mar. 7, 1994
- ³ Required reporting per individual permit qualifications
- ⁴ Personal Communication with Jim Zeck, Feb. 16, 1994

At the current level of development, it is not likely that withdrawals from appropriative users will equal 32,200 acre-feet per year. However, the development of the water that has been reserved for future use from the management unit could possibly cause pumping to exceed the established annual limitation. When pumping approaches

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Minnehaha)

I, Brenda Phelps

certify that the attached printed Notice was

taken from the Deer Rapids
Tribune

printed and published in Deer Rapids

County of Minnehaha and State of

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

May 25, 1994
June 1, 1994

Cost of Printing: 71.83

Brenda Phelps
 (Signature)

Legal Clerk
 (Title)

May 25 1994
 (Date Signed)

Notice

NOTICE OF HEARING on
 Application No. 5805-3, and
 Application No. 4838A-3 to
 Amend future use Water Permit
 No. 4838-3

Notice is given that the Minnehaha Community Water Corporation 47381 248th St, Dell Rapids, SD 57022-5305 has filed applications for two water permits.

Water Permit Application No. 4838A-3 proposes to amend Future Use Permit No. 4838-3 by transferring the water remaining in reserve by Future Use Permit No. 4838-3 to a new area within the aquifer. Future Use Permit No. 4838-3 currently reserves 1500 acre-feet of water annually from the Sioux Falls Management Unit of the Big Sioux Aquifer from wells to be located in the E 1/2 NE 1/4 Section 29-T104N-R49W. This application proposes to transfer the future use area to the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. This application, if approved, will transfer the future use area and retain the October 19, 1981, priority date established by Future Use Permit No. 4838-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4838A-3 because 1) the future use area can be transferred without unlawful impairment of existing rights, 2) the proposed use will be a beneficial use of water, and 3) it is in the public interest.

Water Permit Application No. 5805-3 is to construct and place to beneficial use 2.9 cfs (1467 acre-feet annually) reserved for future use by Permit Nos. 4838-3 and 4838A-3. The point of diversion will be from two wells (Sioux Falls Management Unit of the Big Sioux Aquifer) 45 and 44 feet deep located in the S 1/2 SE 1/4 Section 29-T104N-R49W. The water will be used to supply the Minnehaha Community Water Corporation's system located in Minnehaha County. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of application No. 5805-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 20, 1994. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider the applications at 10:00 a.m., June 28, 1994, Gallery D, Ramkota Inn Best Western, 920 West Sioux, Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. The June 28, 1994, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by June 20, 1994. Any hearing will be an

adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 20, 1994, at the above Water Rights Division address to request copies of information pertaining to the applications, to assure access to the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.
 T-May 25, June 1



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of McCook) ss



I, Troy Schwans

certify that the attached printed Notice was
 taken from the Salem Special

printed and published in Salem

County of McCook and State of

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

May 26, 1994

June 2, 1994

Cost of Printing: 72.03

Troy Schwans
 (Signature)

Editor

(Title)

6/2/94

(Date Signed)

Public Notice

NOTICE OF HEARING ON APPLICATION NO. 5805-3, AND APPLICATION NO. 4838A-3 TO AMEND FUTURE USE WATER PERMIT NO. 4838-3

Notice is given that the Minnehaha Community Water Corporation 47381 248th St., Dell Rapids, SD 57022-5305 has filed applications for two water permits.

Water Permit Application No. 4838A-3 proposes to amend Future Use Permit No. 4838-3 by transferring the water remaining in reserve by Future Use Permit No. 4838-3 to a new area within the aquifer. Future Use Permit No. 4838-3 currently reserves 1500 acre-feet of water annually from the Sioux Falls

Management Unit of the Big Sioux Aquifer from wells to be located in the E 1/2 NE 1/4 Section 29-T104N-R49W. This application proposes to transfer the future use area to the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. This application, if approved, will transfer the future use area and retain the October 19, 1981, priority date established by Future Use Permit No. 4838-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4838A-3 because 1) the future use area can be transferred without unlawful impairment of existing rights, 2) the proposed use will be a beneficial use of water, and 3) it is in the public interest.

Water Permit Application No. 5805-3 is to construct and place to beneficial use 2.9 cfs (1467 acre-feet annually) reserved for future use by Permit Nos. 4838-3 and 4838A-3. The point of diversion will be from two wells (Sioux Falls Management Unit of the Big Sioux Aquifer) 45 and 44 feet deep located in the S 1/2 SE 1/4 Section 29-T104N-R49W. The water will be used to supply the Minnehaha Community Water Corporation's system located in Minnehaha County.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5805-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 20, 1994. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider the applications at 10:00 a.m. June 28, 1994, Gallery D, Ramkota Hotel, Best Western, 920 West Sioux, Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized

7022

to 1) approve, 2) ~~approve~~ with qualifications, 3) ~~defer~~, or 4) deny the applications based on the facts presented at the public hearing. The June 28, 1994, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by June 20, 1994.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 20, 1994, at the above Water Rights Division address to request copies of information pertaining to the applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of _____) ss

I, Connie Rendi

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:

May 26, 1994

June 2, 1994

Cost of Printing: \$64.66

Connie Rendi
(Signature)

Bookkeeper
(Title)

June 2, 1994
(Date Signed)



date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by June 20, 1994.

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(5-26; 6-2)

NOTICE OF HEARING on Application No. 5805-3, and Application No. 4838A-3 to Amend Future Use Water Permit No. 4838-3

Notice is given that the Minnehaha Community Water Corporation 47381 248th St, Dell Rapids, SD 57022-5305 has filed applications for two water permits.

Water Permit Application No. 4838A-3 proposes to amend Future Use Permit No. 4838-3 by transferring the water remaining in reserve by Future Use Permit No. 4838-3 to a new area within the aquifer. Future Use Permit No. 4838-3 currently reserves 1500 acre-feet of water annually from the Sioux Falls Management Unit of the Big Sioux Aquifer from wells to be located in the E 1/2 NE 1/4 Section 29-T104N-R49W. This application proposes to transfer the future use area to the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. This application, if approved, will transfer the future use area and retain the October 19, 1981, priority date established by Future Use Permit No. 4838-3.

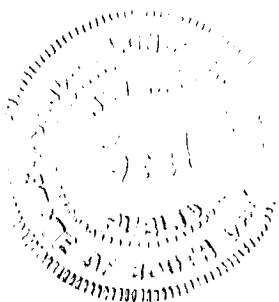
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4838A-3 because 1) the future use area can be transferred without unlawful impairment of existing rights, 2) the proposed use will be a beneficial use of water, and 3) it is in the public interest.

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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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 25 1994

John Buss, Manager
Minnehaha Community Water Corp.
47381 248th Street
Dell Rapids, SD 57022-3374

Dear Mr. Buss:

Enclosed are Water Permit Nos. 4838A-3 & 5805-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Also enclosed are two Form 10's, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the systems and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water Licenses may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permits within the five year construction period, usually without affecting the priority date provided an application to amend your permits is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 16, 1996

John Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in regard to the seven year review of Future Use Water Permit No. 4838A-3 from groundwater (Big Sioux:Sioux Falls Aquifer) which is held by the Minnehaha Community Water Corporation. Currently, our records show that 33 acre-feet remain in reserve under this future use permit.

Please respond in writing by October 15, 1996, regarding the Minnehaha Community Water Corporation's intention for the future use permit. If the corporation does plan to retain the permit, then the response should outline a reasonable need for retaining the future use permit.

Permit No. 4838A-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,

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

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



MINNEHAHA COMMUNITY WATER, CORP.

47381 248TH STREET
DELL RAPIDS, SD 57022-5305
TELEPHONE (605) 428-3374 or (605) 529-5799
FAX (605) 428-3395

October 8, 1996



Eric Gronlund
D.E.N.R. - Water Right Program -
523 E. Capitol
Pierre, SD 57501-3181

RE: Future Use Water Permit #4838A-3

Dear Eric:

We would like to renew Future Use Permit #4838A-3. We present the following justification for renewal.

1. Water usage per hookup continues to increase as owners abandon their wells and switch entirely to rural water.
2. Overall pumpage has been increasing by 6% per year.
3. We are hooking up 150 new users per year and have a waiting list for more new hookups as we make needed improvements to the system.
4. There are presently 4,800 rural residences in Minnehaha County, and we presently serve 3,000 of them. We anticipate serving all of these dwellings in the near future, plus Minnehaha County Planning and Zoning is approving 100 or more new dwellings per year.
5. We are charter members of the Lewis & Clark Rural Water System, and have signed up for two million gallons per day. We anticipate we will need this water in addition to all of our existing water rights.

I hope this is adequate justification to retain our Future Use Permit. Thank you for your consideration of our renewal request.

Sincerely,

John H. Buss
General Manger -MCWC



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 11, 1996

John Buss
Minnehaha Community Water, Corp.
47381 248th Street
Dell Rapid, SD 57022-5305

Dear Mr. Buss:

This is to confirm our conversation regarding the seven year review of Future Use Permit No. 4838A-3. The Permit has 33 acre feet of water remaining in reserve from the Sioux Falls Management Unit of the Big Sioux Aquifer. I suggest that the review of this Permit be conducted at the same time that MCWC's other future use permits are reviewed in the year 2000.

This will reduce publication costs for MCWC and provide a review of all the system's future use permits at one time before the Water Management Board. We will contact you when the future use permits need to be scheduled for review.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

Water Rights Program - File Documentation

NAME: Minnehaha Community Water Corporation

ADDRESS: Dell Rapids SD

DATE: 12-11-1997 **COUNTY:** Minnehaha

RE: Future Use Portion of Permit No. 4838-3

COMMENTS:

The future use portion (6.0 cfs) of Permit No. 4838-3 has been transferred to 4838A-3. Permit No. 4838A-3 expanded the future use area authorized by Permit No. 4838-3.

Water Permit No. 4838-3 authorized 1.00 cfs and developed 0.55 cfs
nothing reverts to future use because this 1.00 cfs was
not part of the future use portion of the permit

Withdrawing from future use:

Water Permit No. 5152-3 authorized 2.00 cfs - developed and licensed for 2.00 cfs
Water Permit No. 5468-3 authorized 0.55 cfs - developed and licensed for 0.55 cfs

Karen Schlaak
Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2000

John Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063A-3 & 5716-3 held by Minnehaha Community Water Corporation. By law, all future use permits are to be reviewed by the Water Management Board every seven years. These permits reserve water for future water supply needs for the corporation.

Currently, our records indicate the following:

Permit No. 4838A-3	33 acre-feet remaining in reserve
Permit No. 5063A-3	717 acre-feet remaining in reserve (previously held by Dell Rapids)
Permit No. 5716-3	750 acre-feet remaining in reserve

Please respond in writing by May 15, 2000, regarding your intentions for the future use permits. If you plan to retain the permits, the response should outline a reasonable need for retaining the future use permits.

The permits 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
Water Rights Program
605 773-3352



MINNEHAHA COMMUNITY WATER, CORP.

47381 248TH STREET
DELL RAPIDS, SD 57022-5305
TELEPHONE (605) 428-3374 or (605) 529-5799
FAX (605) 428-3395

April 12, 2000

South Dakota Dept. of Environment
& Natural Resources
% Karen Schlaak, Water Rights Program
Joe Foss Building, 523 East Capitol
Pierre, SD 57501-3181



Re: Water Rights Review
Permits No. 4838A-3, No. 5063A-3, No. 5716-3

Dear Karen:

I am writing with regard to your letter notifying us of the seven-year review of the Future Use Water Permits held by Minnehaha Community Water Corporation. It is our intention to retain all of our future use permits, as we see a continual increase in water sales. Each year, we continue to hook up new homes being built in rural Minnehaha County, plus there is a continued demand for water service to existing homesteads that have been utilizing wells for their sole source of water.

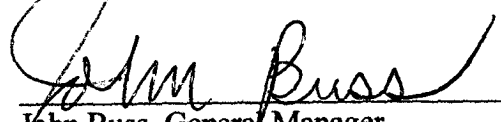
Each year of the last 10 years, we have hooked up from 150 to 200 new users per year and have installed between 100,000 and 160,000 feet of new main pipeline. The corporation is currently the sole source of water to the towns of Dell Rapids, Baltic, Hartford, Humboldt, and Crooks, all of which continue to show growth in residential areas.

At present, MCWC has had several contacts within the last year, from the town of Garretson, about supplying water to them. In addition, the citizens of Colton have been approaching their city council about getting rural water to supply water to their town.

We continue to see an increase of 4% to 6% per year in the amount of water pumped out of our water treatment plant, as evidenced by the enclosed graph.

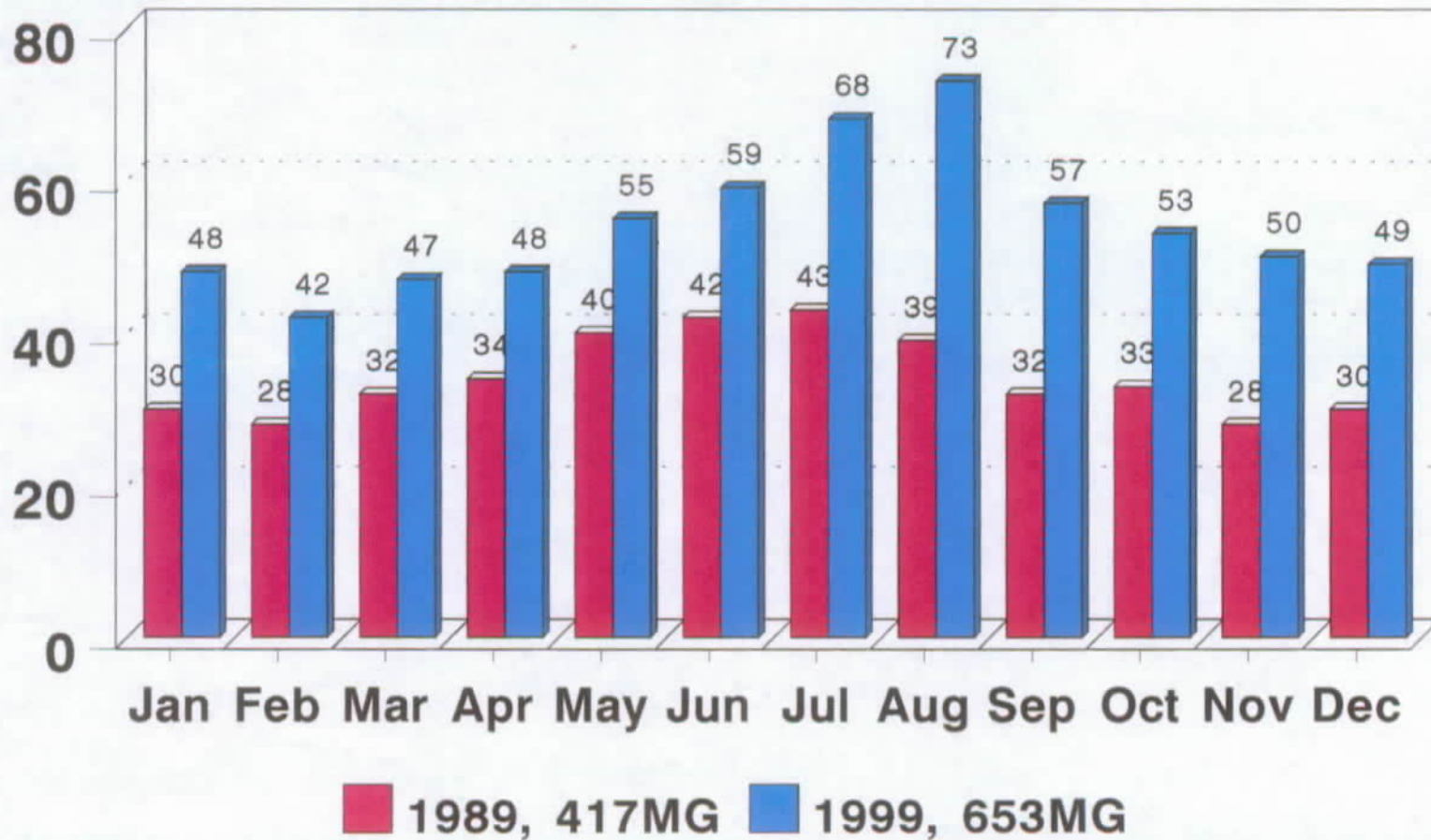
We are asking the Water Management Board for a favorable ruling to allow the corporation to retain the water rights represented by the future use permits. We intend to drill several new wells per year to keep pace with the growth being experienced in Minnehaha County. We are in the process of exploring a third wellfield site in the Sioux Falls Management Unit of the Big Sioux Aquifer in order to address the continued demand for new water services.

Thank you, in advance, for your favorable consideration of our request.


John Buss, General Manager

Monthly Plant Effluent Flows

1989-1999



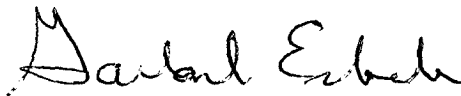
Million Gallons

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

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. 4838A-3, Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305.

The Chief Engineer is recommending that Future Use Permit No. 4838A-3 REMAIN in EFFECT for 33 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4838A-3 , 2) the corporation has demonstrated a reasonable need for the water reserved by Permit No. 4838A-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. 4838A-3 is subject to payment of the \$15.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the corporation after the Board hearing.

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

Garland Erbele, Chief Engineer
June 6, 2000



June 6, 2000

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

John Buss, General Manager
Minnehaha Community Water, Corp
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

Future Use Permit No. 4838A-3, 5063A-3 and 5716-3 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 following papers:

Argus Leader, Sioux Falls SD 605 331-2200
Sioux Valley News, Canton SD 605 987-2631
Salem Special, Salem SD 605 425-2361

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2000

Salem Special
PO Box 220
Salem SD 57058-0220

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on June 15, 2000 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, 47381 248th St, Dell Rapids SD 57022-5305.

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 June 6, 2000 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 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
www.state.sd.us/denr

June 6, 2000

Sioux Valley News
Box 255
Canton SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on June 15, 2000 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, 47381 248th St, Dell Rapids SD 57022-5305.

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 June 6, 2000 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



June 6, 2000

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on June 15, 2000 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, 47381 248th St, Dell Rapids SD 57022-5305.

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 June 6, 2000 enclosing Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 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 June 15, 2000 with 2nd publication 7 days later. Minnehaha Community Water Corporation is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4838A-3, 5063A-3 and 5716-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE $\frac{1}{4}$ Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4838A-3 remain in effect for 33 acre-feet annually; 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on July 12, 2000 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 July 3, 2000. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 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 July 3, 2000. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2000. Steven M Pirner, Secretary, Department of Environment and Natural Resources.



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

CONNIE RENLI

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 hereinabove mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the fact stated in this affidavit; that the advertisement headed:

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NOS. 4838-A, 5063A-3 AND 5716-3**

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:

**JUNE 15, 2000
JUNE 22, 2000**

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$84.51** 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.

Connie Renli

Subscribed and sworn to before me this **22nd** day of **JUNE 2000**.

Jeanne M. Limoges
Notary Public, South Dakota

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NOS. 4838A-3, 5063A-3
and 5716-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381248th St, Dell Rapids SD 57022-5305 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2S E 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4838A-3 remain in effect for 33 acre-feet annually; 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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.

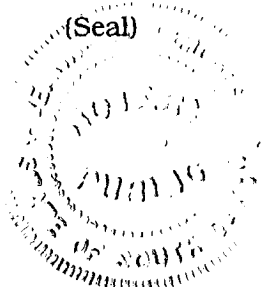
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The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 3, 2000. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 3, 2000. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2000. Steven M Pirner, Secretary, Department of Environment and Natural Resources.



Jeanne M. Limoges
My Commission Expires
November 18, 2003



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of McCook)

I, Troy Schwan

certify that the attached printed Notice was taken

from the Salem Special

printed and published in Salem

County of McCook and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 15, 2000

June 22, 2000

Cost of Printing \$ 79.47

Troy Schwan
 (Signature)

Owner
 (Title)

6/22/00
 (Date Signed)

PUBLIC NOTICE

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.

4838A-3, 5063A-3, and 5716-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3, and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids, SD 57022-5305 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4838A-3 remain in effect for 33 acre-feet annually; 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD on July 12, 2000 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 July 3, 2000. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by July 3, 2000. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2000. Steven M Pirner, Secretary, Department of Environment and Natural Resources.

6/15, 6/22

AFFIDAVIT OF PUBLICATION-

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Christy Duncan 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

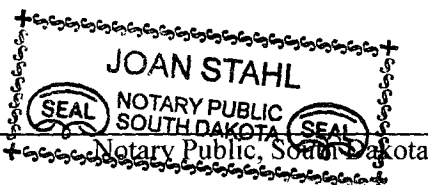
THUR	, the	15	day of	JUNE	2000,
THUR	, the	22	day of	JUNE	2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,

and that \$164.10 was charged for publishing the same including
A \$5.00 affidavit fee.

Christy Duncan

Subscribed and sworn to before me June 22, 2000,

Joan Stahl



My Commission expires June 30, 2005

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
4838A-3, 5063A-3, and 5716-3
Notice is given that the
Water Management Board will
review Future Use Permit Nos.
4838A-3, 5063A-3 and 5716-3
held by Minnehaha Community
Water Corporation, 74381 248th
St., Dell Rapids, SD
57005-6805 for progress made
in the development of the water
reserved by the permits and
future plans for development of
the water reserved by the per-
mits. The permits supply water
for rural water system use in
Minnehaha, Lincoln and
McCook Counties.

Permit No. 4838A-3 reserves
water from the Sioux Falls Man-
agement Unit of the Big Sioux
Aquifer to be located in the
NE1/4 NE1/4 Section 32 and
the S1/2 SE1/4 Section 29; all
in T104N-R49W. A review of the
water permits/rights indicates
that 33 acre-feet remain in re-
serve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves
water from wells less than 70
feet deep to be located in the
NE1/4 Section 17-T104N-
R49W. A review of the water
permits/rights indicates that 717
acre-feet remain in reserve by
Permit No. 5063A-3.

Permit No. 5716-3 reserves
water from the Sioux Falls Man-
agement Unit of the Big Sioux
Aquifer to be located in the
NE1/4 NE1/4 Section 32 and
S1/2 SE1/4 Section 29; all in
T104N-R49W. A review of the
water permits/rights indicates
that 750 acre-feet remain in
reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2
the Chief Engineer of the Water
Rights Program recommends
that Permit Nos. 4838A-3 re-
main in effect for 33 acre-feet
annually; 5063A-3 remain in ef-
fect for 717 acre-feet annually
and 5716-3 remain in effect for
750 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
Nos. 4838A-3, 5063A-3, and
5716-3 at the Floyd Matthew
Training Center, Joe Foss
Building, 523 E. Capitol, Pierre,
SD on July 12, 2000 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 in-
tends to participate in the
hearing before the Board and
present evidence or cross-
examine witnesses according to
SDCL 1-26, must file a written
petition with BOTH the permit
owner and the Chief Engineer
by July 3, 2000. 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 peti-
tioners interest in the future use
permit, the reasons for petiti-
oner's opposition to or support of
continuing the future use
permit, and the signature and
mailing address of the peti-
tioner or his legal counsel if
legal counsel is obtained. The
permit owner need not file a
petition.

The hearing to review Future
Use Permit Nos. 4838A-3,
5063A-3 and 5716-3 will be con-
ducted pursuant to the provi-
sions 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. Deci-
sions 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-
mendation, further information
on this permit, to assure access
to the hearing by the handi-
capped or obtain an interpreter
for the hearing impaired may
contact Eric Gronlund, Water
Rights Program, (605-773-3352)
by July 3, 2000. 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 op-
pose or support continuance of
the Future Use Permit. The
request for a delay must be
filed with the Chief Engineer by
July 3, 2000.

Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources
8580 June 15, 22, 2000





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 13, 2000

NOTICE

John Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in response to action taken by the Water Management Board at the hearing on July 12, 2000 to review Future Use Permit Nos. 4838A-3, 5063A-3 & 5716-3. The Board allowed the permits to remain in effect as follows:

Permit No. 4838A-3	33 acre-feet remaining in reserve	\$15.00
Permit No. 5063A-3	717 acre-feet remaining in reserve	32.50
Permit No. 5716-3	750 acre-feet remaining in reserve	<u>35.00</u>
		\$82.50

Pursuant to SDCL 46-2-13(2), the fee for maintaining the effectiveness of each permit is listed above. Please remit the fee within 60 days. The permits are subject to another review in seven years.

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

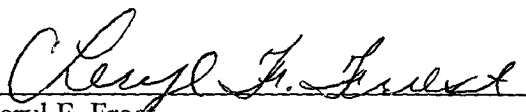
Sincerely,

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

CERTIFICATION

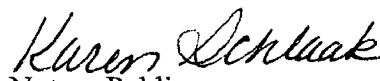
I hereby certify that on July 13, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 13, 2000, regarding response to action taken by the Water Management Board at the hearing on July 12, 2000, to review Future Use Permit Nos. 4838A-3, 5063A-3 & 5716-3, addressed as stated below:

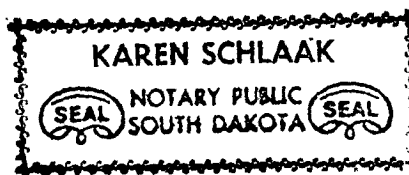
John Buss, Manager, Minnehaha Community Water Corporation, 47381 248th St., Dell Rapids, SD 57022-5305.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of July, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 11, 2000

John Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

On July 13, 2000, we requested the fees for maintaining the effectiveness of Future Use Permit Nos. . 4838A-3, 5063A-3 & 5716-3. To date, we have not received this payment. Below is a breakdown of the fee required for each permit.

Permit No. 4838A-3	33 acre-feet remaining in reserve	\$15.00
Permit No. 5063A-3	717 acre-feet remaining in reserve	32.50
Permit No. 5716-3	750 acre-feet remaining in reserve	<u>35.00</u>
		\$82.50

Please submit the \$82.50 fee as soon as possible to avoid jeopardizing the future use permits. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~2~~ 416657

Pierre, October 19, 2000, _____

RECEIVED OF Minnehaha Community Water Corp., 47281 248th St, Dell Rapids SD 57002
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. 4838A-3 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 _____

(Any Other Work Provided by Law)

Total

15 00

By

Harland Erbeles

Chief Engineer

4838A-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

March 12, 2007

Scott Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapid SD 57022-5303

Dear Mr. Buss:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3 and 5716-3 held by Minnehaha Community Water Corporation. 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 corporation.

Currently, our records indicate the following:

Permit No. 4838A-3	Sioux Falls Management Unit of Big Sioux Aquifer 33 acre-feet remaining in reserve
Permit No. 5063A-3	Wells less than 70 feet deep 717 acre-feet remaining in reserve
Permit No. 5716-3	Sioux Falls Management Unit of Big Sioux Aquifer 750 acre-feet remaining in reserve

Please respond in writing by April 1, 2007, regarding the corporation's intention for the future use permit. If the corporation 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 permits will then be public noticed at the corporation'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
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



MINNEHAHA
COMMUNITY
WATER CORP.

47381 248TH STREET
DELL RAPIDS, SD 57022-5305
TELEPHONE (605) 428-3374 or (605) 529-5799
FAX (605) 428-3395

March 19, 2007

RECEIVED
MAR 21 2007
WATER RIGHTS
PROGRAM

Ms. Karen Schlaak
Water Rights Program
South Dakota DENR
523 East Capitol
Pierre, SD 57501-3182

Dear Karen,

I am writing in regards to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3, and 5716-3 held by Minnehaha Community Water Corporation. We would like to renew these three future use permits and we submit the following justification for renewal.

- Farming operations within Minnehaha County continue to expand and take more water. New dairies and ethanol plants are also investigating sites within the county.
- Our water pumping volumes have increased at a rate of 5% per year over the last ten years.
- MCWC has added between 80 and 150 new users in each of the last five years.
- Bulk water delivered to the towns within Minnehaha County continues to increase. Hartford's projection of water use increases from 400 gpm to 1,500 gpm over the next twenty years. The City of Crooks expects to double the number of homes over the next ten years.
- MCWC is a member of the Lewis & Clark Rural Water System and expects to get 2 MGD, but will additionally need to expand our treatment plant to meet long term growth projections.

I hope that this is sufficient justification to retain our Future Use Permits. Thank you for your consideration of our renewal request.

Sincerely,

Scott J. Buss
Executive Director



**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. 4838A-3, Minnehaha Community Water Corporation**

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. 4838A-3, Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022.

The Chief Engineer is recommending that Future Use Permit No. 4838A-3 REMAIN in EFFECT for 33 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4838A-3, 2) the corporation has demonstrated a reasonable need for the water reserved by Permit No. 4838A-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. 4838A-3 is subject to payment of the \$15.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the corporation after the Board hearing.

Garland Erbele, Chief Engineer
April 4, 2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 4, 2007

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

Scott J Buss, Executive Director
Minnehaha Community Water Corp.
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 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 following papers:

Minnehaha County – Argus Leader, Sioux Falls SD 605 331-2200
Lincoln County – Sioux Valley News, Canton SD 605 793-2293
McCook County – Salem Special, Salem SD 605 425-2361

For your information, a copy of the Chief Engineer's recommendations are 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

April 4, 2007

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on April 11, 2007 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 Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of April 4, 2007 enclosing Notice of Hearing to Review Future Use Water Permits 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

April 4, 2007

Sioux Valley News
PO Box 255
Canton SD 57013-0255

Dear Sir:

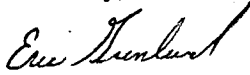
Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on April 11, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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 Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of April 4, 2007 enclosing Notice of Hearing to Review Future Use Water Permits 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

April 4, 2007

Salem Special
PO Box 220
Salem SD 57058-0220

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on April 11, 2007 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 Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of April 4, 2007 enclosing Notice of Hearing to Review Future Use Water Permits 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 April 11, 2007 with 2nd publication 7 days later. Minnehaha Community Water Corporation is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE $\frac{1}{4}$ Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at 10:00 am on May 9, 2007 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 30, 2007. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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.

(continued)

The hearing to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 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 recommendations, further information on these permits, 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 April 30, 2007. 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 Permits. The request for a delay must be filed with the Chief Engineer by April 30, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340

Invoice Number: 1016723

SD Dept Of Environment & Natural Resources

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Wednesday, the 11 day of April 2007,
 Wednesday, the 18 day of April 2007,
 _____, the _____ day of _____, 2007,
 _____, the _____ day of _____, 2007,
 _____, the _____ day of _____, 2007,
 _____, the _____ day of _____, 2007,
 _____, the _____ day of _____, 2007,
 _____, the _____ day of _____, 2007,
 and that \$199.59 was charged for publishing the same

Subscribed and sworn to before me 5/2/2007.



J. Zimmerman
 Notary Public, South Dakota

My Commission expires December 22, 2009

RECEIVED

MAY 07 2007

AIR QUALITY
PROGRAM

Miscellaneous

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and

future plans for development of the water reserved by permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at 10:00 am on May 9, 2007 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 30, 2007. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4838A-3, 5063A-3 and 5716-3 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 recommendations, further information on these permits, 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 April 30, 2007. 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 Permits. The request for a delay must be filed with the Chief Engineer by April 30, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources: 1016723 Apr 11 & 18, 2007

RECEIVED

APR 25 2007

WATER RIGHTS
PROGRAM

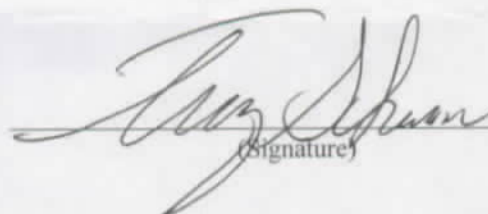
Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of McCook) SSI, Troy Schwanscertify that the attached printed Notice was
takenfrom the Salem Specialprinted and published in SalemCounty of McCook andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

Apr. 12, 2007Apr 19, 2007Cost of Printing \$ 86.67

(Signature)

Owner

(Title)

4/20/07

(Date Signed)

Public Notice

NOTICE OF HEARING TO
REVIEW FUTURE
USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St., Dell Rapids, SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4, Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at 10:00 am on May 9, 2007 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized

to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 30, 2007. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 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.

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Any person wishing a copy of the Chief Engineer's recommendations further information on these permits, 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 April 30, 2007. 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 Permits. The request for a delay must be filed with the Chief Engineer by April 30, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

4/12/07

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APR 23 2007

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

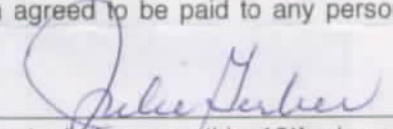
being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and 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:

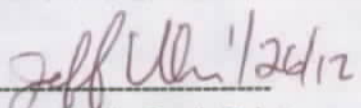
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

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:

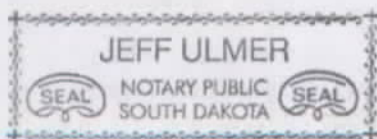
APRIL 12, 2007
APRIL 19, 2007

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$61.81** 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 **19th** day of
APRIL, 2007.


Notary Public, South Dakota

(Seal)



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids, SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserved water from the Sioux Falls Management unit of the Big Sioux Aquifer to be located in the NE1/4NE1/4 Section 32 and the S1/2SE1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE1/4NE1/4 Section 32 and S1/2SE1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at 10:00 a.m. on May 9, 2007 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any 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 the SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 30, 2007. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4838A-3, 5063A-3 and 5716-3 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 recommendations, further information on these permits, 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 April 30, 2007. 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 Permits. The request for a delay must be filed with the Chief Engineer by April 30, 2007. Steven M. Pirner, Secretary, Department of Environmental and Natural Resources. (4-12, 19)



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 10, 2007

NOTICE

Scott Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapid SD 57022-5303

Dear Mr. Buss:

I am writing in response to action taken by the Water Management Board at the hearing on May 9, 2007 to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3. The Board allowed each of the permits to remain in effect. Pursuant to SDCL 46-2-13(2) the fees for maintaining the effectiveness of each permit are as follows:

Permit No. 4838A-3 - 33 acre-feet annually remains in reserve - \$15.00
Permit No. 5063A-3 - 717 acre-feet annually remains in reserve - \$32.50
Permit No. 5716-3 - 750 acre-feet annually remains in reserve - \$35.00

Please remit a total of \$82.50 within 60 days. The Future Use Permits are subject to another review in seven years.

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 May 10, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 10, 2007 regarding permits 4838A-3, 5063A-3 and 5716-3 addressed as stated below:

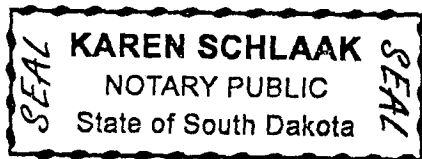
Scott Buss, Manager
Minnehaha Community Water Corp
47381 248th St
Dell Rapids SD 57022-5303


Gail Jacobson
Secretary
Water Rights

[illegible]

Sworn to, before me, this 10th day of May, 2007.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2007/3



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/1, 20 07

RECEIVED OF Minnheaha Community Water Corp 47381 248th St Dell Rapids SD 57022

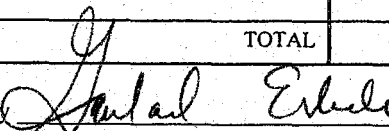
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>4838A-3</u> after period of seven years.	15	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	15 00

No.

03058

By


Chief Engineer





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 15, 2013

Scott Buss, Manager
Minnehaha Community Water Corp.
47381 248th Street
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3 and 5716-3 held by the Minnehaha Community Water Corporation. 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. These permits reserve water for future water supply needs for the corporation.

Currently, our records indicated the following:

- Permit No. 4838A-3 Sioux Falls Management Unit of Big Sioux Aquifer
33 acre-feet remaining in reserve
- Permit No. 5063A-3 Wells less than 70 feet deep
717 acre-feet remaining in reserve
- Permit No. 5716-3 Sioux Falls Management Unit of Big Sioux Aquifer
750 acre-feet remaining in reserve

Please respond in writing by January 1, 2014 regarding the corporation's intention for the future use permits. If the corporation plans to retain the permits, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

The permits will then be public noticed at the corporation's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire acre-feet amount for each permit remains in reserve, the total fee will be \$740.00.

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

*not correct
\$290*



**MINNEHAHA
COMMUNITY
WATER CORP.**

47381 248TH STREET
DELL RAPIDS, SD 57022-5305
TELEPHONE (605) 428-3374
FAX (605) 428-3395

RECEIVED

DEC - 5 2013

**WATER RIGHTS
PROGRAM**

December 3, 2013

Ms. Karen Schlaak
Water Rights Program
South Dakota DENR
523 East Capitol
Pierre, SD 57501-3182

Dear Karen,

I am writing in regards to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3, and 5716-3 held by Minnehaha Community Water Corporation. We would like to renew these three future use permits and we submit the following justification for renewal.

- Existing farming operations within Minnehaha County are expanding and using more water. New livestock operations are investigating sites within the county. MCWC has added between 50 and 90 new users in each of the last five years.
- Eight of ten all-time record months for water pumping volume have occurred in the past two years.
- Bulk water delivered to the towns within Minnehaha County increases yearly. Hartford and Dell Rapids continue to add residential housing, and both towns have aggressive plans for industrial development.
- MCWC is a member of the Lewis & Clark Regional Water System and has reserved capacity of 2 MGD. Only one of three connections to L&C has been completed. The other connections are held up by the slow pace of Federal funding for the project.
- MCWC has received inquiries into supplying water to help with distribution issues on neighboring rural water systems. MCWC has also been approached by other L&C members to investigate short term supply arrangements.

I hope that this is sufficient justification to retain our Future Use Permits. Thank you for your consideration of our renewal request.

Sincerely,

Scott J. Buss
Executive Director



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

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

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. 4838A-3, Minnehaha Community Water Corp, 47381 248th St, Dell Rapid SD 57022.

The Chief Engineer is recommending that Future Use Permit No. 4838A-3 REMAIN in EFFECT for 33 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4838A-3, 2) the water corporation has demonstrated a reasonable need for the water reserved by Permit No. 4838A-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. 4838A-3 is subject to payment of the \$50.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the water corporation after the Board hearing.

Jeanne Goodman, Chief Engineer
January 13, 2014



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



January 14, 2014

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

Minnehaha Community Water Corp.
c/o Scott J Buss, Director
47381 248th St
Dell Rapids SD 57022

Dear Mr. Buss:

Future Use Permit Nos. 4838A-3, 5063-3 and 5716-3 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, Sioux Falls SD 605 331-2200
Moody County Enterprise, Flandreau SD 605 997-3725
Daily Leader, Madison SD 605 256-4555
The New Era, Parker SD 605 297-4419
Salem Special, Salem SD 605 425-2361
Sioux Valley News, Canton SD 605 764-2000

For your information, a copy of the Chief Engineer's recommendations are 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 this notice on January 22 or 23, 2014. 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 the following Notice on January 22 or 23, 2014. Minnehaha Community Water Corp. 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 PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at 9:00 am, March 6, 2014 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 the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any 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 24, 2014. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4838A-3, 5063A-3 and 5716-3 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.

(continued)

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, 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 24, 2014. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 24, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 14, 2014

Argus Leader
PO Box 5043
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permits to be published on January 22, 2014. 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

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 (605 428-3374).

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

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 14, 2014

Moody County Enterprise
PO Box 71
Flandreau SD 57028

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permits to be published on January 22, 2014. 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

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Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 14, 2014

Daily Leader
PO Box 348
Madison SD 57042

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Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 14, 2014

The New Era
PO Box 579
Parker SD 57053

Dear Sir:

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 14, 2014

Salem Special
PO Box 220
Salem SD 57058

Dear Sir:

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Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



January 14, 2014

Sioux Valley News
PO Box 255
Canton SD 57013

Dear Sir:

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

RECEIVED

FEB 24 2014

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Robin Schneider 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, New Century 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:

#5749 Notice of Hearing to Review Future Water Permits

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

On Thursday, the 23rd day of Jan., 2013

That \$47.99 being the full amount of the fees for publication of the attached notices 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.

Robin Schneider

Subscribed and sworn to before me this 19th

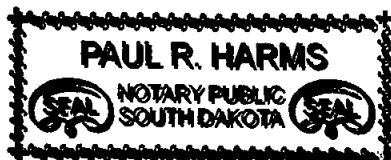
Day of February 2014

Paul R. Harms
Notary Public, Turner County, South Dakota

My Commission Expires: March 20, 2018

Publication Fee \$
Notary Fees \$
Total \$47.99

See attached



**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMITS**

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, ~~Lincoln, Moody, Lake, Turner and McCook Counties.~~

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at 9 am, March 6, 2014 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 the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hear-

ing 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 Feb. 24, 2014. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his

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Any person wishing a copy of the Chief Engineer's recommendations, further information on

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Published once at the total approximate cost of \$47.99.

(#5749, 01/23/14, The New Era)

RECEIVED
FEB 24 2014
WATER RIGHTS
PROGRAM

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 to Review Future Use Water Permits

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 23, 2014

that the full amount of the fees charged for publishing the same to-wit: the sum of \$48.37 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.

Subscribed and sworn to before me this 23rd day of
January, 2014.

Notary Public, South Dakota

(Seal)



My Commission Expires
12/9/2014

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Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

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Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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.

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Published in the Sioux Valley News on January 23, 2014 at the total approximate cost of \$48.37.

RECEIVED

FEB 10 2014

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF SOUTH DAKOTA }
County of Lake } ss.

JAN 27 2014

WATER RIGHTS PROGRAM

Sue Anne Artko of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Minnehaha Community Water Corp.

Hearing to Review Future Use Water Permits

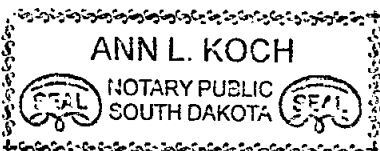
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 22nd day of January, 2014;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;

That \$48.79 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Sue Anne Artko

Subscribed and sworn to before me this 23rd day of January, 2014



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

Wednesday, Jan. 22.

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Publicat: The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 at 9:00 am, March 6, 2014 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

Received Payment,

In Court
County of

AFFIDAVIT OF PUBLICATION

Filed in the office of on the
..... day of
20

Attorneys for

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STEVEN M. PIRNER
Secretary, Department of
Environment and
Natural Resources

Published once at the total
approximate cost of \$48.79

JAN 27 2014

**WATER RIGHTS
PROGRAM**

STATE OF SOUTH DAKOTA)
County of McCook) SS

1/23/14
(Date Signed)

Public Notice

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-

3 at 9:00 am, March 6, 2014 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 the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any 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 24, 2014. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4838A-3, 5063A-3 and 5716-3 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 recommendations, further information on the permits, 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 24, 2014. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 24, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$50.78.

1-23

RECEIVED

JAN 24 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was
taken

from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was
published

in the newspaper on the following date:

January 22, 2014

Cost of Printing \$47.61

Angela Nibbelink
(Signature)

Office Manager
(Title)

Jan. 22, 2014
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

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

4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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 Nos. 4838A-3, 5063A-3 and 5716-3 at 9:00 am, March 6, 2014 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 the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any 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 24, 2014. 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 permits, the reasons for petitioner's opposition to or support of

continuing the future use permits, 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 Nos. 4838A-3, 5063A-3 and 5716-3 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 recommendations, further information on the permits, 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 24, 2014.

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 Permits. The request for a delay must be filed with the Chief Engineer by February 24, 2014.

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

Published once at the total approximate cost of \$50



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 7, 2014

NOTICE

Minnehaha Community Water Corp.
c/o Scott J Buss, Director
47381 248th St
Dell Rapids SD 57022

Dear Mr. Buss:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2014 to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3. The Board allowed Permit No. 4838A-3 to remain in effect for 33 acre-feet of water annually, Permit No. 5063A-3 to remain in effect for 717 acre-feet of water annually and Permit No. 5716-3 to remain in effect for 750 acre-feet annually. The three permits are subject to another review in seven years.

The fee for maintaining the effectiveness of each permit is as follows: Permit No. 4838A-3 (\$50.00), Permit No. 5063A-3 (\$115.00) and Permit No. 5716-3 (\$125.00) for a total of \$290.00. Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on March 7, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7, 2014 regarding Future Use Permits addressed as stated below:

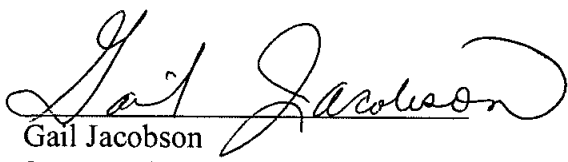
City of Spearfish, T Callaway, 625 N 5th St, Spearfish SD 57783 # **1872-1**

Southern Black Hills WS, Don Peterson, 26858 Hwy 385, Hot Springs SD 57747 # **2580-2**

Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201 # **5862-3**

City of Brandon, B Read, PO Box 95, Brandon SD 57005 # **4002-3**

Minnehaha Community Water, S J Buss, 47381 248th St, Dell Rapids SD 57022
#s **4838A-3, 5063A-3 & 5716-3**



Gail Jacobson
Secretary/Water Rights

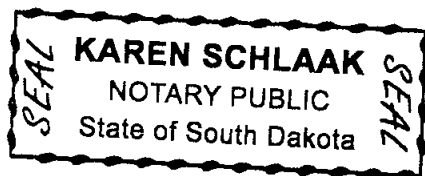
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 14.



Karen Schlaak
Notary Public

My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/31, 20 14

RECEIVED OF Minnehaha Comm Water CDrp 47381 248th SA 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 and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>4838A-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	50 00

No. **06802**

By

J. James Goodman Jr.
Chief Engineer



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 2021

Scott Buss, Manager
Minnehaha Community Water Corp.
47281 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corporation. 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. These permits reserve water for future water supply needs for the water corporation and were last reviewed in 2014.

Currently, our records indicate the following:

Permit No. 4838A-3	Sioux Falls Management Unit of Big Sioux Aquifer 33 acre-feet remaining in reserve
Permit No. 5063A-3	Wells less than 70 feet deep 717 acre-feet remain in reserve
Permit No. 5716-3	Sioux Falls Management Unit of Big Sioux Aquifer 750 acre-feet remain in reserve

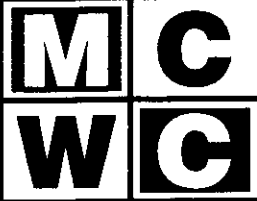
Please respond in writing by February 1, 2021 regarding the corporation's intention for the future use permits. If you plan to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The permits will then be public noticed at the corporation's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire acre-feet amount for each permit remains in reserve, the total fee will be \$290.00.

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

Sincerely,

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



MINNEHAHA COMMUNITY WATER CORP.

47381 248th St.
Dell Rapids, SD 57022

Phone : 605-428-3374
Fax : 605-428-3395
Web : www.minnehahacommunitywater.com
Email : mcwcbilling@siouxvalley.net

January 8, 2021

RECEIVED

JAN 11 2021

WATER RIGHTS
PROGRAM

Ms. Karen Schlaak
Water Rights Program
South Dakota DENR
523 East Capitol
Pierre, SD 57501-3182

Dear Karen,

I am writing in regards to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3, and 5716-3 held by Minnehaha Community Water Corporation. We would like to renew these three future use permits and we submit the following justification for renewal.

- Existing farming operations within Minnehaha County are expanding and using more water. Two new dairies have added sites in the past year. MCWC has added between 50 and 90 new users in each of the last five years.
- During 2020, MCWC passed 1 Billion gallons sold for the first time.
- Bulk water delivered to the towns within Minnehaha County increases yearly. Hartford, Dell Rapids, Baltic and Crooks continue to add residential housing. Hartford and Dell Rapids have aggressive plans for industrial development.
- MCWC is a member of the Lewis & Clark Regional Water System and has reserved capacity of 2 MGD. During August of 2020, MCWC used the full allocated capacity from L&C.
- MCWC has contracted with Big Sioux Community Water to deliver 1 MGD. Big Sioux then delivers a portion of the volume to Madison, SD to help with supply until the L&C pipeline can reach Madison.

I hope that this is sufficient justification to retain our Future Use Permits. Thank you for your consideration of our renewal request.

Sincerely,

Scott J. Buss
Executive Director



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5063A-3, Minnehaha Community Water Corp.**

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. 5063A-3, Minnehaha Community Water Corp, 47381 248th St, Dell Rapids SD 57022.

The Chief Engineer is recommending that Future Use Permit No. 5063A-3 REMAIN in EFFECT for 717 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5063A-3, 2) the corporation has demonstrated a reasonable need for the water reserved by Permit No. 5063A-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. 5063A-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the corporation after the Board hearing.

Eric Gronlund, Chief Engineer
January 28, 2021

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 4:41 PM
To: 'mcwcbilling@siouxvalley.net'
Subject: Review of MCWC future use permits
Attachments: 0471.pdf; OrderConf.pdf

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

The second document is the confirmation from the Argus Leader. Hopefully this information will help when contacting them to authorize publication.

Karen Schlaak

Water Rights Program
(605) 773-3352



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SOUTH DAKOTA



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SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2021

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

Minnehaha Community Water Corp.
c/o Scott J Buss, Director
47381 248th St
Dell Rapids SD 57022

Dear Mr. Buss:

Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 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. Notice of this review has been sent to the following papers:

Argus Leader, Sioux Falls 605 331-2200
Moody County Enterprise, Flandreau 605 997-3725
Daily Leader, Madison 605 256-4555
The New Era, Parker 605 297-4419
Salem Special, Salem 605 425-2361
Sioux Valley News, Canton 605 764-2000

For your information, a copy of the Chief Engineer's recommendations for each permit are 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 this notice on February 3 or 4, 2021. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on February 3 or 4, 2021. The Minnehaha Community Water Corp. is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 these future use permits at 10:00 am central time, March 3, 2021, in 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 permits to remain in effect, 2) amends the permit by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any 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 22, 2021. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4383A-3, 5063A-3 and 5716-3 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 recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by February 22, 2021. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 22, 2021.

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 15, 2021. Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:48 PM
To: 'legals@argusleader.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) 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
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:49 PM
To: 'mce6@mcisweb.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 3, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) 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
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:50 PM
To: 'ads@madisondailyleader.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:51 PM
To: 'newera@ncppub.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak

Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:51 PM
To: Salem Special (tschwans@triotel.net)
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:52 PM
To: 'svn@siouxvalleynewsonline.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) 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
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No: SFA-0000000742

Ad No: 0004579635

PO #: AD#4579635

Lines : 214

Ad Total \$131.21

This is not an invoice

of Affidavits: 1

MINNEHAHA COMMUNITY WATER CORP
47381 248TH ST
DELL RAPIDS, SD 57022

Account No.: SFA-0000000742

Ad No.: 0004579635

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

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

Wednesday, February 3, 2021

Sworn to and subscribed before me this 17 day of February, 2021.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires

VICKY FELTY
Notary Public
State of Wisconsin

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMITS**

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 hearings to review these future use permits at 10:00 am central time, March 3, 2021, in 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 permits to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any 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 22, 2021. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4838A-3, 5063A-3 and 5716-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-36.1, Board Rules ARSD 74:02:01:23.01 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 recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water

Rights Program, (605 773-3352) by February 22, 2021. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 22, 2021.

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 15, 2021.

Published once at the approximate cost of \$131.21.
4579635 Feb. 3, 2021

RECEIVED

FEB 22 2021

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Turner) SS

I, Julie Novell

certify that the attached printed Notice was taken
from 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 date:

February 4, 2021

Cost of Printing \$ 71.16

Julie Novell
(Signature)

Office Manager
(Title)

Feb. 18, 2021
(Date Signed)

made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17, T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be

Notice of Hearing to Review Future Use Water Permits

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress

located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 these future use permits at 10:00 a.m. central time, Wednesday, March 3 in 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 permits to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any 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 22, 2021. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4838A-3, 5063A-3 and 5716-3 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 recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by February 22, 2021. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 22, 2021.

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, February 15.

Published once at the approximate cost of \$71.16

(N0204-4)

... of hearing for minor

Affidavit of Publication

RECEIVED

FEB 22 2021

WATER RIGHTS
PROGRAM

February 10 L25226
NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 2580-2

Notice is given that the Water Management Board will review Future Use Permit No. 2580-2 held by the Southern Black Hills Water System, c/o Don Peterson, 26856 Hwy 385, Hot Springs SD 57747 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. 2580-2. This permit was approved 2007 and currently reserves 1,474 acre-feet from the Madison Aquifer. The area reserved for future use is the approximate center of the NW 1/4 Section 6-T3S-R5E (Custer County); S 1/2 SE 1/4 Section 16-T6S-R4E (Custer County); W 1/2 NW 1/4 Section 21-T8S-R5E (Fall River County) and S 1/2 NW 1/4 Section 24-T6S-R5E (Custer County). The water is reserved for rural water use serving users in Fall River, Custer, and Pennington Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2580-2 REMAIN IN EFFECT for 1,474 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. 2580-2 at 10:00 am central time, March 3, 2021 in 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 22, 2021. 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. 2580-2 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.

STATE OF SOUTH DAKOTA

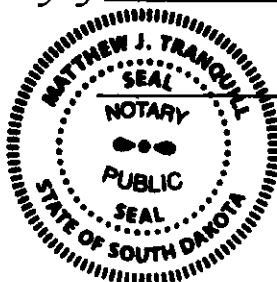
County of Pennington

SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 10th day of Feb 2021 that the fees charged for the publication there of are 85 dollars and 11 cents.

Sheri Sponder

Subscribed and sworn to before me this 18th day of February, 2021.



Matthew J. Tranter
Notary public

December 5, 2025

My commission expires

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 Ron Duval, Water Rights Program, (605 773-3352) by February 22, 2021. 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 22, 2021.

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 22, 2021.

(Published once at the approximate cost of \$85.11)

IN THE _____ COURT
COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____ on
the _____ day of _____
20____

Attorney for _____



RECEIVED

FEB 08 2021

Form 8

WATER RIGHTS
PROGRAM

ay, February 4, 2021 - Page 7

Public Notice

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 these future use permits at 10:00 am central time, March 3, 2021, in 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 permits to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permits for

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Troy Schwans

certify that the attached printed Notice was taken
from the Salem Special

printed and published in McCook Salem

County of McCook and
state of South Dakota. The notice was published

in the newspaper on the following date:

Feb. 4, 2021

Cost of Printing _____

Approx. \$57.38

Troy Schwans
(Signature)

Editor
(Title)

2/4/21
(Date Signed)

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 22, 2021. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4383A-3, 5063A-3 and 5716-3 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 recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by February 22, 2021. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 22, 2021.

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 15, 2021.

Published once at the total approximate cost of \$57.38.

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 08 2021

STATE OF SOUTH DAKOTA }
County of Lake } ss.

WATER RIGHTS PROGRAM

Joanne Wheeler of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Water Rights Program

Notice of Hearing to Review Future Use Water Permits

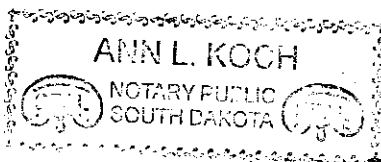
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 4th day of February, 2021;
On , the day of , 2021;
On , the day of , 2021;
On , the day of , 2021;
On , the day of , 2021;
On , the day of , 2021;
On , the day of , 2021;
On , the day of , 2021;

That \$ 53.12 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Joanne Wheeler

Subscribed and sworn to before me this 5th day of February, 2021



Ann L. Koch
Notary Public, Lake County, South Dakota
Exp. 11-14-25

Thursday, Feb. 4

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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.

Publication Fees \$

Notary Fees \$

Total \$

Received Payment,

County of

he office of

on the

day of

Attorneys for

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 22, 2021. 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 permits, the reasons for

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 15, 2021.

Published once at the total approximate cost of \$53.12

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Hearing to
Review Future
Use Water

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

2-3-21

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 53⁹⁶

M. Headrick

bookkeeper

Subscribed and sworn to before me this

4 day of February AD 2021

Notary Public, County Moody, South Dakota

ROGER W JANSSEN

NOTARY PUBLIC
SOUTH DAKOTA

My commission expires 2-16-24

NOTICE OF HEARING TO REVIEW FUTURE USE WATER

Notice is given that the Water Management Board will review future use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 these future use permits at 10:00 am central time, March 3, 2021, in 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 the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any 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 22, 2021. 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 permits, the reasons for petitioner's opposition to or support of continuing the future use permits, 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 Nos. 4838A-3, 5063A-3 and 5716-3 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 recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by February 22, 2021. 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 Permits. The request for a delay must be filed with the Chief Engineer by February 22, 2021.

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 15, 2021. Published once at

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FEB 08 2021

WATER RIGHTS
PROGRAM



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 4, 2021

NOTICE OF ENTRY OF ORDER

Scott Buss, Manager
Minnehaha Community Water Corp.
47281 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in response to action taken by the Water Management Board at the hearing on March 3, 2021 to review Future Use Permit Nos. 4838A-3, 5063-3 and 5716-3. The Board allowed the permits to remain in effect as follows with the fee for maintaining effectiveness also listed.

4838A-3	33 acre-feet annually	\$50.00
5063A-3	717 acre-feet annually	\$115.00
5716-3	750 acre-feet annually	\$125.00

The total fee for maintaining the effectiveness of the permits is \$290.00. Please make checks payable to the Water Rights Program and remit the fee within 60 days. The three permits are subject to another review in seven years.

Please contact Karen Schlaak, if you have any questions.

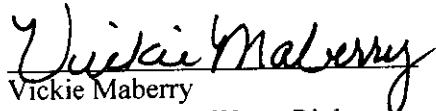
Sincerely,

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

CERTIFICATION

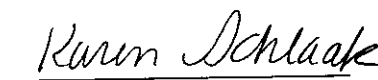
I hereby certify that on March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 4, 2021, regarding Future Use Review addressed as stated below:

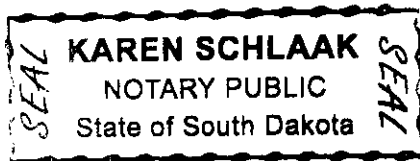
City of Spearfish, Brandy Kean, Public Works Director, 625 5th St., Spearfish SD 57783
Southern Black Hills Water System, C/O Don Peterson, 26858 Hwy 385, Hot Springs SD 57747
Matthew E Naasz, Gunderson Palmer Nelson & Ashmore, PO Box 8045, Rapid City SD 57709
Tami Jansma, City Engineer, City of Brandon, PO Box 95, Brandon SD 57005
Scott Buss, Manager, Minnehaha Community Water Corp., 47281 248th St., Dell Rapids SD 57022-5305


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of March, 20 21.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 27, 2021

Scott Buss, Manager
Minnehaha Community Water Corp.
47281 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

On March 4, 2021 we requested fees for maintaining the effectiveness of Future Use Permit Nos. 4838A-3, 5063-3 and 5716-3. As of today, we have not received this payment.

Please submit the total fee of \$290.00 as soon as possible to avoid violating the regulation regarding the water corporation's three future use permits. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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