

Considered: _____

WATER PERMIT NO. 5063A-3

Phone: 428-3374

Name of Applicant: Minnehaha Community Water Corp

Post Office Address: RR 2, Box 26A, Dell Rapids SD 57022

Amount of Water Claimed: 717 ac-ft Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: rural water system County: MA-LN-MC

About 1 miles West of Dell Rapids

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 8-7-92 Fee: \$50 Remarks Change the use
on Water Future Use Permit No. 5063-3

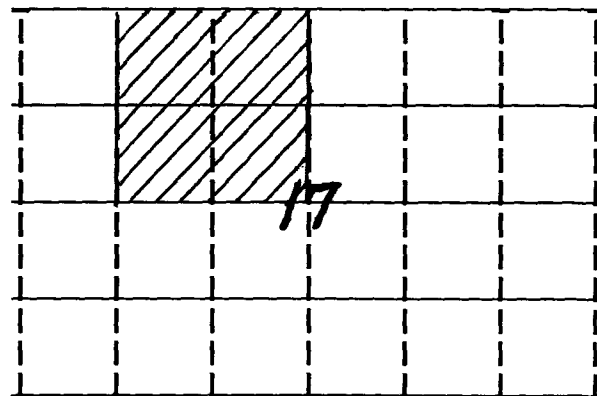
Corrected Application Received 8-20-92 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 Sec 17-T104N-R49W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: _____ PREPARED BY: _____ Reviewed and the Number

Assigned on 10-5-92 By Karen Schlaak

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. 5063A-3 Hydrologic Unit 10170203
Basin Sioux River
Newspaper See attached list
(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. 5063-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
change use on Future Use Permit No. 5063-3 from municipal to rural water system

- Name of Applicant Minnehaha Community Water Corp. Phone 428-3374
Mailing Address RR 2, Box 26A Dell Rapids State SD 57022
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 717 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
NE 1/4 Section 17-T104N-R49W
- County Minnehaha
- County or counties where water will be used Minnehaha-Lincoln-McCook
- Annual period during which water is to be used January 1 - December 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}

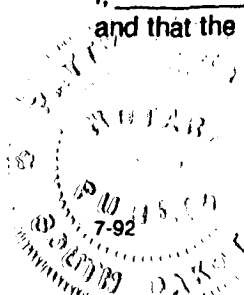
I, JOHN BUSS, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed John Buss

Subscribed and sworn to before me this 30TH day of SEPTEMBER 1992

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

Patty L. Hall
Notary Public



**SOUTH DAKOTA
FUTURE USE PERMIT NO. 5063A-3**

Date of first receipt of application October 5, 1992.

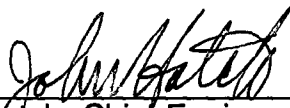
The Water Management Board approved Future Use Permit No. 5063A-3 on March 3, 1993 for Minnehaha Community Water Corporation, RR 2, Box 26A, Dell Rapids SD 57022 subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5063A-3 amends Future Use Permit No. 5063-3. Future Use Permit No. 5063-3 was issued to the City of Dell Rapids and has been transferred to the Minnehaha Community Water Corporation. Permit No. 5063-3 reserves 717 acre-feet from groundwater (wells will be less than 70 feet deep) for municipal use. The area for future use development is located in the NE 1/4 Section 17-T104N-R49W. This permit changes the water use from municipal use to rural water system use by the Minnehaha Community Water Corporation. This permit is not for construction of works or to put water to beneficial use.
2. The water appropriated shall be used for the purpose of supplying water to the Minnehaha Community Water Corporation and may not exceed the amount of water needed for beneficial use for rural water system use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is June 24, 1985.
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 Future Use Permit No. 5063A-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder 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 46-5-38.1.
3. This permit is approved for groundwater less than 70 feet deep.

WATER MANAGEMENT BOARD

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

MAY 19 1993

date

RECEIPT

413384

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 20, 19 92

RECEIVED OF Minnehaha Community Water Corp, RR 2, Box 26A, Dell Rapids
the following amount in fees for services rendered as provided for by law: 57022

Fee for Application for Permit No. <u>5063A-3</u> 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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch (KS)
Chief Engineer JOHN HATCH

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

TO: Chief Engineer
Water Rights Division
523 East Capitol
Pierre, SD 57501-3181

Date: August 6, 1992

I, We request that Water Permit/Right No. 5063-3

formerly owned by: City of Dell Rapids

be transferred to: (name & address) Minnehaha Community Water, Corp.

RR 2, Box 26A Dell Rapids, SD 57022 (telephone No.) 428-3374

Title to the following described land(s)/property has been transferred as described above:

Request Water Rights Transfer and Renewal from the Northeast Quarter of Section 17, of

T-104-N, R-49-W to the Southeast Quarter of Section 29 and the Northeast Quarter of
Section 32, in T-104-N, R-49-W, Minnehaha County, South Dakota. SEE ATTACHED MAP

I/We understand that the validity of Water Permit/Right No. 5063-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Minnehaha)

I/We John Buss being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

John Buss
(Signed)

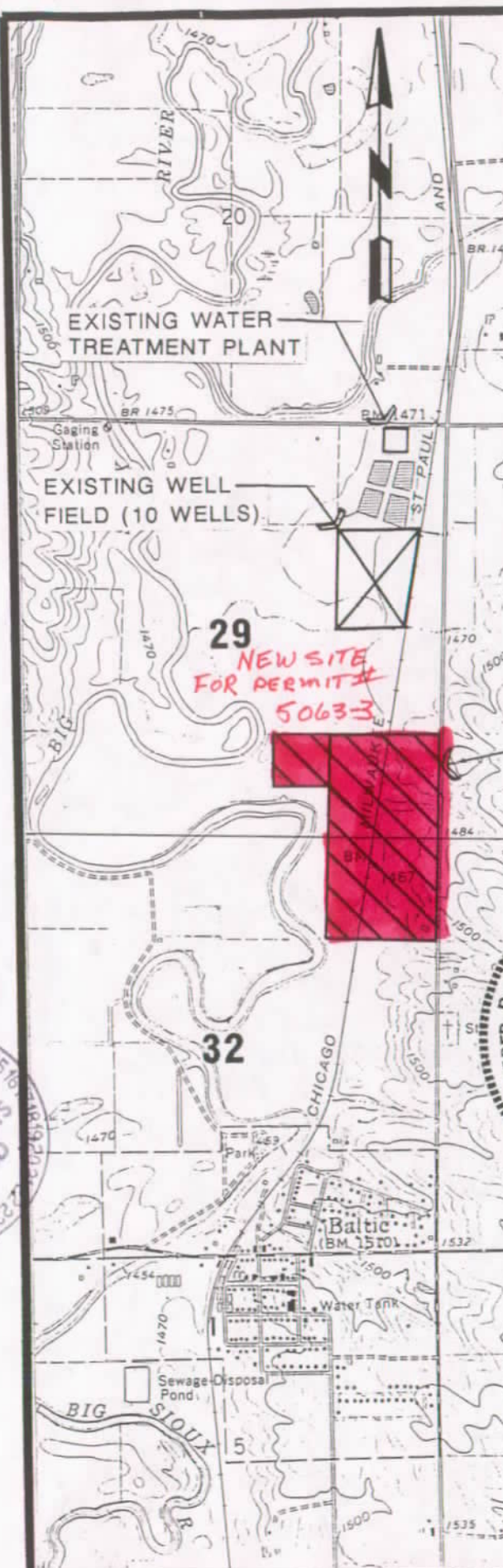
Subscribed and sworn to before me this 6th day of August, 1992.

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

Patty L. Hall
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS SS

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 DID 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. 19 92.

Daryl Englund
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS SS

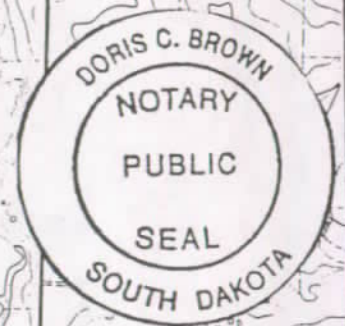
ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DARYL ENGLUND, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 9th DAY OF June A.D. 19 92.

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 2
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



PROPOSED WELL FIELD EXHIBIT #2

I hereby certify that this plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly Registered Professional Engineer under the laws of the State of SOUTH DAKOTA and that I am competent to prepare this document.

Registration No. 3473 Date 6-14-85

By David Holman

NOTE: ACTUAL
LOCATION AND NUMBER
OF WELLS TO BE FIELD
VERIFIED WITH PILOT
HOLES PRIOR TO WELL
CONSTRUCTION.



DeWild Grant Reckert & Associates Co.
Denver, Colorado
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date 6-14-85
Drawn By WBR
Approved
Revised

CITY OF DELL RAPIDS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 1992

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

Dear Mr. Buss:

In regard to the water permit application received on August 7, 1992, the following information needs to be submitted and clarified in order to process the application.

Item No. 2 of the application states the amount of water claimed to be 750 acre-feet. Future Use Permit No. 5063-3 for the City of Dell Rapids authorizes 1.65 cubic feet of water per second (cfs) which is approximately 1,195 acre-feet per year. As a part of the review of future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the permit holder's flexibility when placing reserved water to beneficial use. We have used 60% of the annual pumping rate in making this conversion from a diversion rate to acre-feet annually. Using this formula, 60% of 1,195 acre-feet would be 717 acre-feet. You may request 750 acre-feet be transferred, but please justify the request for more than 717 acre-feet.

The filing fee for this application is \$50.00. The filing fee for the transfer of the water permit (\$2.50) will be requested if this application is approved. A fee will also be assessed if No. 5063-3 is allowed to remain in effect. The fee will be based on the amount of remaining in reserve.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: John Buss, Minnehaha Community Water Corp.

ADDRESS: RR 2, Box 26A, Dell Rapids COUNTY: _____

DATE: 8/14/92 TELEPHONE: 428-3374

RE: Discussion of letter sent him on August 11, 1992

COMMENTS:

Mr. Buss called to say the he had no problem with amending their application to be for 717 acre feet. He asked me to make this change to the application.

Mr. Buss also stated that they had sent in a check for \$85 along with the application. He had a photocopy of the check in his hand. I said that I did not think that we received the check but that I would check with Karen next Tuesday and get back to him.

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

NAME: Eric Gronlund

RECEIPT

413383

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 20, 19 92

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

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

57022

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. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Future Use Permit No. 5063-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John Hatch (KS)
Chief Engineer

JOHN HATCH



OCT. 1, 1992

DEAR KEN: HERE ARE THE
SIGNED & NOTARIZED FORMS
WITH THE \$35.00 FILING FE
AS YOU REQUESTED IN YOUR
LETTER OF 9-28-92. PLEASE
PROCESS THESE AT YOUR
EARLIEST CONVENIENCE.

September 28, 1992

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

Dear Mr. Buss:

This letter is a follow-up of the conversation I had with your office earlier today. As I relayed on the phone, it is my understanding that Minnehaha Community Water Corp. (MCWC) intends to: (1) apply for a new future use permit for 750 acre-feet/year; and (2) transfer Dell Rapids' future use permit (No. 5063-3) to MCWC, and change the use of that permit from municipal to rural water system use. These two actions must be handled with two applications.

One application must be used for a new future use permit, reserving 750 acre-feet/year. The paper work on file with our office can be used for this application, however, a filing fee of \$35.00 must be submitted for this application. The filing fee must be received before October 7, 1992, to retain the original priority date of the application.

The change of use from municipal to rural water system use on Permit No. 5063-3 must be handled with a separate application. Enclosed is a set of partially completed application forms to change the use on Permit No. 5063-3. Please review the application forms, have them signed and notarized. The \$50 filing fee for this application has already been submitted.

Upon receipt of the above, further processing of your applications will continue. If you have any questions, feel free to contact me.

Very truly yours,

Ken Buhler
Natural Resources Engineer
(605) 773-3352

enclosures

PERMIT APPLICATION NO. 5063A-3
MINNEHAHA COMMUNITY WATER, CORP.
OCTOBER 27, 1992

Water Permit Application No. 5063A-3 is an application to amend Future Use Permit No. 5063-3. Future Use Permit No. 5063-3 issued to the City of Dell Rapids appropriates 1.65 cubic feet of water per second from groundwater (wells will be less than 70 feet deep) for municipal use. The area for development of future water use is located in the NE 1/4 Sec.17,T104N-R49W. This application proposes to change the water use from municipal to rural water system use. This application is not for construction of works or to put water to beneficial use.

AQUIFER: Plietocene unknown, possible Big Sioux Aquifer

DISCUSSION:

The Water Resources of Minnehaha County, South Dakota (USGS, 1992), identifies the area underlying this area as a part of the Big Sioux Aquifer. However, "Extensive test hole drilling for the City of Dell Rapids by a consultant (DGR) indicates outwash (up to 60 feet thick bounded by Sioux Quartzite highs on the east and south and the Big Sioux River on the west. This test hole drilling and subsequent aquifer testing would tend to enforce the idea that the aquifer is not part of the BS:SF unit." (Goodman, 1985).

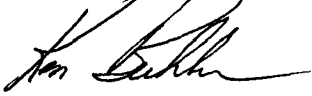
The question of whether the aquifer is a part of the BS:SF or not, can be considered a moot point. It should be noted, as a simple bookkeeping matter however, that when the Water Management Board established an annual withdrawal limitation from the BS:SF, and subsequent applications appropriating water from the management unit, this appropriation was not considered to be from the unit.

In the past, the Water Management Board has quantified future use permits with an annual limitation. A maximum annual acre-feet of full-time pumping represented by 1.65 cubic feet of water per second (cfs) reserved by No. 5063-3 is approximately 1,195 acre-feet per year. Assuming that the total amount pumped annually would equal 60% of 1,195 acre-feet, then expected developed pumping of water reserved under Permit No. 5063-3 would be about 717 acre-feet per year.

CONCLUSIONS:

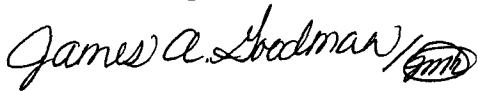
1. This application proposes to amend Future Use Permit No. 5063-3 to change the water use from municipal to rural water system use.
2. The change of use represented by this amendment will have no effect on water availability or the probability of impairment of existing water rights.

3. In the past the Water Management Board has limited future use permits to 60% of full time pumping at the maximum diversion rate (717 ac-ft/yr for 1.65 cfs)



Ken Buhler
Natural Resources Engineer

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Goodman, J.A., 1985, "Report on City of Dell Rapids Application No. 5063-3", Water Permit No.5063-3 File, DENR-Division of Water Rights, Joe Foss Building, Pierre, SD, 57501

Lindgren, R.J., C.Niebus, 1992, Water Resources of Minnehaha County, South Dakota, USGS Water-Resources Investigation 91-4101, USGS, Huron, SD, 57350

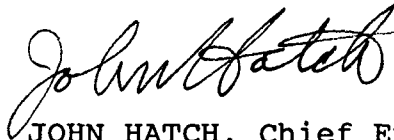
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5063A-3, Minnehaha Community Water Corporation

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. 5063A-3, Minnehaha Community Water Corporation, c/o John Buss, RR 2 Box 26A, Dell Rapids, SD 57022.

The Chief Engineer is recommending APPROVAL of Application No. 5063A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use, and 3) it is in the public interest with the following qualifications:

1. That Future Use Permit No. 5063A-3 is approved with the stipulation that the Permit to appropriate water is 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 46-5-38.1.
3. This permit is approved for groundwater less than 70 feet deep.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
November 19, 1992



**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.

December 7, 1992

John Buss
Minnehaha Community Water Corp.
RR 2 Box 26A
Dell Rapids, SD 57022-9424

Dear Mr. Buss:

Water Permit Application No. 5063A-3 and review of Future Use Permit No. 5063-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Argus Leader printed at Sioux Falls, SD (Ph # 331-2200), Sioux Valley News printed at Canton, SD (Ph # 987-2631), and Salem Special printed at Salem, SD (Ph # 425-2361). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above 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.

Instruction to Newspaper - Publish first Notice on January 7, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5063A-3 to Amend Future Use Permit No. 5063-3
and NOTICE OF HEARING to Review Future Use Permit No. 5063-3

Notice is given that the Minnehaha Community Water Corporation, RR 2 Box 26A, Dell Rapids, SD 57022-9424 has filed an application for a water permit to amend Future Use Permit No. 5063-3. Future Use Permit No. 5063-3 which was issued to the City of Dell Rapids has been transferred to the Minnehaha Community Water Corporation. Permit No. 5063-3 reserves 1.65 cubic feet of water per second from groundwater (wells will be less than 70 feet deep) for municipal use. The area for future water use development is located in the NE 1/4 Section 17-T104N-R49W. This application proposes to change the water use from municipal use to rural water system use by Minnehaha Community Water Corporation. This application is not for construction of works or to put water to beneficial use. This application, if approved, would retain the June 24, 1985, priority date established by Future Use Permit No. 5063-3. This notice also serves to give notice of the review of Future Use Permit No. 5063-3 for progress made in the development of the water reserved by this Permit and future plans for development of reserved water.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5063-3 REMAIN IN EFFECT for 717 acre-feet annually because 1) the quantity of water reserved will be needed by the Minnehaha Community Water Corporation, 2) the proposed use is a beneficial use, and 3) it is in the public interest. The recommendation of the Chief Engineer is not final or binding upon the Water Management 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5063A-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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Even if not contested, a hearing will be held before the Board because the application presents important issues of public policy or public interest that should be heard by the Board.

Any person interested in opposing or supporting Application No. 5063A-3 or the review of Future Use Permit No. 5063-3 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 February 19, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in Application No. 5063A-3 or the review of Future Use Permit No. 5063-3, the petitioner's reasons for opposing or supporting Application No. 5063A-3 or the Future Use Review, 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 conduct a hearing on Application No. 5063A-3 and the review of Future Use Permit No. 5063-3 at 10:00 am on March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. Anyone not filing a petition, but interested in attending either hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 3, 1993, 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 Application No. 5063A-3 or review of Future Use Permit No. 5063-3. The request for an automatic delay must be filed by February 19, 1993.

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 February 19, 1993, at the above Water Rights Division address to request copies of information pertaining to this application or review of Future Use Permit No. 5063-3, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application and review 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Lincoln)

I, Sandra Lundstrom

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:

January 7, 1993

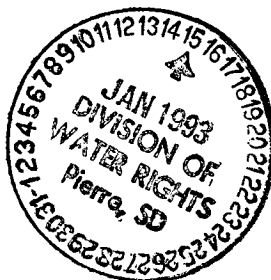
January 14, 1993

Cost of Printing: \$87.32

Sandra Lundstrom
 (Signature)

Bookkeeper
 (Title)

1-14-93
 (Date Signed)



NOTICE OF HEARING
on Application No. 5063A-3
to Amend Future Use
Permit No. 5063-3
and
NOTICE OF HEARING
to Review Future Use
Permit No. 5063-3

Notice is given that the Minnehaha Community Water Corporation, RR 2 Box 26A, Dell Rapids, SD 57022-9424 has filed an application for a water permit to amend Future Use Permit No. 5063-3 which was issued to the City of Dell Rapids has been transferred to the Minnehaha Community Water Corporation. Permit No. 5063-3 reserves 1.65 cubic feet of water per second from groundwater (wells will be less than 70 feet deep) for municipal use. The area for future water use development is located in the NE 1/4 Section 17-T104N-R49W.

This application proposes to change the water use from municipal use to rural water system use by Minnehaha Community Water Corporation. This application is not for construction of works or to put water to beneficial use. This application, if approved, would retain the June 24, 1985, priority date established by Future Use Permit No. 5063-3. This notice also serves to give notice of the review of Future Use Permit No. 5063-3 for progress made in the development of the water reserved by this Permit and future plans for development of reserved water.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5063-3 REMAIN IN EFFECT for 717 acre-feet annually because 1), the quantity of water reserved will be needed by the Minnehaha Community Water Corporation, 2) the proposed use is a beneficial use, and 3) it is in the public interest. The recommendation of the Chief Engineer is not final or binding upon the Water Management 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5063A-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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Even if not contested, a hearing will be held before the Board because the application presents important issues of public policy or public interest that should be heard by the Board.

Any person interested in opposing or supporting Application No. 5063A-3 or the review of Future Use Permit No. 5063-3 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 February 19, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in Application No. 5063A-3 or the review of Future Use Permit No. 5063-3, the petitioner's reasons for opposing or supporting Application No. 5063A-3 or the Future Use Review, 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 conduct a hearing on application No. 5063A-3 and the review of Future Use Permit No. 5063-3 at 10:00 am on March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. Anyone not filing a petition, but interested in attending either hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 3, 1993, 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 Application No. 5063A-3 or review of Future Use Permit No. 5063-3. The request for an automatic delay must be filed by February 19, 1993.

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 February 19, 1993, at the above Water Rights Division address to request copies of information pertaining to this application or review of Future Use Permit No. 5063-3, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application and review 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
County of McCook)

1, 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:

January 7, 1993

January 14, 1993

Cost of Printing: \$83.00


(Signature)

Editor

(Title)

1/14/93

(Date Signed)



Public Notice

NOTICE OF HEARING
on Application No. 5063A-3
to Amend Future Use
Permit No. 5063-3

NOTICE OF HEARING
to Review Future Use
Permit No. 5063-3

Notice is given that the Minnehaha Community Water Corporation, RR2 Box 26A, Dell Rapids, SD 57022-9424 has filed an application for a water permit to amend Future Use Permit No. 5063-3 Future Use Permit No. 5063-3 which was issued to the City of Dell Rapids has been transferred to the Minnehaha Community Water Corporation. Permit No. 5063-3 reserves 1.65 cubic feet of water per second from groundwater (wells will be less than 70 feet deep) for municipal use. The area for future water use development is located in the NE 1/4 Section 17-T104N-R49W. This application proposes to change the water use from municipal use to rural water system use by Minnehaha Community Water Corporation. This application is not for construction of works or to put water to beneficial use. This application, if approved, would retain the June 24, 1985, priority date established by Future Use Permit No. 5063-3. This notice also serves to give notice of the review of Future Use Permit No. 5063-3 for progress made in the development of the water reserved by this Permit and future plans for development of reserved water.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5063-3 REMAIN IN EFFECT for 717 acre-feet annually because 1) the quantity of water reserved will be needed by the Minnehaha Community Water Corporation, 2) the proposed use is a beneficial use, and 3) it is in the public interest. The recommendation of the Chief Engineer is not final or binding upon the Water Management 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5063A-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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Even if not contested, a hearing will be held before the Board because the application presents important issues of public policy or public interest that should be heard by the Board.

Any person interested in opposing or supporting Application No. **5063A-3** or the review of Future Use Permit No. **5063-3** 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 February 19, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in Application No. 5063A-3 or the review of Future Use Permit No. 5063-3, the petitioner's reasons for opposing or supporting Application No. 5063A-3 or the Future Use Review, 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 conduct a hearing on Application No. 5063A-3 and the review of Future Use Permit No. 5063-3 at 10:00 a.m. on March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. Anyone not filing a petition, but interested in attending either hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 3, 1993, 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 Application No. 5063A-3 or review of Future Use Permit No. 5063-3. The request for an automatic delay must be filed by February 19, 1993.

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 February 19, 1993, at the above Water Rights Division address to request copies of information pertaining to this application or review of Future Use Permit No. 5063-3, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application and review 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. Robert E. Roberts,
Secretary, Department of Environment
and Natural Resources.

1/7, 1/14

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, }
COUNTY OF MINNEHAHA } SS.

M. DEVISH

.....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, by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 7 day of January, 1993,

Thursday, the 14 day of January, 1993,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

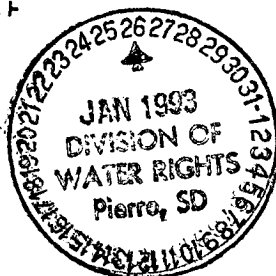
_____, the _____ day of _____, 19____,

and that \$160.95 was charged for publishing the same including a \$2.00 affidavit fee.

M. Devish

Subscribed and sworn to before me January 25, 1993.

Judy Wiese
JUDY WIESE
NOTARY PUBLIC
SOUTH DAKOTA



NOTICE OF HEARING
on Application No. 5063A-3
to Amend Future Use Permit
No. 5063-3 and
NOTICE OF HEARING
to Review Future Use Permit
No. 5063-3

Notice is given that the Minnehaha Community Water Corporation, RR 2 Box 26A, Dell Rapids, SD 57022-9424 has filed an application for a water permit to amend Future Use Permit No. 5063-3, which was issued to the City of Dell Rapids has been transferred to the Minnehaha Community Water Corporation. Permit No. 5063-3 reserves 1.65 cubic feet of water per second from groundwater (wells will be less than 70 feet deep) for municipal use. The area for future water use development is located in the NE 1/4 Section 17-T104N-R49W. This application proposes to change the water use from municipal use to rural water system use by Minnehaha Community Water Corporation. This application is not for construction of works or to put water to beneficial use. This application, if approved, would retain the June 24, 1985, priority date established by Future Use Permit No. 5063-3. This notice also serves to give notice of the review of Future Use Permit No. 5063-3 for progress made in the development of the water reserved by this Permit and future plans for development of reserved water.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5063-3 REMAIN IN EFFECT for 717 acre-feet annually because 1) the quantity of water reserved will be needed by the Minnehaha Community Water Corporation, 2) the proposed use is a beneficial use, and 3) it is in the public interest. The recommendation of the Chief Engineer is not final or binding upon the Water Management 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5063A-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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Even if not contested, a hearing will be held before the Board because the application presents important issues of public policy or public interest that should be heard by the Board.

Any person interested in opposing or supporting Application No. 5063A-3 or the review of Future Use Permit No. 5063-3 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 February 19, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in Application No. 5063A-3 or the review of Future Use Permit No. 5063-3, the petitioner's reasons for opposing or supporting Application No. 5063A-3 or the Future Use Review, 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 conduct a hearing on Application No. 5063A-3 and the review of Future Use Permit No. 5063-3 at 10:00 am on March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. Anyone not filing a petition, but interested in attending either hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 3, 1993, 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 Application No. 5063A-3 or review of Future Use Permit No. 5063-3. The request for an automatic delay must be filed by February 19, 1993.

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 February 19, 1993, at the above Water Rights Division address to request copies of information pertaining to this application or review of Future Use Permit No. 5063-3, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application and review 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.

Robert E. Roberts, Secretary
Department of Environment and
Natural Resources
Jan. 7, 14, 1993

11307



MAY 19 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Dear Mr. Buss:

Enclosed are Future Use Permit Nos. 5063A-3 and 5716-3, as approved by the Water Management Board.

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

Very truly yours,

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

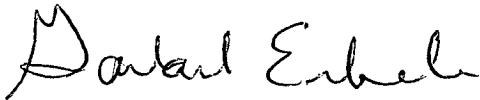
Enclosure

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5063A-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. 5063A-3, Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305.

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 \$32.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the corporation after the Board hearing.

A handwritten signature in cursive script, reading "Garland Erbele".

Garland Erbele, Chief Engineer
June 6, 2000

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

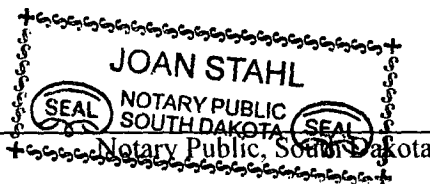
THUR	, the	15	day of	JUNE	2000,
THUR	, the	22	day of	JUNE	2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,
	, the		day of		2000,

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 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 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 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 NE1/4 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 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 Ave., Pierre, SD 57501, (605-773-3352) and the permit holders' mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit 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 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by 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
8580 June 15, 22, 2000





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



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 and 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 said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT 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

(Seal)

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.

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.

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



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	35.00
		<u>\$82.50</u>

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.

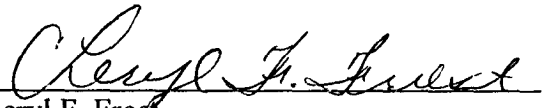
Sincerely,

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

CERTIFICATION

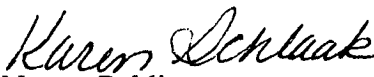
I hereby certify that on July 13, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 13, 2000, regarding response to action taken by the Water Management Board at the hearing on July 12, 2000, to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

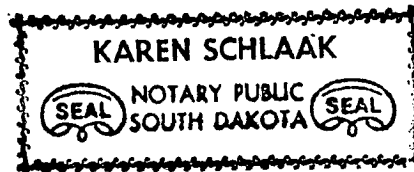
John Buss, Manager, Minnehaha Community Water Corporation, 47381 248th St., Dell Rapids, SD 57022-5305.


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 SCHLAAK, 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	35.00
		<u>\$82.50</u>

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

NE 416658

Pierre, October 19, 2000, _____

RECEIVED OF Minnehaha Community Water Corp, 47281 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. 5063A-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

32 50

By

Chief Engineer

Garland Erbe

KS



5063A-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.

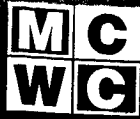
The permits will then be public noticed at the corporation's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining 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. 5063A-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. 5063A-3, Minnehaha Community Water Corporation, 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 \$32.50 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

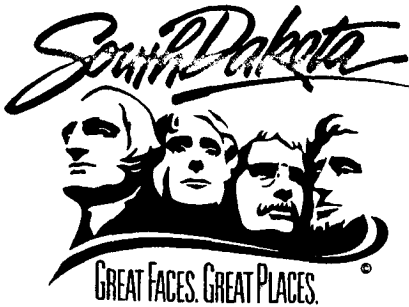
For your information, a copy of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

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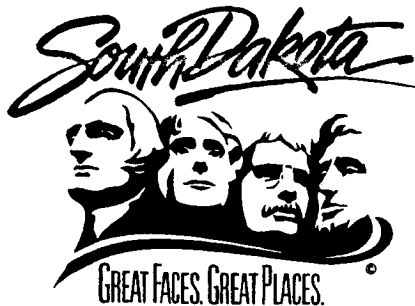
Date _____

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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

Date _____

We are in receipt of your letter of 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.

RECEIVED

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:

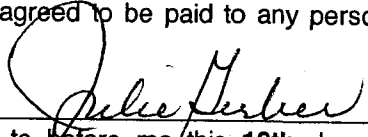
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

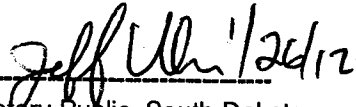
a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

APRIL 12, 2007

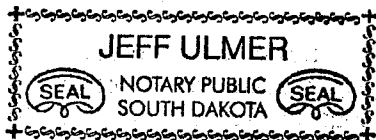
APRIL 19, 2007

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.

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RECEIVED

APR 25 2007

WATER RIGHTS
PROGRAM

Form 8

Public Notice

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

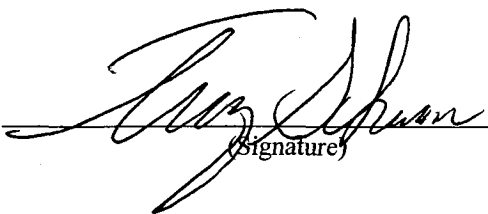
County of McCook) SSI, Troy Schwans

certify that the attached printed Notice was taken

from the Salem Specialprinted and published in SalemCounty of McCook and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

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

Owner
(Title)

4/20/07
(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, 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 is obtained. The permit owner need not file a petition.

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4/12,19

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

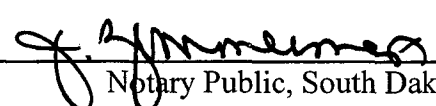
Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the 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,
 and that \$199.59 was charged for publishing the same

Subscribed and sworn to before me 5/2/2007

JACQUELINE ZIMMERMAN

 SEAL NOTARY PUBLIC
 SOUTH DAKOTA SEAL


 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

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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.

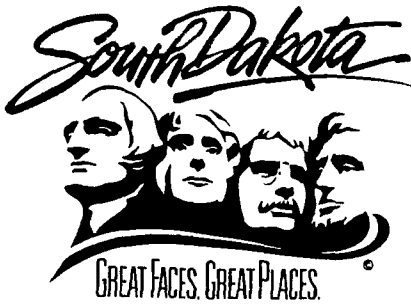
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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.

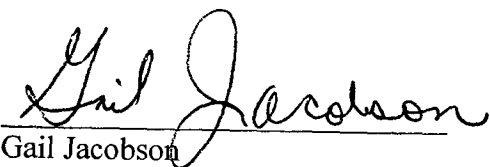
Sincerely,

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

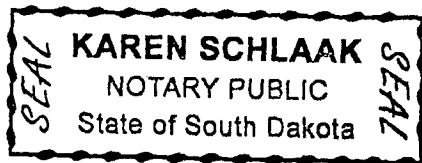


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


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, 2007

RECEIVED OF Minnehaha Community Water Corp 47281 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	32	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5063A-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. _____	32	5 50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **03159**

By

Garland Erbe
Chief Engineer



5063A-3

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



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,

A handwritten signature in black ink that reads 'Scott J. Buss'.

Scott J. Buss
Executive Director



**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 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. 5063A-3, Minnehaha Community Water Corp, 47381 248th St, Dell Rapid 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 water 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 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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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

Daily Leader
PO Box 348
Madison SD 57042

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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

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.

See attached

Robin Schneider

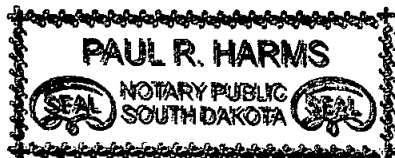
Subscribed and sworn to before me this 19th

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



**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.

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

Notary Public, South Dakota

(Seal)



My Commission Expires
12/9/2014

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

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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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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.

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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

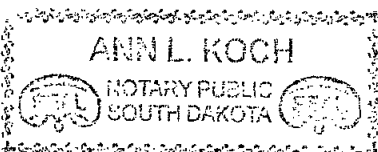
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

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.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

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Publicat The Water Management Board
Notary F will conduct the hearing to review
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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

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.

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

Published once at the total
approximate cost of \$48.79

RECEIVED

JAN 27 2014

Form 8

WATER RIGHTS
PROGRAM

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 date:

January 23, 2014

Cost of Printing \$50.78

Troy Schwans
(Signature)

Owner
(Title)

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.

RECEIVED

JAN 24 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Dibelink

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 Dibelink
(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 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.

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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

CUSTOMER NUMBER:	078200	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1433912		
	1/22, 2014		\$116.97

Minnehaha Community Water Corp
% Scott J Buss, Director
47381 248th St
Dell Rapids, SD 57022

RECEIVED
JAN 24 2014
WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200

Invoice Number: 1433912

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Wednesday the	22	day of	January	2014 ,
_____ the	_____	day of	_____	2014 ,
_____ the	_____	day of	_____	2014 ,
_____ the	_____	day of	_____	2014 ,
_____ the	_____	day of	_____	2014 ,
_____ the	_____	day of	_____	2014 ,
_____ the	_____	day of	_____	2014 ,

and that \$116.97 was charged for publishing the same

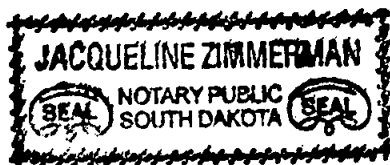
Linda Schulte

Subscribed and sworn to before me 1/22/2014

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2015



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 57501. The recommendation of the Chief Engineer is not final. Published once at the approximate cost of \$116.97. 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.

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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 for 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 \$116.97.

the Board is authorized to 1) 1433912 Jan. 22, 2014



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:

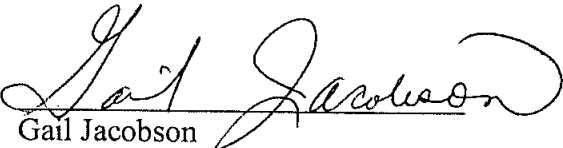
City of Spearfish, T Callaway, 625 N 5th St, Spearfish SD 57783 # 1872-1

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

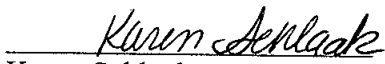
City of Brandon, B Read, PO Box 95, Brandon SD 57005 # 4002-3

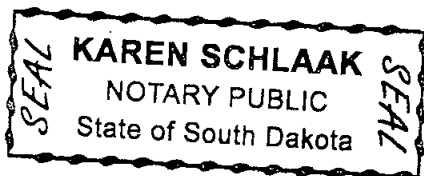
Minnehaha Community Water, S J Buss, 47381 248th St, Dell Rapids SD 57022
#s 4838A-3, 5063A-3 & 5716-3


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 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	115	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5063A-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	115 00

No. **06803**

By 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

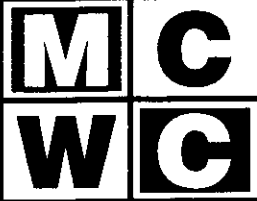
Please respond in writing by February 1, 2021 regarding the corporation's intention for the future use permits. If you plan to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

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

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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.

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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 3:50 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.

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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.

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 3:51 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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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 3:52 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

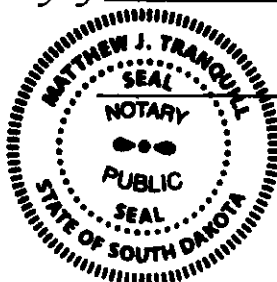
County of Pennington

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.

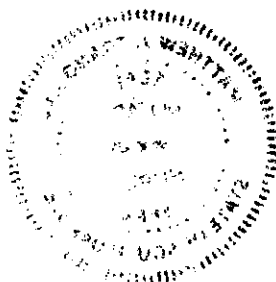
(Published once at the approximate cost of \$85.11)

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

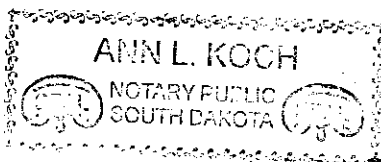
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

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

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

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

RECEIVED

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.

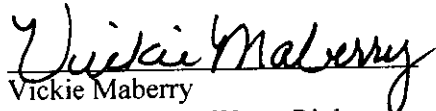
Sincerely,

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

CERTIFICATION

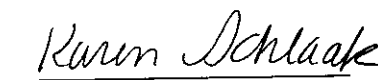
I hereby certify that on March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 4, 2021, regarding Future Use Review addressed as stated below:

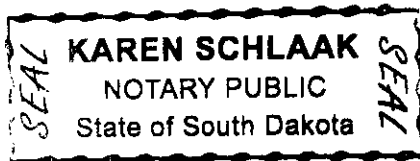
City of Spearfish, Brandy Kean, Public Works Director, 625 5th St., Spearfish SD 57783
Southern Black Hills Water System, C/O Don Peterson, 26858 Hwy 385, Hot Springs SD 57747
Matthew E Naasz, Gunderson Palmer Nelson & Ashmore, PO Box 8045, Rapid City SD 57709
Tami Jansma, City Engineer, City of Brandon, 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

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>5063A-3</u> after period of seven years.	\$115.00
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	\$115.00

By

Eric Gronlund
Chief Engineer
VM