

Considered: _____ Future Use WATER PERMIT NO. 5155-3

MAP No. same 743-2966

Name of Applicant Lincoln County Rural Water System, Inc.

Post Office Address P.O. Box 36, Harrisburg SD 57032

Amount of Water Claimed 440 ac-ft / annually Total Acres NA

Source of Water Supply Dakota Sandstone Aquifer

Water to be used for ~~irrigation~~ RWS County Lincoln

About 2 to 6 miles N of Canton.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Oct. 21, 1987 Fee 27.50 Remarks _____

Corrected Application Received _____ 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 sections 17, 16, 20, 21, 29, 28, 32, 33;

1/2 of sections 18, 19, 30, 31; W 1/2 of sections 15, 22, 27,

34; all in T99N-R49W: NE 1/4 section 6; NW 1/4 section 3; N 1/2
of sections 5 and 4; all in T98N-R49W

Land to be Irrigated _____

	15	22	27	34	3
	16	21	28	33	4
	17	20	29	32	5
	18	19	30	31	6

Well Log: Driller Future Use Licensed YES _____ NO _____

Depth of Well ~ 700 feet REMARKS not constructed

Type of Map plat PREPARED BY Gordon Krause Reviewed and the Number

assigned on October 23, 1987 BY Ron Duvall

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 5155-3 Hydrologic Unit 10170203
Map No. same Basin Big Sioux River
Newspaper Sioux Valley News, Box 255, Canton (Thurs)
Argus Leader, PO Box 5034

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☒ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

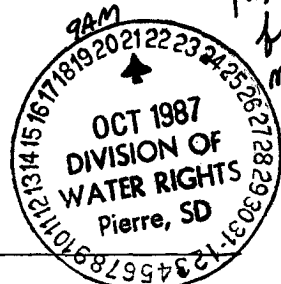
New ☐ Vested Right ☐ Future Use ☒ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



- Name of Applicant Lincoln County Rural Water System, Inc. Phone No. 743-2966
Post Office Address P.O. Box 36, Harrisburg, South Dakota State 57032
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) 3.0 cfs maximum diversion, 440 ac. ft. annual use
- Source of water supply Dakota Sandstone Aquifer
- Location of point of diversion Within Sections W. 1/2 15, 16, 17, E. 1/2 18, E. 1/2 19,
20, 21, W. 1/2 22, W. 1/2 27, 28, 29, E. 1/2 30, E. 1/2 31, 32, 33, W. 1/2 34, T99N,
R49W (Dayton Township) and NW 1/4 3, N. 1/2 4, N. 1/2 5, NE 1/4 6, T98N, R49W
(Canton Township). See attached map. County Lincoln
- Counties where water will be used Lincoln & Minnehaha
- Annual period during which water is to be used Calendar Year Jan 1 - Dec 31
- Give a brief description of proposed 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)
The project will consist of from 2 to 5 wells, a ground storage reservoir, a pumping station and water main to serve as a primary source to deliver water to the Lincoln County Rural Water System.

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

STATE OF SOUTH DAKOTA)
County of Lincoln)^{ss}

I, Robert Messner, Chairman, Lincoln Co. Rural Water System, Inc. 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

Robert Messner

Subscribed and sworn to before me this 8 day of OCTOBER 19 87

Dennis Larson

Notary Public

**SOUTH DAKOTA
FUTURE USE WATER PERMIT**

October 21, 1987

Date of first receipt of application _____

Date of return to applicant for correction, amendments or changes required _____

Date of receipt of corrected application _____

The Water Management Board approved Future Use Water Permit Application No. 5155-3

on May 11, 1988 for Lincoln County Rural Water System, Inc.

PO Box 36 Harrisburg SD 57032
(Street, RR or Box) (City) (State) (Zip Code)

subject to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 5155-3 reserves 440 acre-feet annually from the Dakota Sandstone Formation for future use. The area reserved for future water diversions is located in the E $\frac{1}{2}$ of Sections 18, 19, 30 and 31; W $\frac{1}{2}$ of Section 15, 22, 27 and 34; Sections 17, 16, 20, 21, 29, 28, 32 and 33; all in T99N-R49W; NE $\frac{1}{4}$ Section 6; NW $\frac{1}{4}$ Section 3; N $\frac{1}{2}$ Sections 5 and 4; all in T98N, R49W
2. The water reserved for future use is for future supplies for the Lincoln County Rural Water System
3. The water reserved for future use may not exceed 440 acre-feet annually.
4. The date from which applicant may claim the right is October 21, 1987

QUALIFICATIONS

1. That Future Use Permit No. 5155-3 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 SDCL 46-5-38.1.
3. Approval of this permit reserves 440 acre feet annually from the Dakota Sandstone Formation for future use.

WATER MANAGEMENT BOARD

By: *John Hatch*
Chief Engineer

NOV 30 1988

Division of Water Rights
Dept. of Water and Natural Resources

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 16" & 12" Depth 700' (estimated)
- b) Casing Type steel Diameter 12" & 6" Thickness .375 and .250
- c) Screen Type stainless steel Diameter 6" Thickness 7 gauge
- d) Gravel Pack Thickness 3" Length of Gravel Pack 260' (estimated)
- e) Depth to Top of Water Bearing Material 400' (estimated)
- f) Depth to Water (ground surface to water level) 150' (estimated)
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

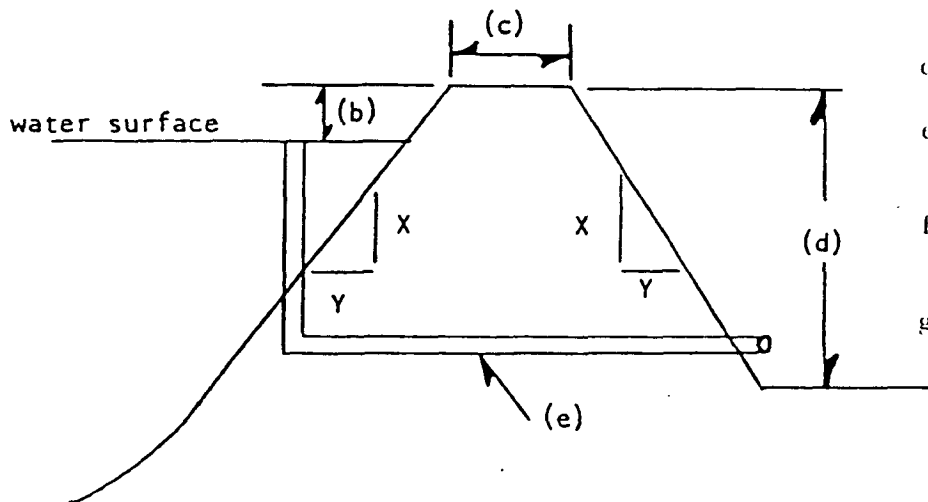
g) X & Y Slope
Upstream _____

Downstream _____

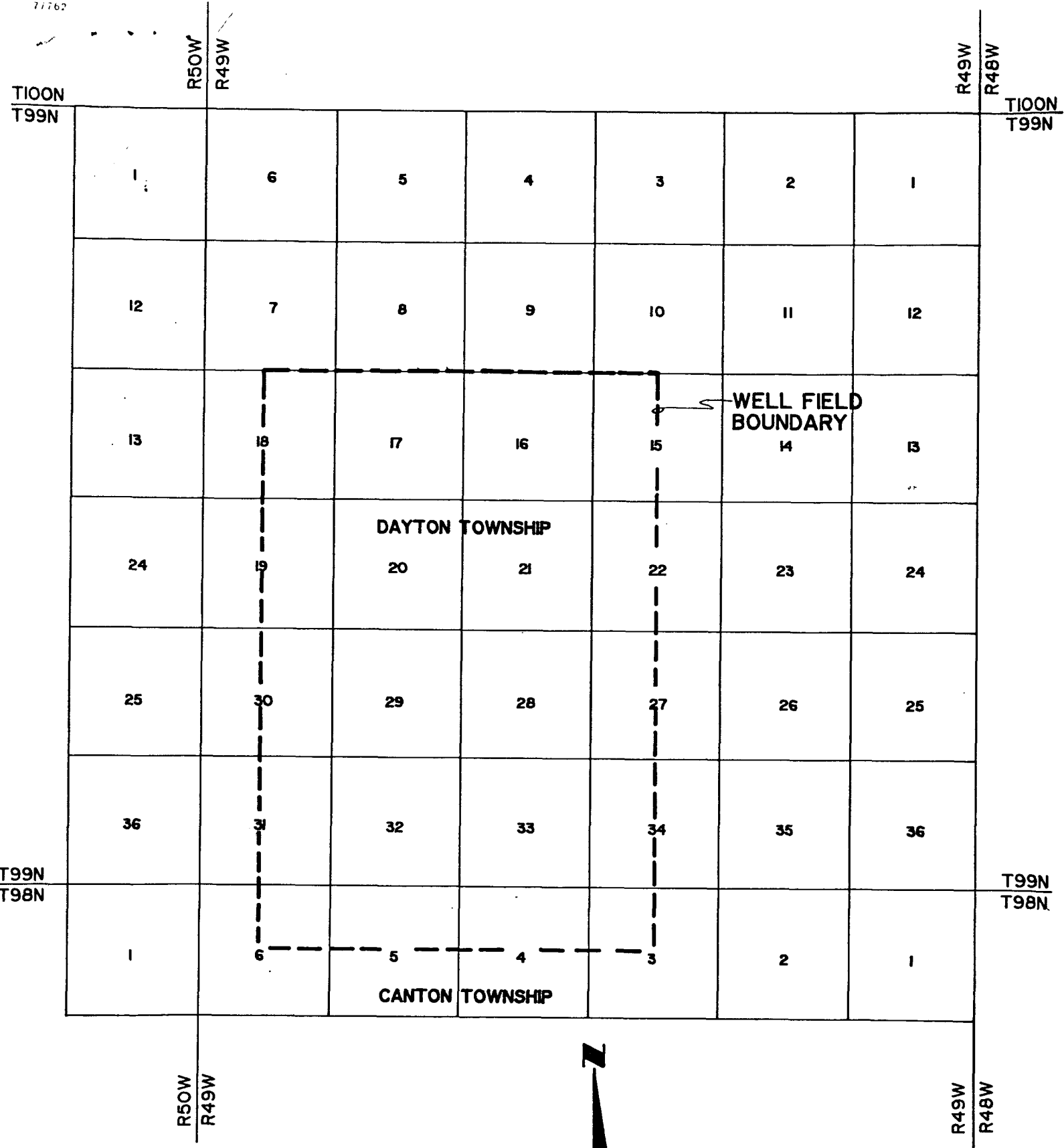
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



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. 4071 Date SEPTEMBER 23, 1987
 By Gordon Krause
 GORDON KRAUSE, P.E.



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

Date 9/23/87
 Drawn By BH
 Approved GBK
 Revised

LINCOLN COUNTY
 RURAL WATER SYSTEM
 WATER RIGHT APPLICATION

F.U. Appl. No. 5155-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411020

Pierre, October 21, 1987

RECEIVED OF Lincoln County Rural Water System, Inc., PO Box 36, Harrisburg, SD 57032
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. <u>5155-3</u> to Appropriate Water for Future Use _____	27	50
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	27 50

By

Chief Engineer

John Hatch
JOHN HATCH 

SOUTH Dakota Department of
Water & Natural Resources

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

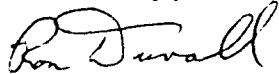
October 16, 1987

Dennis Larson
Lincoln County Rural Water System
Box 36
Harrisburg SD 57032

Dear Mr. Larson:

Enclosed is a copy of the new permit application and your check for \$305.00. The correct application fee is \$302.50. Please send a copy of the future use permit application with the application fee. Contact us if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Report on Application Nos. 5155-3 and 5156-3
Lincoln County Rural Water System
December 11, 1987

Application No. 5155-3 is a future use request for 3.0 cfs and to reserve 440 acre feet annually from the Dakota Formation. The area for this application comprises the following lands; W 1/2 15, 16, 17, E 1/2 18, E 1/2 19, 20, 21, W 1/2 22, W 1/2 27, 28, 29, E 1/2 30, E 1/2 31, 32, 33, W 1/2 34 all in T99N, R49W; and the NW 1/4 3, N 1/2 4, N 1/2 5, NE 1/4 6 all in T98N, R49W of Lincoln County.

Application No. 5156-3 is a request to put to beneficial use 3.0 cfs (440 acre feet annually) from 2-5 wells in the Dakota Formation. The location of the diversion points is not specified but are to be located in the land area as described for application No. 5155-3. Apparently these are two separate applications as there is no reference indicating Permit No. 5156-3 would use water reserved by Application No. 5155-3.

Aquifer - Dakota Formation

The Dakota Formation consists of interbedded sand, sandstone, clay and sandy clay. The Dakota attains a maximum thickness of over 300 feet and a more uniform layer of sand, as much as 100 feet thick, is sometimes found at the base of the formation (Iles, 1984). The Dakota Formation has been described as being deposited in a fluvial environment which would account for the horizontal and vertical lithologic variabilities that are typical for the formation. The SDGS has estimated there is 4.3 million acre-feet of recoverable water in Lincoln County (Hedges, 1982). The Dakota is under artesian conditions and the Division of Water Rights monitors 38 Dakota Formation observation wells in Lincoln County. Water levels do fluctuate in response to withdrawals from the aquifer. The water levels in the monitoring wells in the area of these applications have remained relatively stable (Water Rights Division, 1988). Records for observation wells LN-80F and LN-80K are included with this report.

Recharge to the Dakota has not been quantified, however, potential recharge areas can be inferred from the Iles report (maps included with report) and two staff reports given to the Water Management Board (Goodman, 1985) and (Goodman, 1987). This data indicates a hydraulic connection between the Dakota and a buried glacial aquifer to the west and north and a potential hydraulic connection with the Sioux Quartzite which directly underlies the Dakota. The observation well data indicates recharge is occurring to the Dakota.

Water quality from the Dakota is relatively good. The Iles report includes a map showing the distribution of total dissolved solids (TDS) for wells in the Dakota (included with report). Recharge water, at least as far as can be determined now, is inferior in quality to what is presently in the aquifer. Apparently, recharge water is mingling with water in the Dakota and degrading the water quality. This process has been going on naturally for a long time. The affects caused by additional withdrawals from the Dakota will tend to increase the rate of this process. Present thinking would indicate this increase in rate of water movement due to increased withdrawals is quite small. No attempt has been made to quantify this, however. The Division of Water Rights is sampling the observation wells every 2-3 years for common ions. There has been no significant change for the period of record.

Dakota Formation Water Use
Lincoln County (AF = acre feet)

<u>Canton</u>	<u>Worthing</u>	<u>Fairview</u>	<u>SLRWS</u>
1987	32 AF		453 AF
1986 330 AF	25 AF	23 AF	385 AF
1985 334 AF	27 AF	22 AF	370 AF
1984 346 AF	27 AF	24 AF	368 AF
1983 330 AF	27 AF		341 AF

Review of Existing Water Permits

The following is a list of Dakota Formation Water Permits or other applications in Lincoln County. A map has also been prepared locating these diversion and future use areas where specified (map accompanies report).

841-3	Beresford	0.69 cfs	municipal	Dakota	2 wells
1262-1	Canton	4.02 cfs	municipal	Dakota- Big Sioux	7 wells (future use)
4118-3	Thomas	0.10 cfs	commercial	Dakota	1 well
4300-3					
4300-3A	SLRWS	2.00 cfs	RWS	Dakota	3 wells
4300-3B					
4312-3	Canton	0.48 cfs	municipal	Dakota	1 well 1 existing well
4401-3	Worthing	0.17 cfs	municipal	Dakota	2 wells
4672-3	Elcock	0.05 cfs	commercial	Dakota	3 wells
4817-3	SLRWS	1.33 cfs	RWS	Dakota	(future use)
4982-3	Fairview	0.11 cfs	municipal	Dakota	1 well
5101-3	Lennox		municipal	Dakota	(future use)
5116-3	SLRWS	0.67 cfs	RWS	Dakota	1 well

Permit No. 841-3 is not being used by Beresford, another water supply has been developed.

Permit No. 1262-3 for the City of Canton is complicated. A total of 7 wells were authorized by this permit, however 1 of those wells (0.22 cfs) is from the Big Sioux Aquifer. Total Dakota Formation diversion (6 wells) for this permit are 1.13 cfs, also, Permit No. 4312-3 authorized an additional 0.31 cfs from one new well and 0.12 cfs additional water from an existing well. This results in a total diversion of 1.56 cfs for Canton from 7 Dakota Formation wells. Permit No. 4312-3 was developed from the future use portion of Permit No. 1262-3 leaving a potential diversion of 2.67 cfs left for future development.

Permit Nos. 4300-3, 4300-3A, 4300-3B authorize SLRWS to divert 2.00 cfs (1.44 cfs is developed) from 3 wells with a total diversion of 1048 acre-feet per year.

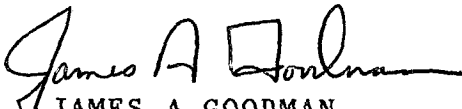
Permit Application No. 5101-3 for the City of Lennox is a future use application. The future use area is either the same as the area for SLRWS or a smaller area located within that larger area. The purpose of advertising No. 5101-3 in this manner was to either allow Lennox to connect to SLRWS thus the larger area or to drill their own wells in the smaller area. Permit No. 5101-3 has been advertised but has not been heard by the Water Management Board because of a request by the City of Lennox.

Application No. 5116-3 authorizes SLRWS to drill an additional well and divert 0.67 cfs but does not authorize any increase in the 1048 af/yr limitation.

Conclusions

1. Water is available from the Dakota Formation. Existing test hole, monitoring well, aquifer test and historical water use data is available to make this determination.
2. The Dakota Formation is under artesian conditions and withdrawals would create drawdowns much the same as those created by SLRWS.
3. Future Use Application No. 5155-3 is favorably located within the aquifer and in relation to existing diversion to minimize any potential for interference.
4. Lincoln Rural Water System is presently being served by the City of Sioux Falls from the Big Sioux-Sioux Falls Aquifer.
5. The water quality in the proposed area is acceptable to the rural water system even though the general quality is not as good as the existing source.

6. Permit No. 5156-3 to put water to use, should be deferred until test drilling is completed in order to locate actual well sites for quantity and testing for quality at each site is completed. It will be necessary to readvertise this application for the actual diversion points.


JAMES A GOODMAN
Hydrologist

Bibliography

Goodman, J.A., 1985, Report on Application No. 4300-3B South Lincoln Rural Water System (SLRWS), DWNR, Div. of Water Rights, Joe Foss Bldg, Pierre SD.

Goodman, J.A., 1987, Report on Application No. 5116-3, South Lincoln Rural Water System, DWNR, Div. of Water Rights, Joe Foss Bldg, Pierre SD.

Hedges, L.S., 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, DWNR, SDGS, Vermillion SD, 57069.

Iles, D. L., 1982, Pleistocene Recharge to Dakota Formation in Lincoln County, South Dakota, in Geohydrology of the Dakota Aquifer, Proceedings of the C.V. Theis Conference on Geohydrology, NWWA, 500 W Wilson Bridge Road, Worthington Ohio, 43085

Water Rights Division, 1988, Records of Lincoln County Observation Wells, DWNR, Div. of Water Rights, Joe Foss

TAKEN FROM:

GEOHYDROLOGY OF THE DAKOTA FORMATION

PROCEEDINGS OF THE FIRST QU. TRICENT CONFERENCE
ON GEOHYDROLOGY

NATIONAL UNDERGROUND WATER ASSOCIATION GROUND
WATER TECHNICAL DIVISION AND UNITED
STATES GEOLOGICAL SURVEY WATER RESOURCES
DIVISION

MARCH, 1984

Pleistocene Recharge to Dakota Formation in Lincoln County, South Dakota

by D. L. Iles

Abstract

The Dakota formation is a complex geologic unit with equally complex hydrology. In Lincoln County, South Dakota, the formation contains water of above average quality with no source of good quality recharge. Also, unexplained water quality variations exist between the upper and lower portions of the formation.

The general ground water gradient is from north to south in the Dakota formation and recharge from glacial sediments and the Sioux quartzite presently enters the formation along its northern edge. Water from contemporary recharge sources, when compared to water in the main body of the Dakota formation, is dissimilar in quality.

Most of the present formation water originated as subglacial water and/or precipitation and was emplaced directly through surface exposures of the Dakota formation and Sioux quartzite. No other model can account for a source of good quality water and a mechanism of emplacement.

Interpretations of the following isotope data support this hypothesis. A date of $38,200 \pm 1,650$ years B.P. for Dakota formation water was obtained using the carbon-14 method. In addition, oxygen-18/oxygen-16 and deuterium/hydrogen ratios were obtained for four Dakota formation water samples. These ratios are: -11.75, -10.25, -10.30 and -10.85 for DELTA oxygen-18 and -84.5, -69.0, -69.5 and -73.0 for DELTA deuterium. These ratios indicate both a cooler climate than present and no significant changes in isotope content of the water since its formation as precipitation.

Introduction

Purpose and Scope

This report examines and attempts to explain the existence of some unusually good quality water in

Lincoln County, South Dakota. In 43 South Dakota counties for which Schoon (1971) presented water analyses from the Dakota formation, only two counties (Lincoln and Haakon) had water analyses with less than 1,000 parts per million (ppm) total dissolved solids. Results of the chemical analysis from the single water sample from Haakon County with less than 1,000 parts per million total dissolved solids is dubious because it is overshadowed by 12 other Dakota formation analyses from that county, which average 4,364 parts per million total dissolved solids. Consequently, it seems likely that the good quality Dakota formation water in Lincoln County is indeed unique. Ironically, this good quality water was documented in the Canton area more than 50 years ago by Meinzer (1929) and remained an enigma.

The overriding problem with explaining the good quality water in the Dakota formation is that there is no known source of potential recharge that has water of comparable quality. The only known aquifers that do or may recharge the Dakota formation are the Lennox, Shindler (Iowa) and Sioux quartzite aquifers. All of these contain water that is inferior in quality to that present in the main body of the Dakota formation in the study area. Even if these three did contain water of comparable quality to that in the Dakota formation, the only one that is extensive enough to potentially recharge the entire formation within the study area is the Sioux quartzite. Furthermore, the present ground water gradient in the Dakota formation is such that water from the other two aquifers could not move to all parts of the formation.

Location

The study area is approximately 350 square miles (907 km^2) in size (Figure 1). It is comprised of the northern four tiers of townships in Lincoln County, South Dakota, and is bounded on the east by the Big Sioux River and the state of Iowa, and on the northeast by the state of Minnesota.

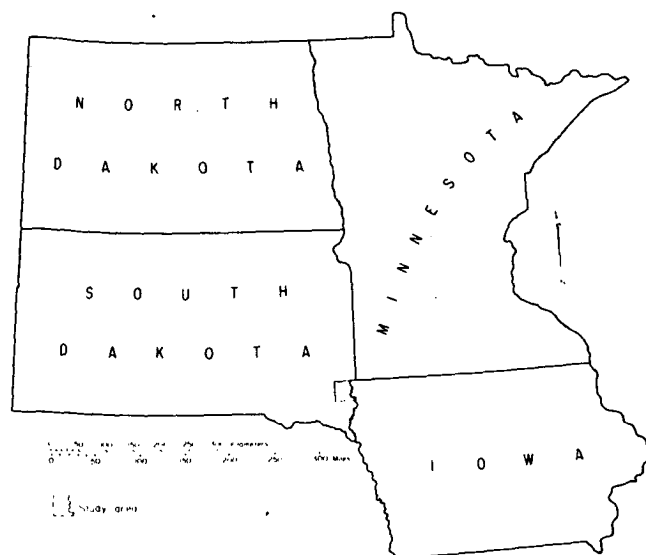


Figure 1. Location of the study area

Existing Information

Data were available from reports of ground water investigations conducted by the South Dakota Geological Survey for the cities of Harrisburg (McMeen 1964a), Canton (McMeen 1964b), Lennox (Beffort 1969) and Fairview (Green 1983). Data were also available from the files of the South Dakota Geological Survey, the Division of Water Rights, South Dakota Department of Water and Natural Resources, the South Lincoln Rural Water System and the cities in the study area. The water quality data presented in a booklet entitled "South Dakota Public Water Supply Data," which was published in 1979 by the South Dakota Department of Environmental Protection, were also used. Prior to the field work conducted for this report there were 18 Dakota formation observation wells in Lincoln County, which were installed by the Division of Water Rights and by the South Lincoln Rural Water System.

Methods

Data used in this report come primarily from two investigations conducted by the South Dakota Geological Survey (Iles in prep.). One of those investigations included the present study area as part of a general assessment of ground water resources while the other dealt specifically with the Dakota formation in Lincoln County. During the course of those two investigations the South Dakota Geological Survey drilled 79 test holes in Lincoln County. Of these, 56 were drilled to basement (Sioux quartzite), 17 were completed as Dakota formation observation wells and 14 were completed as glacial aquifer observation wells. Most test holes were geophysically logged employing single point resistivity, spontaneous potential and natural gamma.

There were 67 water samples collected in Lincoln County and analyzed for general chemical content. Of these, 31 were from the Dakota formation, three were from the Sioux quartzite, two were from a bedrock sand correlated to the Greenhorn limestone, and 31 were from Pleistocene age sands and gravels. In addition to these, one water sample from the Dakota formation and five from the Sioux quartzite (Iles in prep.), which come from locations outside the study area as defined in this report, were used.

Isotope data were obtained from five water samples collected specifically for that purpose. Four were analyzed for oxygen-18 and deuterium and one was analyzed for carbon-14 content.

General Geology

Bedrock

The study area (Figure 1) is covered by up to 299 feet (91m) of Pleistocene age glacial deposits that are underlain by a number of different bedrock units of either Precambrian or Cretaceous age. The Sioux quartzite is the only Precambrian unit. There are five Cretaceous age units, which are from oldest to youngest, the Dakota formation, Graneros shale, Greenhorn limestone, Carlile shale and Niobrara formation. Distribution of these bedrock units beneath the glacial deposits is illustrated in Figure 2.

Sioux quartzite is a moderately to highly fractured, very hard, silica-cemented, fine- to medium-grained sedimentary rock (orthoquartzite). The Dakota formation consists of interbedded sand, sandstone, clay and sandy clay; whereas, the Graneros shale, Greenhorn limestone and Carlile shale are all basically clays or shales. The Greenhorn is, however, more indurated and calcareous than the other two. The Niobrara formation is composed primarily of calcareous silt and clay and is often fractured.

Within the study area, Dakota formation subcrops immediately beneath Pleistocene sediments are limited, but they frequently occur east and southeast of the study area (Munter and others in prep). Within 35 miles to the east the Dakota formation represents approximately 25 percent of the total subcrop area. Between 35 miles and 108 miles to the east it comprises over 80 percent of the total subcrop area.

A major northeast-southwest trending escarpment on the quartzite surface in northern Lincoln County (Figure 3) has a surface relief of approximately 400 feet (122m) and is the result of natural weathering processes. It was originally thought that the escarpment may be the result of faulting (Shurr 1981), however, a seismic investigation conducted for the South Dakota Geological Survey by the Iowa Geological Survey indicates that the escarpment is most likely an erosional feature.

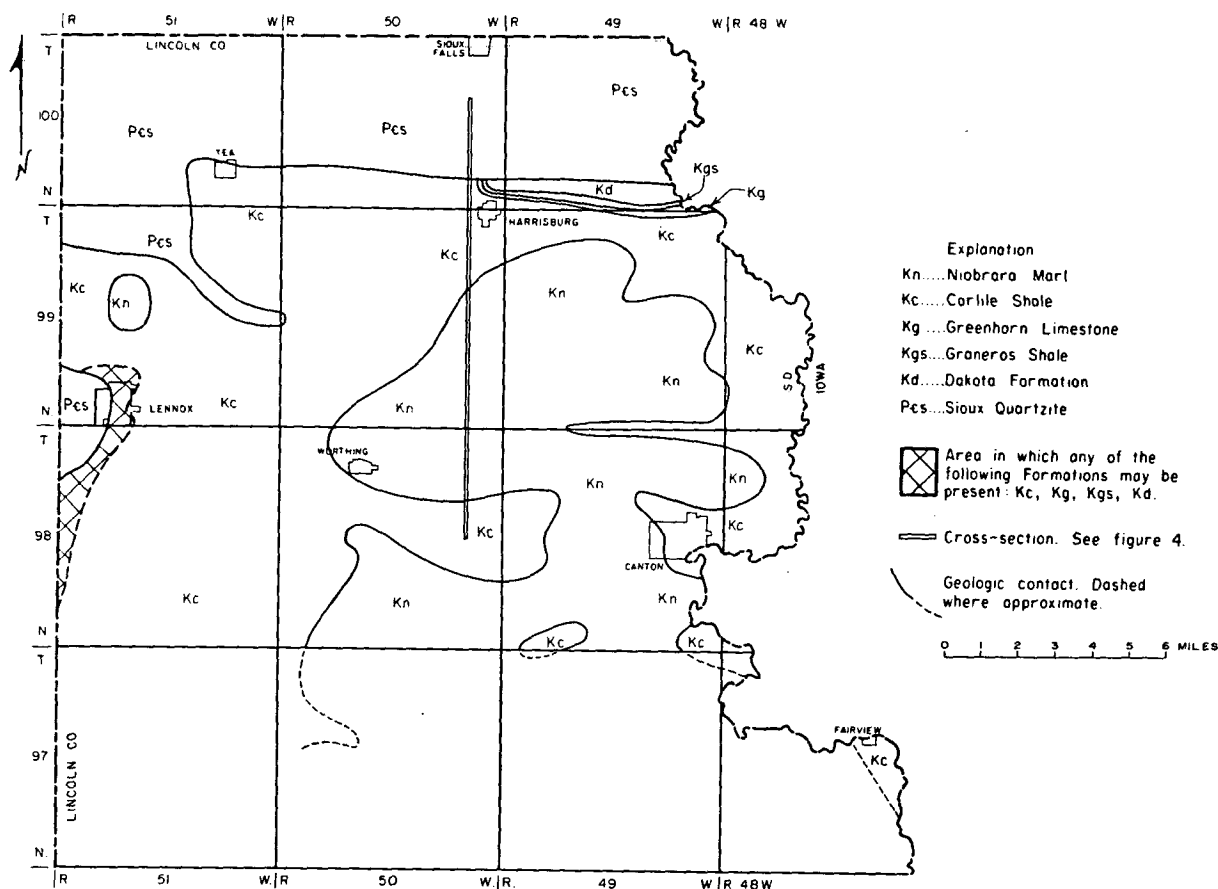


Figure 2. Distribution of bedrock beneath the glacial deposits

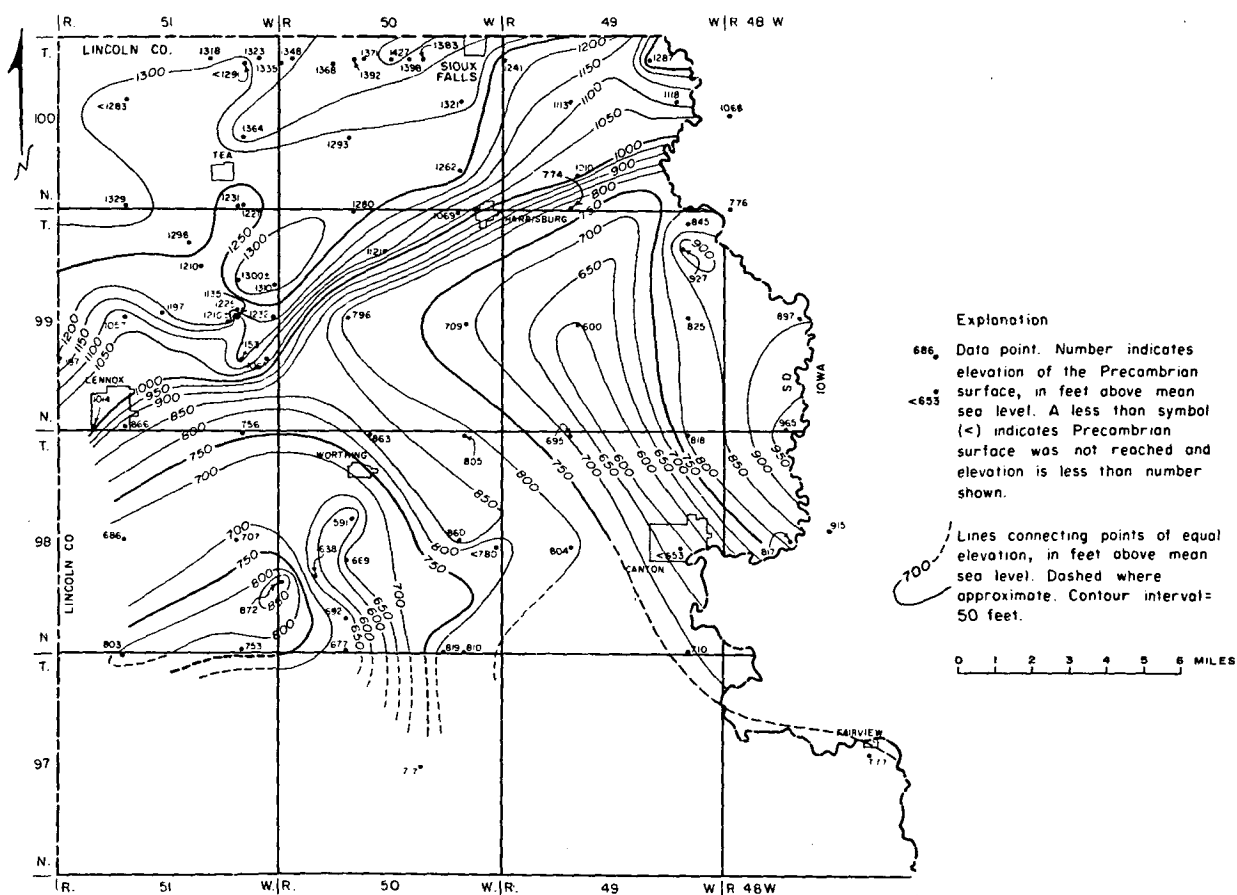


Figure 3. Contour map of the Precambrian Sioux quartzite surface

Cretaceous age units pinch out against the Sioux quartzite as it rises in elevation from south to north across Lincoln County (Figure 4). Where the bedrock units are thin they are generally very difficult to identify because of the meager drill cuttings available. In addition, typical bedrock lithologies are not necessarily present in these areas because of the proximity to a high quartzite surface.

A pre-Pleistocene and early Pleistocene drainage exists along the western edge of the study area. Its presence immediately to the southwest was documented by Christensen (1967) and drilling for the current study discovered what is probably a tributary existing from Lennox to the south-southwest (Figures 2 and 5). Hedges and others (1981) indicate this drainage to be present within approximately 2 miles (3.2k) of the west edge of T. 97 N., R. 51 W. This valley is important because it is eroded into the Dakota formation.

Pleistocene Aquifers and the Dakota Formation

The Lennox aquifer (Figure 6), which lies on the bedrock surface is a glacial outwash apparently in contact with the Dakota formation beneath the city of Lennox. This assumption is based on two test holes 1 mile (1.6k) apart that shows the bottom of the outwash in one test hole is 33 feet (10m) lower than the top of the Dakota formation in the other. At this location, the outwash lies in a deep valley cut through the Cretaceous age units to the Precambrian age Sioux quartzite (Figures 2 and 5).

There is also a possible connection between the Dakota formation and the Lennox aquifer approximately 4 miles northeast of Lennox. In this locality, the Dakota formation pinches out against the quartzite surface while the Lennox aquifer is known to lay directly on the quartzite surface. Thus, the bottom of the Lennox aquifer and the top of the Dakota formation exist at essentially the same elevation. Such a relationship suggests that there may be other areas in this bedrock valley where the Dakota formation and Lennox aquifer are in contact (Figures 5 and 7).

In Iowa (NE NE SE sec. 24, T. 100 N., R. 49 W.), the Iowa Geological Survey drilled a test hole to the Sioux quartzite and penetrated a sequence of glacial sand 147 feet (45m) thick with a bottom elevation of 960 feet (293m) above mean sea level. The nearest known elevation on the top of the Dakota formation (Figure 7) has an elevation of 986 feet (301m) which is 26 feet (8m) higher than the base of the glacial sand. This suggests that the glacial sand may be in contact with the Dakota formation in this area. A connection such as this was not documented by test drilling in South Dakota. This sand is probably the equivalent of an outwash (the Shindler aquifer), which occurs in South Dakota (Figure 6). In South Dakota, this aquifer is underlain by bedrock and glacial till.

Geology of the Dakota Formation

The Dakota formation lies directly on the Sioux quartzite and is normally overlain by Graneros shale. In limited areas along the formation's northern edge, however, it is overlain by the Greenhorn limestone, Carlile shale or glacial deposits.

Extent and total thickness of the Dakota formation within the study area are shown on Figure 8. When comparing Figure 8 with the contour map of the Precambrian surface (Figure 3), it can be seen that the thickness of the Dakota formation is controlled largely by the configuration of the Precambrian surface.

Throughout the study area the Dakota formation consists of interbedded sand, sandstone, clay and sandy clay. A more uniformly sandy interval, as much as 100 feet (31m) thick, is sometimes found at the base of the formation. Because of lateral and vertical changes in lithology, it was not possible to consistently correlate sand and clay intervals between test holes. Perhaps, as Whitely (1980) postulated, the Dakota formation adjacent to the study was deposited in a fluvial environment. Such an environment would have been conducive to forming the horizontal and vertical variabilities that are typical of the Dakota formation's lithology.

Hydrology of the Dakota Formation Aquifer Conditions

Throughout most of its areal extent in the study area the Dakota formation is an important aquifer. The horizontal and vertical variabilities within the formation, as well as sand thickness, have a direct impact on the water-yielding characteristics of the formation. Such variabilities make it very difficult to predict potential well yields and associated drawdowns with any degree of certainty.

The Dakota formation is under confined conditions throughout the study area and the potentiometric surface has a general north to south slope (Figure 9). The gradient is steepest along the northern edge of the formation, which indicates an area of lesser transmissivity and/or recharge. Contours of the potentiometric surface were drawn assuming a hydrologic connection between the Dakota formation and the underlying Sioux quartzite. This assumption is based on the knowledge that water moves through fractures in the quartzite and that water-bearing sands of the Dakota formation directly overlie the fractured quartzite. Other supporting evidence is suggested by information from a well, located where the Dakota formation is absent, in NW NE NW NE sec. 23, T. 99 N., R. 51 W. This well is completed in the quartzite and has a water level that conforms to the contours on the potentiometric surface map of the Dakota formation (Figure 9). Hydrologic connection obviously exists but the degree of connection is unknown. This connection may be significant because water moving

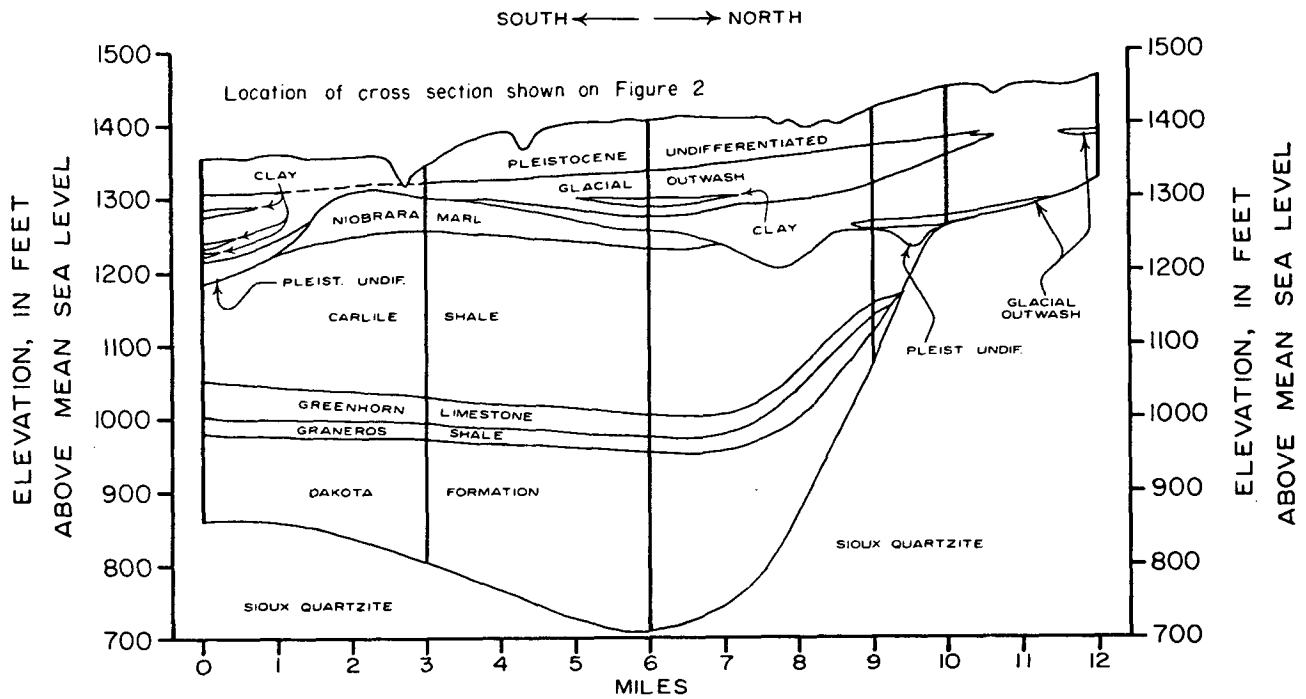


Figure 4. North-south cross section through the study area

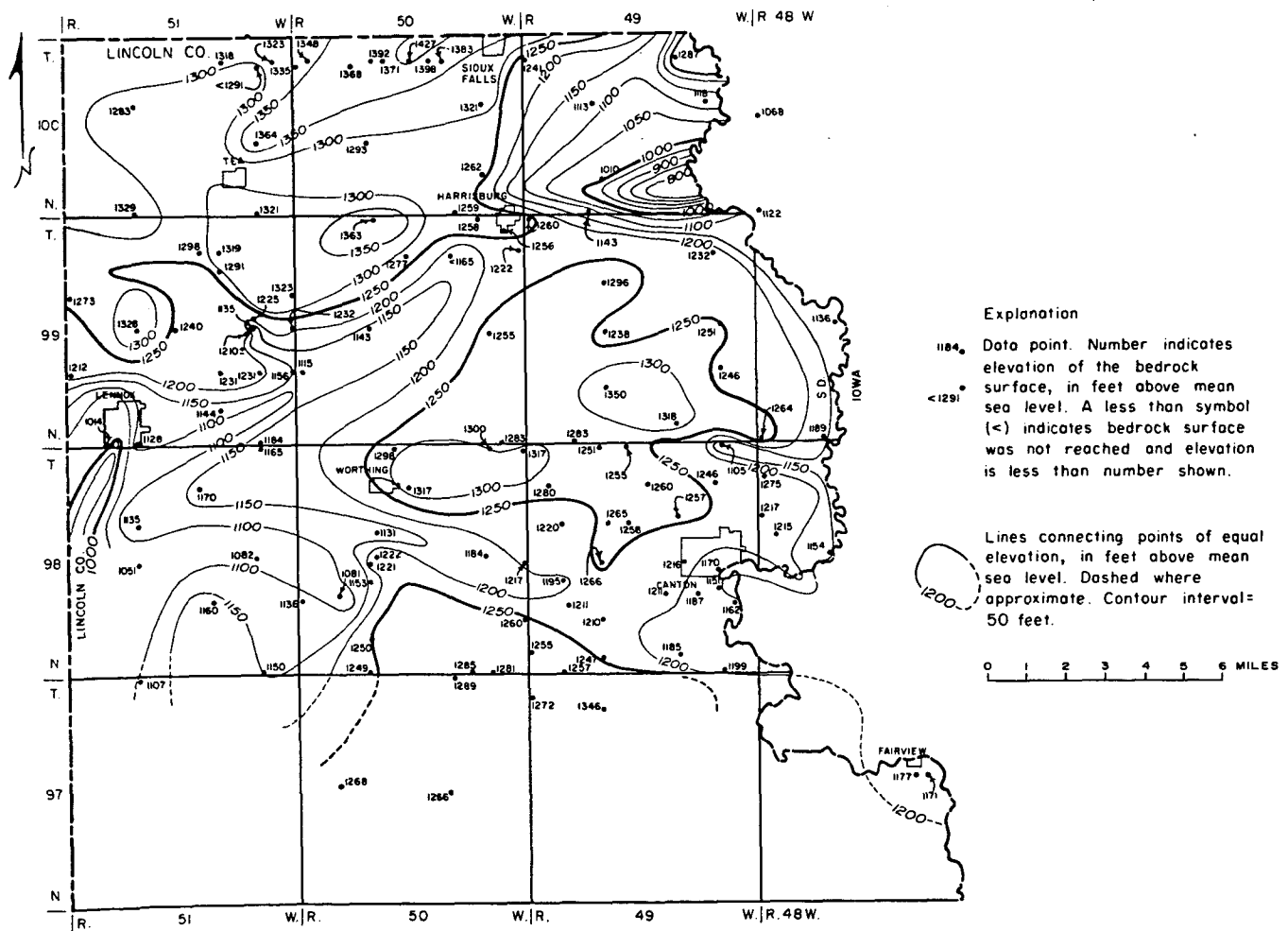


Figure 5. Contour map of the bedrock surface

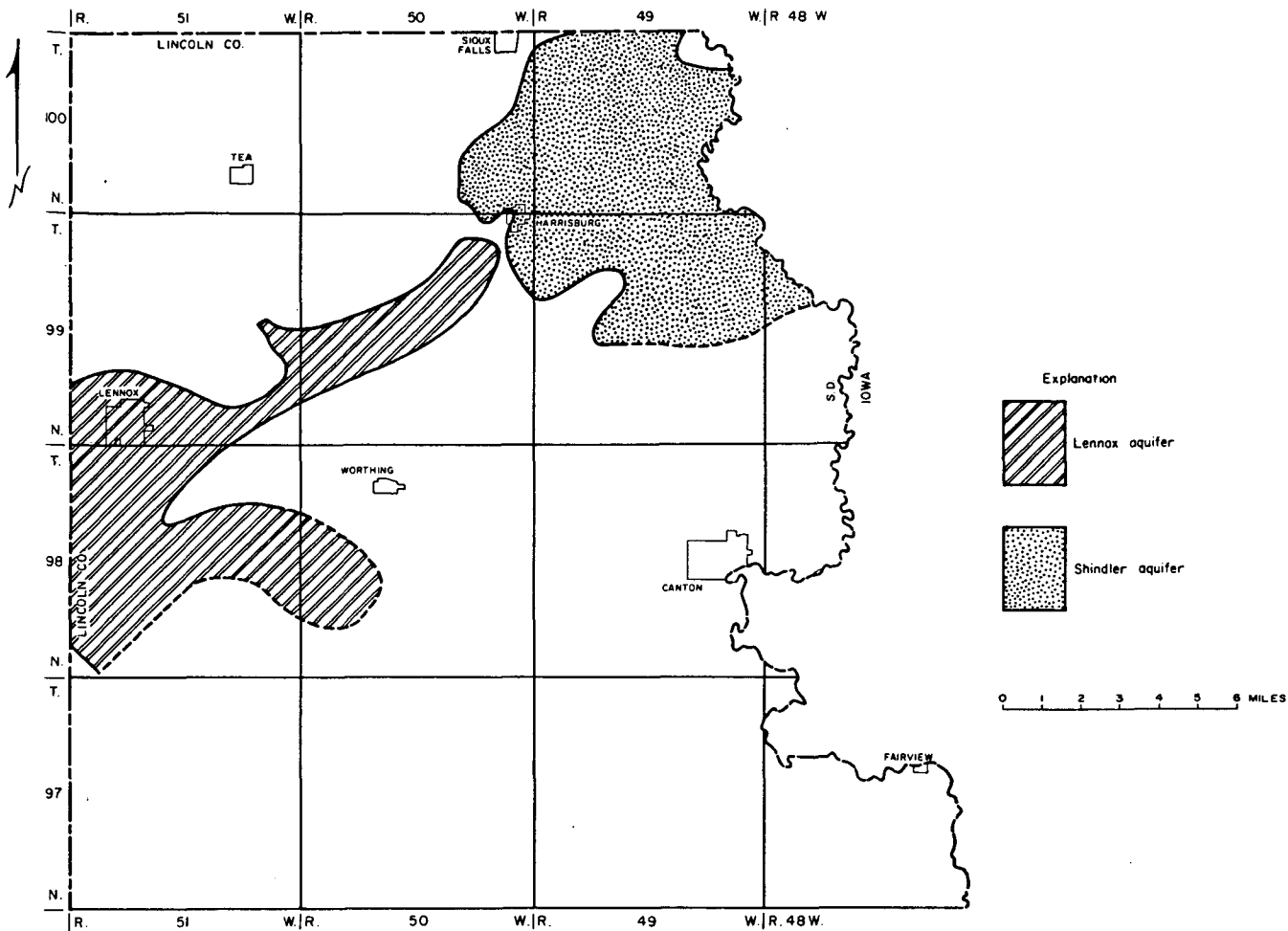


Figure 6. Locations of Lennox and Shindler aquifers

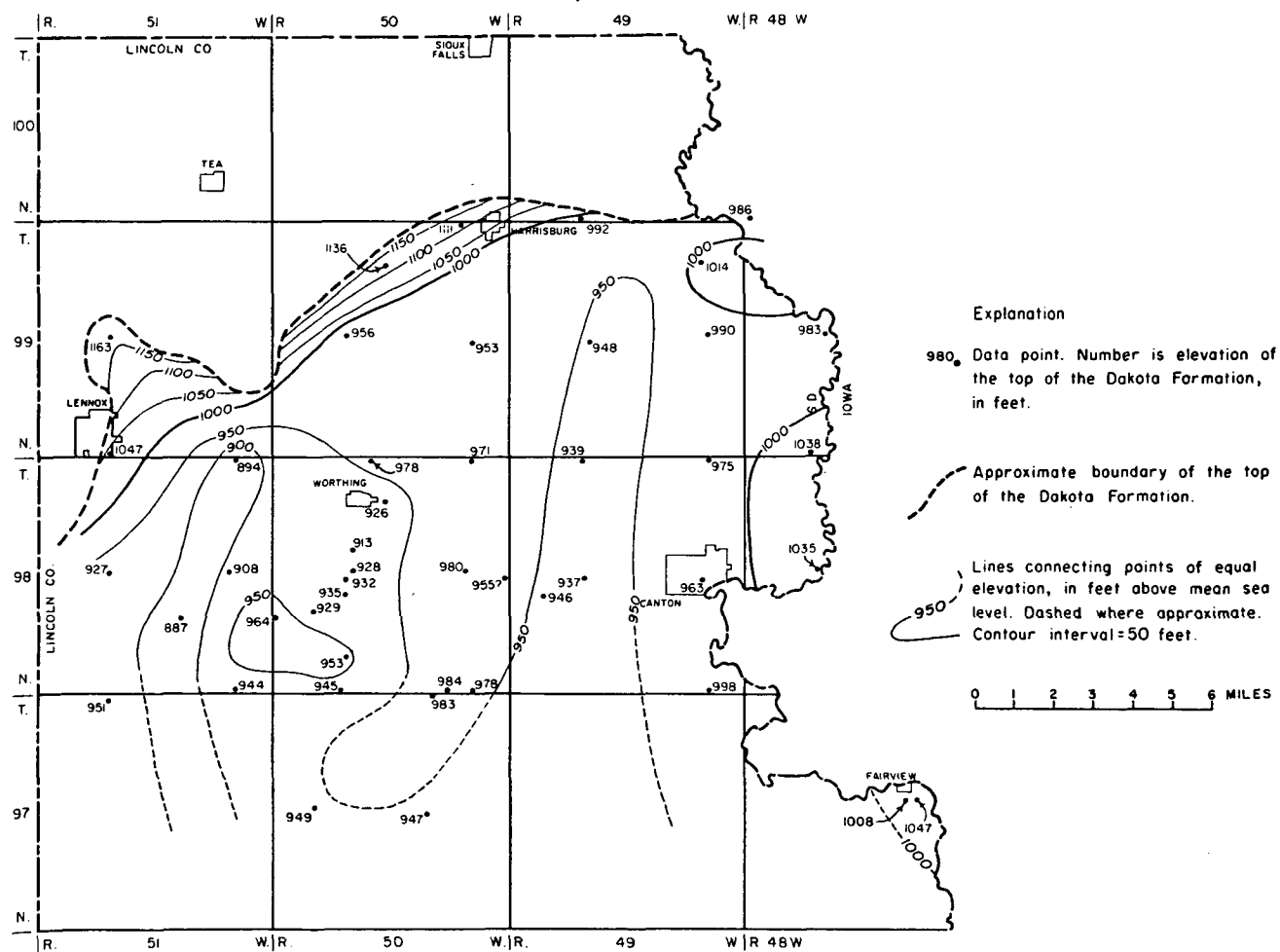


Figure 7. Contour map of the top of the Dakota formation

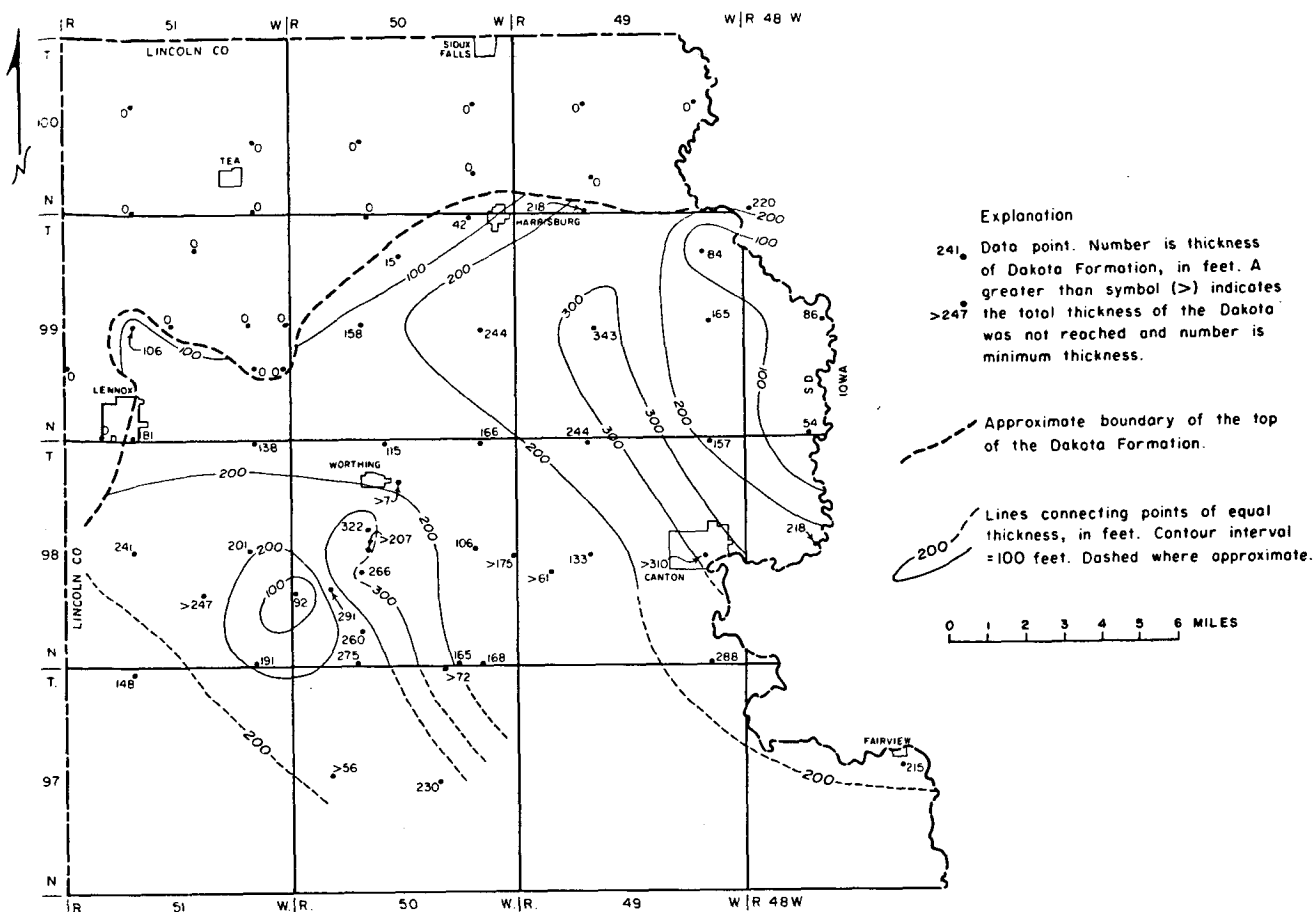


Figure 8. Thickness of the Dakota formation

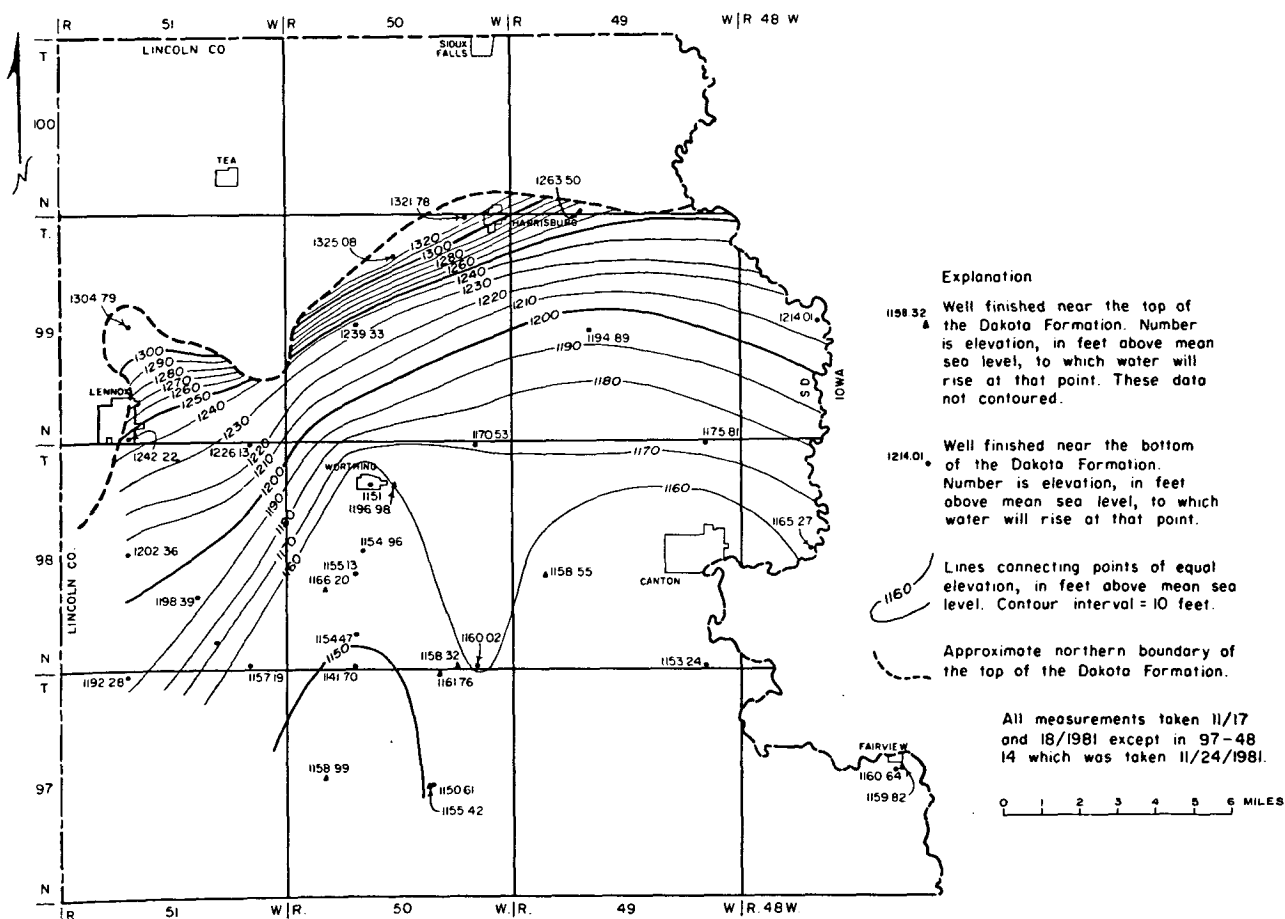


Figure 9. Potentiometric surface of the Dakota formation

through the fractured quartzite may have been a major source of recharge to the Dakota formation in the past and is most likely a source of recharge today.

Another interesting feature illustrated on Figure 9 is the apparent decline on the potentiometric surface near the cities of Worthing and Canton. These lower water levels are probably the result of both pumping and local variations in aquifer characteristics. Sand thickness and lateral continuity were found to be inconsistent during test drilling. Aquifer transmissivity and storage were also found to be inconsistent as a result of three aquifer tests conducted by the South Lincoln Rural Water System.

The potential for both horizontal and vertical ground water movement exists within the formation. Data indicate that the horizontal component is to the south and the most common vertical component is downward. Water levels from five of the wells do not conform to the contours in Figure 9. This is because most of the data on Figure 9 are from wells completed near the bottom of the formation and it was these data that were contoured. Water levels from completed near the top of the formation were included in the figure to illustrate the downward component of potential ground water movement. Work done by the Iowa Geological Survey in northwest Iowa also indicate that the most common vertical component of potential ground water movement is downward (Munter and others in prep.).

Water Quality

Within the study area, concentrations of dissolved solids in the upper part of the aquifer are, in most cases, slightly lower than those from the lower part. However, even the poorer quality water from the lower part of the Dakota formation is better than that from other aquifers in the study area that are known or suspected of being hydraulically connected to the Dakota formation. Table 1 distinguishes between water analyses from the upper and lower parts and lists averages for both. Figure 10 shows the distribution of dissolved solids in the Dakota formation.

Water from the upper part of the Dakota formation (Table 1) contains slightly less calcium, magnesium, chloride and sulfate and thus has a lower hardness and total dissolved solids content than water from the lower part. It does, however, contain slightly more sodium. These apparent differences in water quality could not be explained with the data presently available.

Table 1 also distinguishes between water samples taken within 1.5 miles (2.4k) of the northern edge of the Dakota formation and those collected from farther south. The water along the northern edge is generally of poorer quality than that contained in the rest of the formation and is the result of contemporary recharge from glacial sediments and the Sioux quartzite along the northern edge of the Dakota formation.

Table 1
Average water quality of the Dakota formation.

All wells	31	137	119	41	25	382	511	906
Wells within 1.5 miles of northern edge of formation	8	334	113	91	24	829	1205	1691
Wells more than 1.5 miles from northern edge of formation	23	69	122	24	26	227	270	634
Wells finished near top of formation excluding those within 1.5 miles of northern edge of formation	7	53	127	18	16	162	203	591
Wells finished near bottom of formation excluding those within 1.5 miles of northern edge of formation	16	75	119	27	30	256	299	652

Sample locations can be found in Iles (in prep.).

No. of sample points	Calcium	Sodium	Magnesium	Chloride	Sulfate
Hardness as CaCO ₃	Total solids				

PARTS PER MILLION

Data from the Iowa Geological Survey indicate that approximately 6 miles to the east of the study area, dissolved solids content in the Dakota formation generally increases to greater than 1,000 parts per million. This may be due to the large area of Dakota formation subcrop directly beneath the glacial sediments in Iowa.

The four values for total dissolved solids shown on Figure 10 in T. 97 N., R. 51 W. were not used in preparing Table 1. Inspection of the individual analyses of these samples, presented in a report by Burch (1979), indicates that two distinct water types exist in the Dakota formation in that locality. Both types are dissimilar to the one characterized by the third line in Table 1. Also, it is uncertain how the water from these four wells may have been affected by the presence of the aforementioned pre-Pleistocene and early Pleistocene drainage present along the western edge of the study area from Lennox to the south-southwest. This drainage may serve as a western boundary of the type of water found in the main body of the Dakota formation in Lincoln County.

The values for total dissolved solids shown at the cities of Worthing and Canton (Figure 10) also were not used in preparing Table 1. This is because the value at Worthing is an average of two wells and the value at Canton is an average of six wells.

Present Recharge

Table 2 lists the average water quality for the Lennox and Shindler aquifers. These are the two glacial outwash aquifers known and suspected, respectively, to be hydraulically connected to and recharging the Dakota formation. Table 2 also lists the average water quality of the Sioux quartzite, which directly underlies and presumably recharges the Dakota formation along the formation's northern edge. All water samples from the Sioux quartzite came from the area north of the northernmost extent of the Dakota formation. A presentation of the individual water analyses used in Tables 1 and 2 can be found in Iles (in prep.).

The wide disparity in water chemistry between present sources of recharge and the main body of Dakota formation water is obvious. Because the Dakota formation is presently receiving recharge water along its northern edge that is inferior in quality to the present formation water, it must be concluded that the good water in the formation entered it under hydrologic conditions that are unlike those that prevail today. Any model explaining the present good quality water in the Dakota formation must account for a source as well as a mechanism of emplacement.

Model for Paleo-Recharge

Geologic Parameters

Before the glaciers advanced over this region of

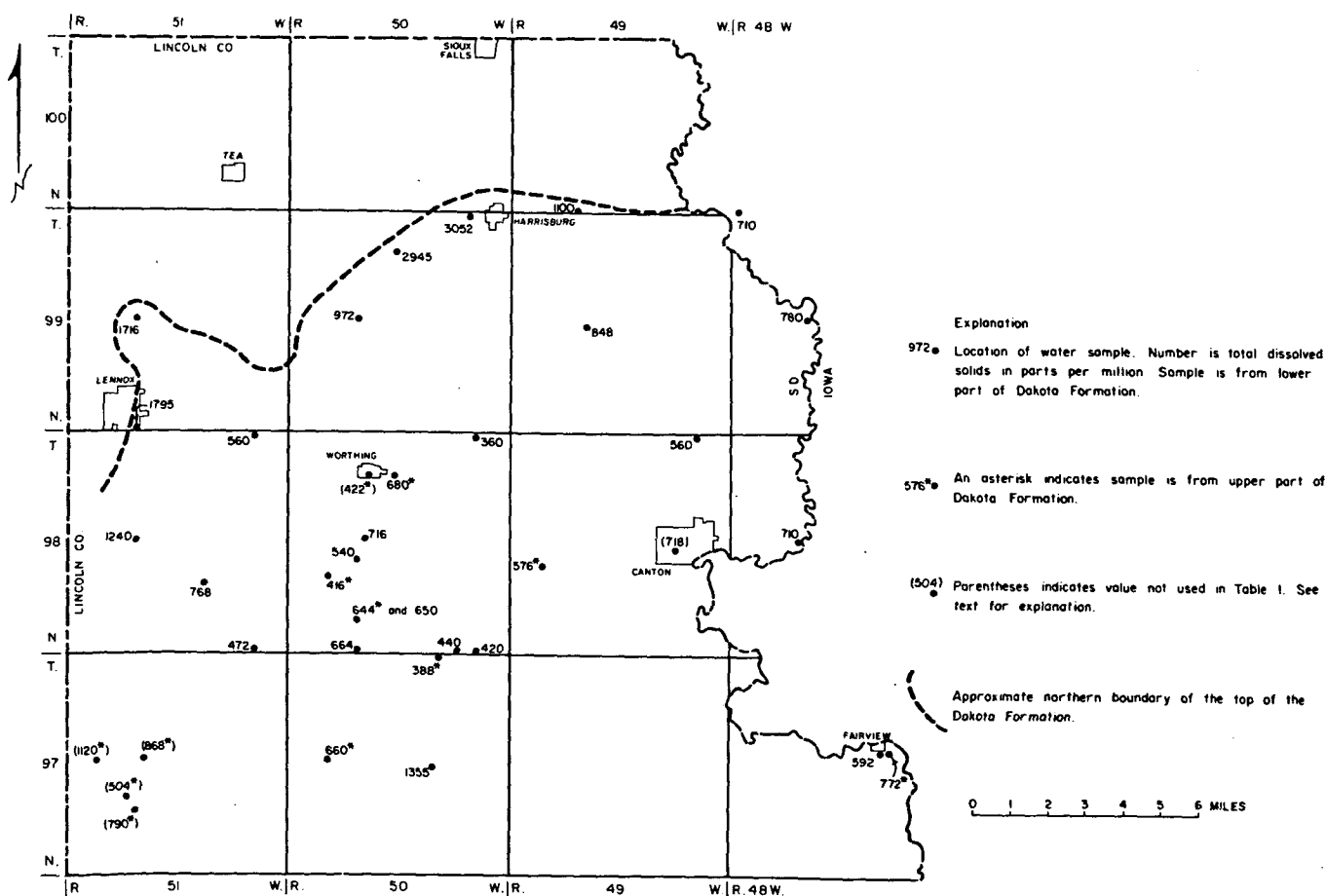


Figure 10. Distribution of total dissolved solids in the Dakota formation

Table 2
Average water quality of the Lennox, Shindler and Sioux quartzite aquifers.

Aquifer	No. of sample points	Calcium	Sodium	Magnesium	Sulfate	Hardness as CaCO ₃	Total solids
Lennox	7	447	190	148	1326	1723	2672
Shindler	6	285	84	92	941	1087	2010
Sioux Quartzite	8	333	81	91	854	1201	1661

Sample locations can be found in Iles (in prep.).

PARTS PER MILLION

the United States, the Dakota formation cropped out in limited parts of the study area (Figure 2) and in extensive areas in Iowa (Munter and others in prep). Also, Sioux quartzite probably cropped out in most of Minnehaha County, directly north of the study area, and northern Lincoln County, as well as part of southwestern Minnesota.

Schroeder (1972) shows that Late Wisconsinan age till lies directly on the bedrock surface over most of Lincoln County. This could mean that even after glacial advances preceding the Wisconsinan glaciation, Dakota formation and Sioux quartzite may have been exposed at the land's surface. It could also mean that the Wisconsinan ice advance stripped away any existing glacial sediment thereby placing a Wisconsinan ice sheet in direct contact with the bedrock.

Emplacement of Water

Two possible methods by which good quality water entered the Dakota formation are as follows:

1. When a glacier was present it was in direct contact with the Dakota formation and the Sioux quartzite. Due to the thermal gradient in the thawed-bed zone of the glacier, water existed at the base of the glacier (Clayton and Moran 1974). Water derived from the ice and therefore from the precipitation that formed the ice, was forced into the Dakota formation and into fractures in the Sioux quartzite because of the hydrostatic head created by the overlying ice. This water may have moved through the fractures in the quartzite and entered the Dakota formation directly through exposures of the formation beneath the ice, thereby displacing the existing formation water.

2. When the area was not covered with glacial sediments, precipitation falling on exposures of Dakota formation and Sioux quartzite undoubtedly recharged the Dakota formation, presumably with good quality water.

Paleo-Gradient

Evidence for a paleo-ground water gradient that would have allowed for either of the above two mechanisms of recharge is presented by Siegel and Mandle (1982). They studied the area just east of South Dakota and worked with Paleozoic bedrock units that underlie the Dakota formation. Siegel and Mandle postulate ground water movement from northeast to southwest in aquifers in Paleozoic age rocks during Wisconsinan time. Paleozoic bedrock units are absent in the area studied for this report but are known to occur immediately to the east and south. It seems reasonable, therefore, to assume that the direction of ground water movement would have been the same in the Dakota formation as that in the Paleozoic rocks. Such a gradient would have allowed water to enter the Dakota formation in Lincoln County from the east via exposures of Dakota formation and from the north and east via fractures in the Sioux quartzite. Today, however, the regional gradient is from north to south in the study area.

Isotope Measurements

One technique used in an effort to examine the mechanism of recharge was carbon-14 age dating of the water. A water sample was taken from one of the South Lincoln Rural Water System wells (SE SE SE SE sec. 32, T. 98 N., R. 50 W.), which obtains its water from the Dakota formation. This sample yielded a carbon-14 date of 38,200±1,650 years B.P. This date is not absolute because it could represent young water mixed with old water in proportions that are unknown, or it could be influenced by contamination with modern carbon, which may have occurred at the time of collection of the sample. However, the date does fit rather well with the glacial history of the region, which indicates ice was present at that time (Steece 1965).

Table 3
Isotope analyses of four water samples.

Sample Location	Well Owner	DELTA oxygen-18 (0/00)	DELTA deuterium (0/00)
SW NW SW SW sec. 16, T. 97 N., R. 51 W.	K. Falk	-11.75	-84.5
NE NE SE NE sec. 23, T. 98 N., R. 49 W.	City of Canton	-10.25	-69.0
SW NE NW NW sec. 9, T. 98 N., R. 50 W.	City of Worthing	-10.30	-69.5
SE SE SE SE sec. 32, T. 98 N., R. 50 W.	South Lincoln Rural Water System	-10.85	-73.0

Delta oxygen-18 and Delta deuterium are given in per mille units; i.e., Delta 0/00 = Delta x 1000. These units represent relative deviations of the heavy isotope fraction in water (R being equal to the ratio of the moles of heavy component to the moles of normal component) from that of some standard Rst, Delta = (R-Rst)/Rst (Gat 1971).

Samples analyzed by the Isotope Laboratory, Reston, Virginia.

Precision is ± 0.20 for oxygen and ± 1.0 for hydrogen.

Another approach used to examine the mechanism of recharge was to use oxygen-18/oxygen-16 and deuterium/hydrogen isotope data from Dakota formation water. These isotopic ratios were related to that of the mean annual air temperature for the climate in which the water originated as precipitation. This method has been used to study the water in the Paleozoic age bedrock units in Iowa, east of and adjacent to this study area (Siegel and Mandle 1982). The results of their study strongly indicate that water in the Paleozoic age bedrock units was, at least in part, derived from subglacial recharge.

Four water samples were taken from the Dakota formation in the present study area for this type of isotope analysis (Table 3). A plot of the data along with the Craig (1961) meteoric water line (Figure 11) indicates that the water is meteoric in origin and has not undergone any significant changes in isotopic content since its formation as precipitation. The data also indicate the mean annual air temperature ranged from 3 to 5 C when the precipitation formed (Dansgaard 1964). This is certainly within the range of temperatures expected during times of glaciation.

Summary

Differences in water chemistry between the Dakota formation and all potential sources of present-day recharge show that the emplacement of good quality water must have occurred in the past. The carbon-14 age date of Dakota formation water, potential problems with the date notwithstanding, could place the

recharge event in Wisconsin time and the physical presence of Late Wisconsinan age till lying directly on the bedrock adds credibility to this date. The oxygen-18 and deuterium isotope data generally support the proposed theories of recharge; however, the data may be more conclusive when compared to similar isotope data from the other aquifers in the area and modern precipitation. Conclusions of Siegel and Mandle (1982) along with the data just mentioned indicate that one or both of the above described mechanisms of recharge to the Dakota formation could account for the good quality water presently found in Lincoln County.

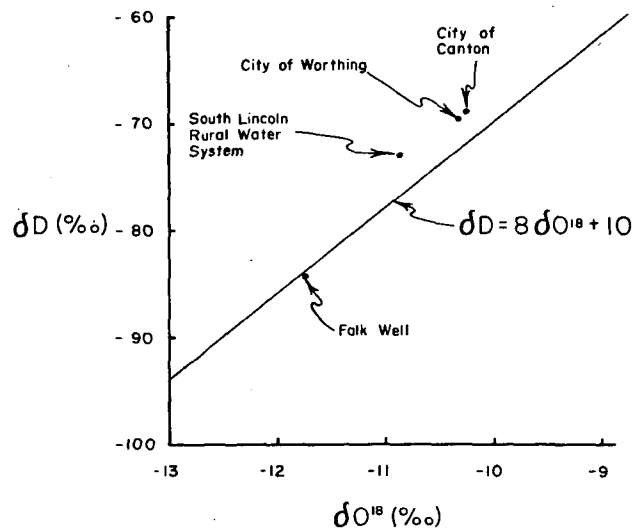


Figure 11. Plot of isotope data along Craig's (1961) meteoric water line

It is concluded that the good quality water contained in the Dakota formation in Lincoln County, South Dakota is a nonrenewable resource. The source for the good quality water appears to have been water that existed at the base of the glaciers when they were present and/or precipitation that fell on the Dakota formation and Sioux quartzite when they were exposed at the land surface. This water is presently being replaced by water of worse quality, from glacial sediments and the Sioux quartzite that are hydrologically connected to the formation. The rate of replacement, although unknown, is thought to be relatively slow.

Acknowledgments

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Biographical Sketch

Derric L. Iles received his M.S. in geology from Iowa State University in 1977. Since then he has been employed as a hydrologist by the South Dakota Geological Survey. His work has included the location and evaluation of potential ground water sources for municipal use as well as the investigation of existing and potential landfill sites. More recently he has been involved in aquifer definition and evaluation on a regional scale.

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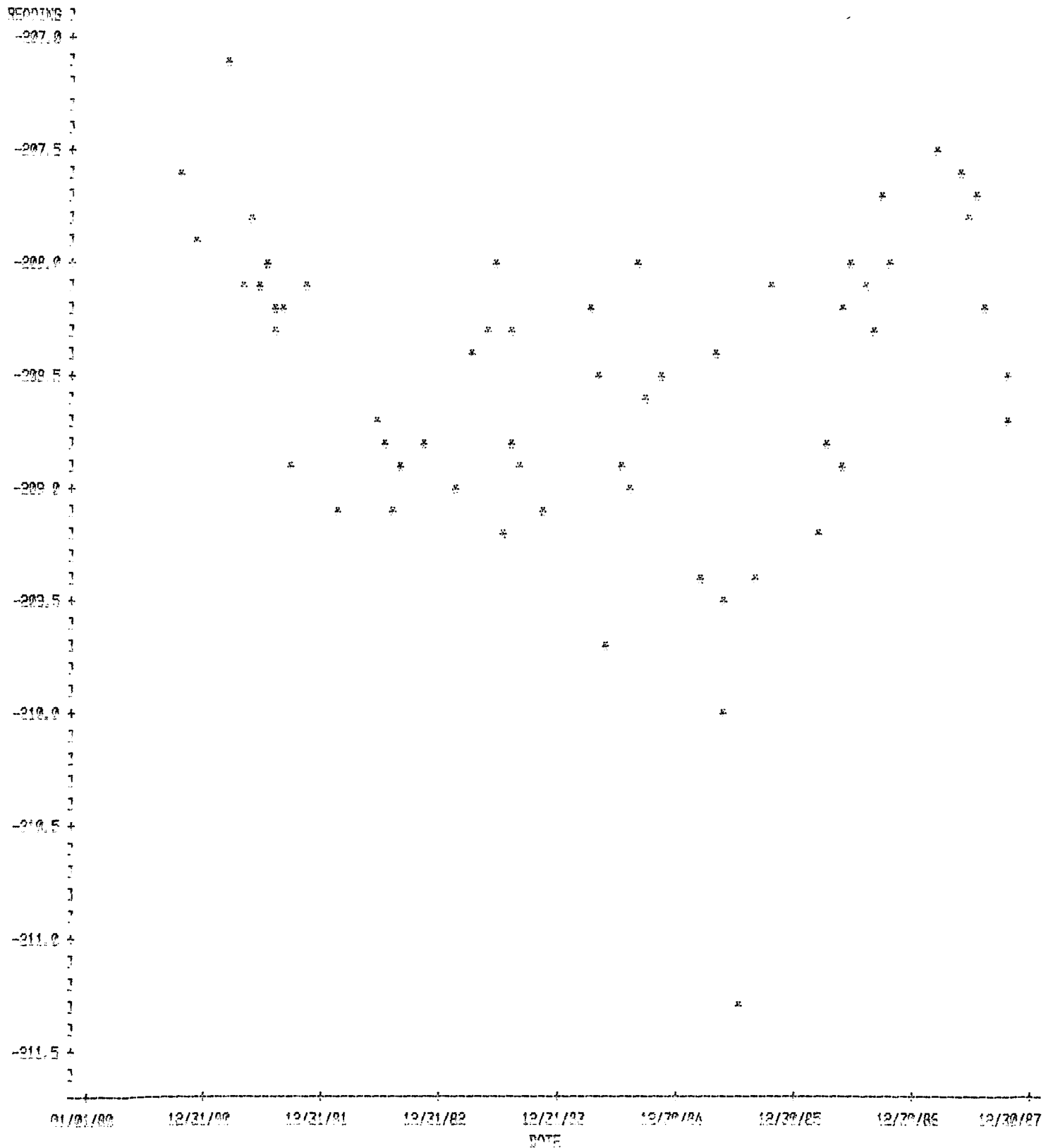
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19	000N-40W-010000	LN-00W	08/08/94		Y	-172.0		
20	000N-40W-010000	LN-00W	09/02/94		Y	-173.3		
21	000N-40W-010000	LN-00W	11/02/94		Y	-172.5		
22	000N-40W-010000	LN-00W	02/01/97		Y	-172.7		
23	000N-40W-010000	LN-00W	04/10/97		Y	-171.2		
24	000N-40W-010000	LN-00W	05/18/97		Y	-171.0		
25	000N-40W-010000	LN-00W	05/14/97		Y	-171.3		
26	000N-40W-010000	LN-00W	07/12/97		Y	-171.1		
27	000N-40W-010000	LN-00W	08/08/97		Y	-172.0		
28	000N-40W-010000	LN-00W	09/12/97		Y	-172.2		
29	000N-40W-010000	LN-00W	11/15/97		Y	-172.0		
30	000N-40W-010000	LN-00W	04/12/98		Y	-170.5		
31	000N-40W-010000	LN-00W	05/05/98		Y	-170.9		
32	000N-40W-010000	LN-00W	05/04/98		Y	-171.1		
33	000N-40W-010000	LN-00W	07/02/98		Y	-171.5		
34	000N-40W-010000	LN-00W	07/28/98		Y	-172.3		
35	000N-40W-010000	LN-00W	08/02/98		Y	-172.1		
36	000N-40W-010000	LN-00W	10/02/98		Y	-172.0		
37	000N-40W-010000	LN-00W	03/19/99		Y	-172.7		
38	000N-40W-010000	LN-00W	05/09/99		Y	-173.9		
39	000N-40W-010000	LN-00W	05/06/99		Y	-173.3		
40	000N-40W-010000	LN-00W	06/19/99		Y	-173.8		
41	000N-40W-010000	LN-00W	08/01/99		Y	-172.7		
42	000N-40W-010000	LN-00W	08/20/99		Y	-174.5		
43	000N-40W-010000	LN-00W	10/02/99		Y	-170.0		
44	000N-40W-010000	LN-00W	03/09/00		Y	-152.9		
45	000N-40W-010000	LN-00W	04/18/00		Y	-150.1		
46	000N-40W-010000	LN-00W	05/20/00		Y	-160.2		
47	000N-40W-010000	LN-00W	05/27/00		Y	-159.0		
48	000N-40W-010000	LN-00W	05/25/00		Y	-167.9		
49	000N-40W-010000	LN-00W	07/20/00		Y	-159.7		
50	000N-40W-010000	LN-00W	08/08/00		Y	-159.2		
51	000N-40W-010000	LN-00W	08/24/00		Y	-159.1		
52	000N-40W-010000	LN-00W	01/27/07		Y	-172.5		
53	000N-40W-010000	LN-00W	03/25/07		Y	-173.1		
54	000N-40W-010000	LN-00W	05/05/07		Y	-170.7		
55	000N-40W-010000	LN-00W	05/19/07		Y	-170.5		

Q-50 TUESDAY, MARCH 1, 1999 2

Q50	LOCATION	Q50 Q50_1000	DATE	MEB	READING
50	Q50N-40N-010000	10-1000	05/10/97	V	-171.6
57	Q50N-40N-010000	10-1000	27/15/97	V	-171.6
58	Q50N-40N-010000	10-1000	06/10/97	V	-172.6
59	Q50N-40N-010000	10-1000	19/09/97	V	-172.6
A-	50				

3:52 TUESDAY, MARCH 1, 1999 3

The scatter plot displays data points for 'PROD114' over an eight-year period. The x-axis represents time in quarters, and the y-axis represents a numerical value. The data shows a general upward trend with significant fluctuations, including a sharp peak around 12/31/05.

DATE	PROD114
01/01/00	-174.5
04/01/00	-174.5
07/01/00	-174.5
10/01/00	-174.5
12/31/00	-174.5
03/01/01	-174.5
06/01/01	-174.5
09/01/01	-174.5
12/31/01	-174.5
03/01/02	-174.5
06/01/02	-174.5
09/01/02	-174.5
12/31/02	-174.5
03/01/03	-174.5
06/01/03	-174.5
09/01/03	-174.5
12/31/03	-174.5
03/01/04	-174.5
06/01/04	-174.5
09/01/04	-174.5
12/31/04	-174.5
03/01/05	-174.5
06/01/05	-174.5
09/01/05	-174.5
12/31/05	-155.5
03/01/06	-155.5
06/01/06	-155.5
09/01/06	-155.5
12/31/06	-155.5
03/01/07	-155.5
06/01/07	-155.5
09/01/07	-155.5
12/31/07	-155.5

UNCG000 - END OF DATA SET

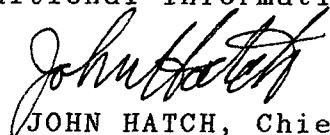
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5155-3, Lincoln County Rural Water System, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5155-3, Lincoln County Rural Water System, Inc., PO Box 36, Harrisburg SD.

The Chief Engineer is recommending APPROVAL of Application No. 5155-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the quantity of water reserved will be needed by the Lincoln County Rural Water System, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. That Future Use Permit No. 5155-3 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 SDCL 46-5-38.1.
3. Approval of this permit reserves 440 acre feet annually from the Dakota Sandstone Formation for future use.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
December 14, 1987

Instruction to Newspaper - Publish first publication of the following Notice on or before February 4, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5155-3 and 5156-3
to Appropriate Water

Notice is hereby given that the Lincoln County Rural Water System, Inc. whose mailing address is PO Box 36, Harrisburg, South Dakota has submitted Application No. 5155-3 for a permit to appropriate for future use 440 acre-feet of water annually from the Dakota Sandstone Formation. The area reserved for future water use is to be located in the E 1/2 of Sections 18, 19, 30 and 31; W 1/2 of Sections 15, 22, 27 and 34; Sections 17, 16, 20, 21, 29, 28, 32 and 33; all in T99N, R49W: NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 of Section 5 and 4; all in T98N, R49W. The water is to be reserved for the purpose of providing future water supplies for Lincoln County Rural Water System. This application does not authorize construction of works or application of water to beneficial use.

Application No. 5156-3 is to appropriate 3.0 cubic feet of water per second for a maximum of 440 acre-feet of water annually from 2 to 5 wells (Dakota Sandstone Formation) approximately 700 feet deep. The wells are to be located within the following described 13 square mile area: Sections 17, 16, 20, 21, 29, 28, 32 and 33; E 1/2 of Section 18, 19, 30 and 31; W 1/2 of Sections 15, 22, 27 and 34; all in T99N, R49W: NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 of Sections 5 and 4; all in T98N, R49W. Water is to be used to supply the Lincoln County Rural Water System.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5155-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the quantity of water reserved will be needed by the Lincoln County Rural Water System, 3) it is a beneficial use of water and 4) it is in the public interest; and DEFERRAL of Application No. 5156-3 until test drilling is completed to determine the quantity and water quality available at proposed well site locations.

The Chief Engineer is also recommending that Application No. 5156-3 be READVERTISED when the proposed well sites are determined.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Bldg, 523 E Capitol, Pierre SD, March 2, 1988 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) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications after it reaches a conclusion based upon facts presented at the public hearing. Although the Chief Engineer has recommended DEFERRAL of Application No. 5156-3, any interested person that may be affected by a Board decision or intends to participate in hearings before the Board on Application No. 5156-3 or Application No. 5155-3 and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with Both the applicant and Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in an application, the reasons for the petitioner's opposition to or support of an application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

These applications are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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, 46-5-1 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; 46-5-38 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.

These hearings are adversary proceeding. The applicant 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 an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of a hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support an application. The request for extension must be filed with the Chief Engineer by February 19, 1988.

STATE OF SOUTH DAKOTA)
County Lincoln) ss.

I, CONNIE RENLI

certify that the annexed printed copy of Notice of

Water was taken from the SIoux

A newspaper which during the whole time of publication
herein after stated, has been and is printed and published
City of Canton

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

February 4, 1988

February 11, 1988

Connie Renli
(Signature)

Bookkeeper
(Title)

February 11, 1988
(Date Signed)

Cost of Printing: \$57.79

NOTICE OF HEARINGS
on Application Nos. 5155-3 and
5156-3 to Appropriate Water

Notice is hereby given that the
Lincoln County Rural Water
System, Inc. whose mailing
address is P.O. Box 36,
Harrisburg, South Dakota has
submitted Application No. 5155-3
for a permit to appropriate for
future use 440 acre-feet of water
annually from the Dakota
Sandstone Formation. The area
reserved for future water use is to
be located in the E½ of Sections
18, 19, 30 and 31; W½ of Sections
15, 22, 27 and 34; Sections 17, 16,
20, 21, 29, 28, 32, and 33; all in
T99N, R49W; NE¼ Section 6;
NW¼ Section 3; N½ of Section 5
and 4; all in T98N, R49W. The
water is to be reserved for the
purpose of providing future water
supplies for Lincoln County Rural
Water System. This application
does not authorize construction
of works or application of water to
beneficial use.

Application No. 5156-3 is to
appropriate 3.0 cubic feet of water
per second for a maximum of 440
acre-feet of water annually from 2
to 5 wells (Dakota Sandstone
Formation) approximately 700 feet
deep. The wells are to be located
within the following described 13
square mile area: Sections 17, 16,
20, 21, 29, 28, 32 and 33; E½ of
Section 18, 19, 30 and 31; W½ of
Sections 15, 22, 27, and 34; all in
T99N, R49W; NE¼ Section 6;
NW¼ Section 3; N½ of Sections 5
and 4; all in T98N, R49W. Water is
to be used to supply the Lincoln
County Rural Water System.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
APPROVAL of Application No.
5155-3 because 1) there is
reasonable probability that there
is unappropriated water available
for the applicant's proposed use.
2) the quantity of water reserved
will be needed by the Lincoln
County Rural Water System, 3) it
is a beneficial use of water and 4)
it is in the public interest; and
DEFERRAL of Application No.
5156-3 until test drilling is
completed to determine the
quantity and water quality
available at proposed well site
locations.

The Chief Engineer is also
recommending that Application
No. 5156-3 be READVERTISED
when the proposed well sites are
determined.

These applications will be

considered by the Water
Management Board in Room 216,
Joe Foss Bldg, 523 E. Capitol,
Pierre, SD, March 2, 1988 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) approve,
2) approve with qualifications, 3)
defer, or 4) deny these
applications after it reaches a
conclusion based upon facts
presented at the public hearing.
Although the Chief Engineer has
recommended DEFERRAL of
Application No. 5156-3, any
interested person that may be
affected by a Board decision or
intends to participate in hearings
before the Board on Application
No. 5156-3 or Application No.
5155-3 and present evidence or
cross-examine witnesses
according to SDCL 1-26, must file
a written petition with both the
applicant and Chief Engineer by
February 19, 1988. The petition
may be informal, but it must
include a statement describing
the petitioner's interest in an
application, the reasons for the
petitioner's opposition to or
support of an application, and the
signature and mailing address of
the petitioner or his legal counsel
if legal counsel is obtained. The
applicant need not file a petition.

These applications are made
pursuant to the provisions of
SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-15; 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, 46-5-1 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; 46-5-38 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.

These hearings are adversary
proceeding. The applicant 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 an application or
to assure access to the hearing by
the handicapped can contact the
Water Rights Division, Joe Foss
Bldg., Pierre, SD (605 773-3352) for
assistance prior to the hearing
date. The time of a hearing will be
automatically extended for at
least twenty days upon written
request of the applicant or person
who has filed a petition to oppose
or support an application. The
request for extension must be
filed with the Chief Engineer by
February 19, 1988.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Minnehaha)

I, M. Devish hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Arqus Leader

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

City of Sioux Falls

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

February 4, 1988

February 11, 1988

M. Devish
(Signature)

Assistant Controller
(Title)

2/11/88

(Date Signed)

Cost of Printing: \$111.20

NOTICE OF HEARING

on Application Nos. 5155-3 and
5156-3 to Appropriate Water

Notice is hereby given that the
Lincoln County Rural Water System,
Inc. whose mailing address is PO
Box 36, Harrisburg, South Dakota
has submitted Application No.
5155-3 for a permit to appropriate for
future use 440 acre-feet of water
annually from the Dakota Sandstone
Formation. The area reserved for
future water use is to be located in
the E 1/2 of Sections 18, 19, 30 and
31; W 1/2 of Sections 15, 22, 27 and
34; Sections 17, 16, 20, 21, 29, 28,
32 and 33; all in T99N, R49W; NE
1/4 Section 6; NW 1/4 Section 3; N
1/2 of Section 5 and 4; all in T98N,
R49W. The water is to be reserved
for the purpose of providing future
water supplies for Lincoln County
Rural Water System. This application
does not authorize construction of
works or application of water to
beneficial use.

Application No. 5156-3 is to appro-
priate 3.0 cubic feet of water per
second for a maximum of 440
acre-feet of water annually from 2 to
5 wells (Dakota Sandstone Forma-
tion) approximately 700 feet deep.
The wells are to be located within the
following described 13 square mile
area: Sections 17, 16, 20, 21, 29, 28,
32 and 33; E 1/2 of Section 18, 19,
30 and 31; W 1/2 of Sections 15, 22,
27 and 34; all in T99N, R49W, NE
1/4 Section 6; NW 1/4 Section 3; N
1/2 of Sections 5 and 4; all in T98N,
R49W. Water is to be used to supply
the Lincoln County Rural Water
System.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends APPROVAL of
Application No. 5155-3 because: 1) there
is reasonable probability that
there is unappropriated water avail-
able for the applicant's proposed
use, 2) the quantity of water reserved
will be needed by the Lincoln County
Rural Water System, 3) it is a
beneficial use of water and 4) it is in
the public interest, and DEFERRAL
of Application No. 5156-3 until test
drilling is completed to determine the
quantity and water quality available
at proposed well site locations.

The Chief Engineer is also recom-
mending that Application No. 5156-3
be READVERTISED when the pro-
posed well sites are determined.

These applications will be consid-
ered by the Water Management
Board in Room 216, Joe Foss Bldg,
523 E Capitol, Pierre, SD, March 2,
1988 at 10:00 am.

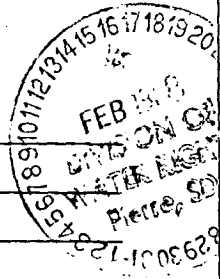
The recommendation of the Chief
Engineer is not final or binding upon
the Board and the Board is author-
ized to 1) approve, 2) approve with
qualifications, 3) defer, or 4) deny
this application after it reaches a
conclusion based upon facts pres-
ented at the public hearing. Although
the Chief Engineer has recom-
mended DEFERRAL of Application
No. 5156-3, any interested person
that may be affected by a Board
decision or intends to participate in
the hearings before the Board on
Application No. 5156-3 or Applica-
tion No. 5155-3 and present evi-
dence or cross-examine witnesses
according to SDCL 1-26, must file a
written petition with Both the appli-
cant and the Chief Engineer by
February 19, 1988. The petition may
be informal, but it must include a
statement describing the petitioner's
interest in the application, the rea-
sons for the petitioner's opposition to
or support of the application, and the
signature and mailing address of the
petitioner or his legal counsel if legal
counsel is obtained. The applicant
need not file a petition.

This application is made pursuant
to the provisions of SDCL 46-1-1 thru
46-1-9, 46-1-12 thru 46-1-15; 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; 46-5-1
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;
46-5-38 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.

These hearings are adversary pro-
ceedings. The applicant or any
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right to be present or to be repre-
sented 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 the State Supreme
Court as provided by law.

Any person wishing a copy of the
Chief Engineer's recommendation,
further information on this application
or to assure access to the hearing by
the handicapped can contact the
Water Rights Division, Joe Foss
Bldg, Pierre SD (605 773,3352) for
assistance prior to the hearing date.
The time of the hearing will be
automatically extended for at least
twenty days upon written request of
the applicant or any person who has
filed a petition to oppose or support
the application. The request for
extension must be filed with the Chief
Engineer by February 19, 1988.

535 Feb. 4 & 11, 1988



CITY OF CANTON

Phone 605/987-2881

123 South Main
Canton, South Dakota 57013

February 4, 1988

Dept. of Water & Natural Resources
Div. of Water Rights
Joe Foss Bldg
523 E. Capitol
Pierre, SD 57501



RE: Applications: 5155-3 and 5156-3 (Lincoln Rural Water)

ATTN: Ron Duvall

Dear Mr. Duvall:

The City of Canton has some questions concerning the future use reservation application submitted by Lincoln Rural Water, application numbers 5155-3 and 5156-3. We are concerned with this application and would like to be a party to the hearing. It is our understanding that the future use reservation permit would extend in an area two (2) miles north and ½ mile west of the city limits of Canton.

Please continue to forward all applicable information and future updates to:
City of Canton
PO Box 128
Canton, SD 57013

Sincerely,

Mayor John D. Anderson

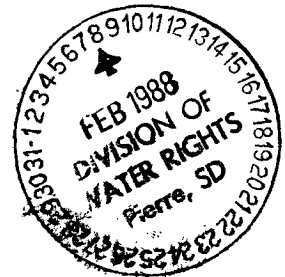
Commissioners: Braaten
McVay
Nelson
Pederson

cc: file

JDA:jb

FRIENDS OF DAKOTA SANDSTONE AQUIFER
Rt. 2 Box 82
Beresford, South Dakota 57004

February 6, 1988



Lincoln County Rural Water System, Inc.
P.O. Box 30
Harrisburg, SD 57032

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

Dear Sirs:

This will serve as a Petition in opposition to Application Nos. 5155-3 and 5156-3 filed by the Lincoln County Rural Water System, Inc. for permits to appropriate water for future use and to appropriate 3.0 cfs from Dakota Sandstone wells respectively.

As users of the Dakota Sandstone Formation for our domestic wells, we feel additional large users of water from this Formation should be curtailed to avoid interference with our future source of water supplies.

Sincerely,

Wanda J. Sletten
Secretary



SADDLE CREEK FARM, INC.

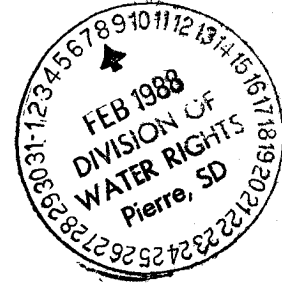
RT. 2 BOX 82

BERESFORD, SOUTH DAKOTA 57004

PHONE 372-4688 OR 372-4689

AREA CODE 605

February 6, 1988



Lincoln County Rural Water System, Inc.
P.O. Box 36
Harrisburg, SD 57032

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

Dear Sirs:

Re: Applications No. 5155-3 and 5156-3

This letter serves as a Petition to oppose the granting of the permits for the above applications.

Saddle Creek Farm, Inc. depends upon the Dakota Sandstone Formation as its source of water for its operation. The Board of Directors are of the opinion that the Formation should never have been opened up to mining of the water in the first place and that to continue to grant permits for large useage from this Formation will have a negative impact on the future water supplies to users like ourselves.

Sincerely,

Wanda J. Sletten
Secretary



Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

(605) 773-3352

February 9, 1988

Robert Messner, Chairman
Lincoln County Rural Water Systems, Inc.
PO Box 36
Harrisburg, South Dakota 57032

Dear Mr. Messner:

Enclosed are copies of petitions to intervene in the hearing on Water Permit Application No. 5156-3 and Future Use Application No. 5155-3 received on February 8, 1988. The copies are to inform you of other parties interested in the applications.

Please contact us if you have any questions.

Sincerely,

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

Ron Duvall
Natural Resources Engineer

RD:ms

Enc.



Department of Water & Natural Resources

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

March 8, 1988

NOTICE

TO: Robert Messner, Chairman
Lincoln County RWS, Inc.
PO Box 36
Harrisburg SD 57032
and Parties of Record

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

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

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

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on approval of Future Use Application No. 5155-3. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, May 11, 1988, Room 216, Joe Foss Building, 523 East Capitol, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record and their attorneys (copy enclosed) by April 20, 1988. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record and their attorneys by April 29, 1988.

The public hearing on Application No. 5155-3 was completed March 2, 1988. No additional testimony on this application will be received on May 11, 1988.

cc: John Guhin, Assistant Attorney General
Harold Deering, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 8, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice for Preparation of Findings, Conclusions and Final Decision on Application No. 5155-3 addressed as stated on the Parties of Record Sheet.

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 1988.

John Hatch
Notary Public



STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION	)	FINDINGS OF FACT,
OF LINCOLN COUNTY RURAL WATER	)	CONCLUSIONS OF LAW AND
SYSTEM, INC. FOR FUTURE WATER USE	)	FINAL DECISION
PERMIT NO. 5155-3	)	

FINDINGS OF FACT

1. This is an application for a future use permit for 3.0 cfs of water to a maximum of 440 acre feet of water. The water is to be taken from the Dakota Formation in Lincoln County.

2. The application is made by a water distribution system as defined by state law.

3. The Dakota Formation has in excess of 4 million acre feet of recoverable water in storage in Lincoln County.

4. Hydrographs of water levels in the Dakota Formation since 1978 show increasing levels in those areas that are outside the influence of pumping by the South Lincoln Rural Water System. This indicates that water is being recharged into the Formation.

5. The growth pattern of the applicant water distribution system establishes a reasonable probability that the water it now seeks will be needed by it in the future.

6. The evidence is inconclusive on whether increased withdrawals of water from the formation have

caused a significant increase in the content of iron in the water withdrawn from the formation.

7. Some decline in water quality is probable, however, as a result of the increased use of the Dakota Formation. This is because the quality of water recharging the formation tends to be lower than the quality of water withdrawn from the formation.

CONCLUSIONS OF LAW

1. This Board has jurisdiction over this matter.

2. There is a reasonable probability that there is unappropriated water available for the applicant's proposed use and that the quantity of water reserved will be needed by the applicant.

3. Because the formation in question has been established by previous discussions of this Board to be lower than the Greenhorn Formation, and because the applicant is a "water distribution system" as defined by state law, the recharge provisions of SDCL 46-6-3.1 do not apply. In the alternative, it has not been shown that it is probable that the quantity of water withdrawn annually from the groundwater source will exceed the quantity of average estimated annual recharge of water to the formation.

4. The proposed use for a water distribution system is a beneficial use.

5. Despite a probable decline in the quality of water withdrawn from the formation in the future, the beneficial effects of supplying high quality water to a

large population mandate a finding that granting of this permit is in the public interest with the qualifications as set forth in the Final Decision.

FINAL DECISION

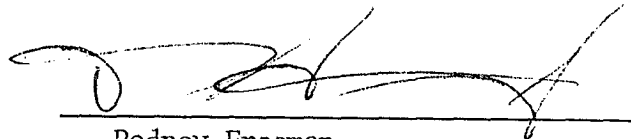
The application for Future Use Permit No. 5155-3 is approved subject to the following qualifications:

1. That Future Use Permit No. 5155-3 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 SDCL 46-5-38.1.

3. Approval of this permit reserves 440 acre feet annually from the Dakota Sandstone Formation for future use.

BY THE BOARD

A handwritten signature in dark ink, appearing to be 'Rodney Freeman', is written over a horizontal line.

Rodney Freeman
Vice-Chairman

 **Department of
Water & Natural Resources**

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

May 31, 1988

NOTICE

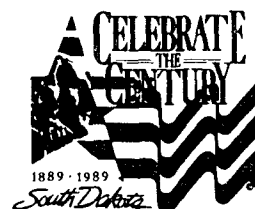
TO: Robert Messner, Chairman
Lincoln County RWS, Inc.
PO Box 36
Harrisburg SD 57032
and Parties of Record

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

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

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board on approval of Future Use Application No. 5155-3 which was considered at the March 2, 1988 meeting.

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



CERTIFICATION

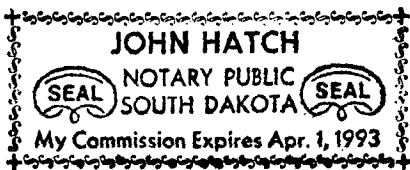
I hereby certify that on May 31, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice of Adoption of Findings, Conclusions and Final Decision on Application No. 5155-3 addressed as stated on the Parties of Record Sheet.

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of June, 1988.



John Hatch
Notary Public

February 8, 1988
(date)

page

Parties of Record before Water Management Board regarding Water
Permit Application No. 5155-3, Lincoln County Rural
Water System, Inc.

For :

Robert Messner, Chairman
Lincoln Co. Rural Water System, Inc.
P.O. Box 36
Harrisburg, SD 57032

represented by:
Jeff Masten, Attorney
110 S Broadway
Canton SD 57013

Interested :

John D. Anderson, Mayor
City of Canton
PO Box 128
Canton SD 57013

Against :

Wanda J. Sletten, Secretary
Saddle Creek Farm, Inc.
Rt. 2, Box 82
Beresford, SD 57004

Wanda J. Sletten, Secretary
Friends of Dakota Sandstone Aquifer
Rt. 2, Box 82
Beresford, SD 57004

 **Department of
Water & Natural Resources**

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

NOV 30 1988

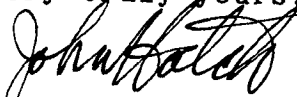
Robert Messner, Chairman
Lincoln County Rural Water System, Inc.
PO Box 36
Harrisburg SD 57032

Dear Mr. Messner:

Enclosed is your Future Use Withdrawal Permit No. 5155-3, as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in this future use permit to beneficial use, an application covering such facilities and water use must be submitted to this office and approved by the Water Management Board before construction.

Very truly yours,



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

enclosures





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1995

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

Dear Mr.

I am writing in regard to the seven year review of Future Use Water Permit No. 5155-3 which is held by the Lincoln County Rural Water System, Inc.. Currently, our records show that 440 acre-feet remain in reserve under this future use permit which was issued in 1988 from the Dakota Sandstone Formation.

Permit No. 5155-3 will be scheduled for review by the Water Management Board in May, 1995 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 respond in writing by February 15, 1995, regarding the Lincoln County Rural Water System's intention for the future use permit. If the rural water system does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

KAREN SCHLAACK
Environmental Scientist
Water Rights Division
605 773-3352

Lincoln County Rural Water System, Inc.



BOX 36 • HARRISBURG, SOUTH DAKOTA 57032 • TELEPHONE (605) 743-2966



January 16, 1995

Dear Mr. Eric Gronlund,

The Lincoln County Rural Water System, Inc. does want to retain the Future Use Permit #5155-3. The need for quantity and quality of water continues to grow. We have been adding about 75 new customers a year for the last 5 years. We also supply the Town of Tea with water. They are also growing.

We currently get our water processed and delivered through the Sioux Falls Water Treatment Plant. A time may come when they won't be able to supply the quantity of water we need. Our system has an average useage of 8,000 gal. per month. When we add 75-80 new users per year, our annual pumpage increases an average of 7.5 million gal. not including the Town of Tea's growth.

Our annual pumpage for: 1992 was 130,000,000 gal.; 1993 was 124,800,000 gal (a wet year); 1994 was 139,900,000gal

With our projected growth, it is essential to retain the Future Use Permit #5155-3.

Sincerely,

Dennis Larson

Dennis Larson, Mgr.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

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

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

Dear Mr. Larson:

Future Use Permit No. 5155-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Sioux Valley News printed at Canton SD (Phone #605 987-2631). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

Sioux Valley News
Box 255
Canton SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5155-3 to be published twice. Please publish the first notice on June 8, 1995 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No. _____

TO: Water Rights Division

Joe Foss Building

523 E Capitol

Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Review Future Use Water Permit No. _____ which was first published in our issue of _____.

ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on June 8, 1995 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032 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. 5155-3. This permit was approved May 11, 1988 to reserve 440 acre feet of water from the Dakota Sandstone Aquifer located in the E 1/2 of Sections 18, 19, 30 and 31; W 1/2 of Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R49W; NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 Sections 4 and 5; all in T98N-R49W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 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. 5155-3 at the Ramkota Inn, 1901 9th Ave SW, Hwy 212 W, Watertown SD on July 6, 1995 at 9:30 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 26, 1995. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5155-3 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 Division, (605 773-3352) by June 26, 1995. 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 June 26, 1995. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lincoln) ss

I, Connie Rendi

certify that the attached printed Notice was

taken from the

Sioix Valley News

printed and published in

County of Lincoln and State of

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

June 8, 1995
June 15, 1995

Cost of Printing:

\$54.16

Connie Rendi
(Signature)

Bookkeeper

(Title)

6-15-95

(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by Lincoln County Rural Water System, PO Box 36, Harrisburg, SD 57032 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. 5155-3. This permit was approved May 11, 1988 to reserve 440 acre feet of water from the Dakota Sandstone Aquifer located in the E 1/2 of Sections 18, 19, 30 and 31; W 1/2 of Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R49W; NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 Sections 4 and 5; all in T98N-R49W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 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. 5155-3 at the Ramkota Inn, 1901 9th Ave SW, Hwy 212 W, Watertown SD on July 6, 1995 at 9:30 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 26, 1995. The Chief Engineer's address is Water Rights Division, Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5155-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 26-2-9, 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 Division, (605 773-3352) by June 26, 1995. 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 June 26, 1995.

Nettie H. Myers
Secretary

Department of Environment and Natural
Resources

(6-8, 15)



RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5155-3, LINCOLN COUNTY RURAL WATER SYSTEM

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 Future Use Water Permit No. 5155-3, Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032.

The Chief Engineer is recommending that Future Use Permit No. 5155-3 REMAIN in EFFECT for 440 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5155-3, 2) the Lincoln County Rural Water System has demonstrated a reasonable need for the water reserved by Permit No. 5155-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

And that maintaining the effectiveness of Future Use Permit No. 5155-3 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Lincoln County Rural Water System.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
May 30, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

Dennis Larson
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

Dear Mr. Larson:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 1995 to review Future Use Permit No. 5155-3. The Board allowed the permit to remain in effect and amended Permit No. 5155-3 adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 5155-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5155-3 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

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

enclosure

**AMENDMENT TO FUTURE USE PERMIT NO. 5155-3
LINCOLN COUNTY RURAL WATER SYSTEM**

Pursuant to the July 6, 1995 Water Management Board hearing, Future Use Permit No. 5155-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 5155-3 reserve for future use a total of 440 acre-feet annually.

CERTIFICATION

I hereby certify that on July 12, 1995, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 11, 1995, along with the "Amendment" for Future Use Permits, regarding action taken by the Water Management Board at the hearing on July 6, 1995, to review Future Use Permit Nos. 1443-2, 449-3, 3981-3, 3981A-3, 4673-3, 4771-3 and 5155-3, addressed as stated below:

F.U. Permit #1443-2

Van A. Lindquist
West Dakota Water Dev. Dist.
P.O. Box 9633
Rapid City, SD 57709-9633

F.U. Permit #'s 449-3, 3981-3 & 3981A-3

Lyle D. Johnson, Water/Wastewater Mgr.
Utilities Department
224 West 9th St.
Sioux Falls, SD 57102

F.U. Permit #4673-3

Dawn Glover, Finance Officer
City of Elk Point
P.O. Box 280
Elk Point, SD 57025-0280

F.U. Permit #4771-3

Katheryn Tieszen, Finance Officer
City of Marion
P.O. Box 94
Marion, SD 57043

F.U. Permit #5155-3

Dennis Larson
Lincoln County Rural Water System
P.O. Box 36
Harrisburg, SD 57032

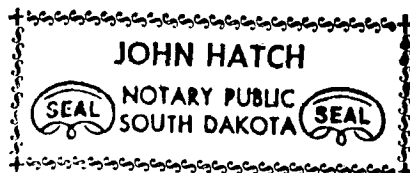
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)

SS

Sworn to, before me, this 17th day of July, 1995



John Hatch

Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

Division of Water Rights

414561

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 24, 19 95

RECEIVED OF Lincoln County Rural Water, PO Box 36, Harrisburg, SD 57032

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>5155-3</u> after period of seven years.	27	50
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	27 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 2002

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

Dear Mr. Larson:

I am writing in regard to the seven year review of Future Use Water Permit No. 5155-3 from the Dakota Sandstone Formation which is held by the Lincoln County RWS. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 440 acre-feet remain in reserve under this future use permit that was issued in 1987 and last reviewed in 1995

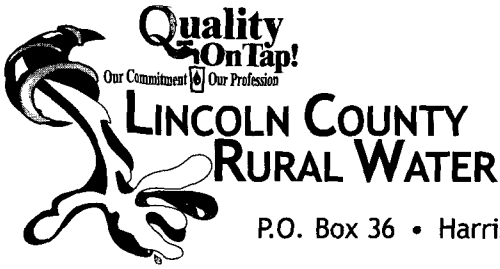
Please respond in writing by May 1, 2002, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 5155-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



P.O. Box 36 • Harrisburg, South Dakota 57032 • Phone: (605) 767-2966 • Fax: (605) 767-5125

RECEIVED

APR 17 2002

WATER RIGHTS
PROGRAM

April 12, 2002

Dear Mr. Eric Gronlund,

The Lincoln County Rural Water System, Inc. intends to retain the Future Use No. 5155-3. The need for quantity and quality of water is vital to our continued growth.

The System membership has grown from 1201 in 1995 to 1788 in 2001. The amount of water that the System has pumped has increased from 129.9 million in 1995 to 235.3 million in 2001. The daily average for 2001 was 664,000 gals.

The System currently receives our water processed and delivered through the Sioux Falls Water Treatment Plant. A time may come when they won't be able to supply the water we need.

We are adding 60 to 90 new users a year. With the City of Harrisburg connected to our System, our demand for water will continue to increase. The System average is 8,000 gals. per month per user. Our projected increase of users will necessitate an additional 60,000 gals. per month or 720,000 gals per year not including additional requirements of the City of Tea and Harrisburg.

Our annual pumpage for: 1999 was 207,000,000 gal.; 2000 was 235,000,000 gal.; 2001 was 235,300,000 gal.

With our projected growth, it is essential to retain the Future Use Permit #5155-3.

Sincerely,

Dennis Larson, Mgr.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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. 5155-3, Lincoln County Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5155-3, Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032.

The Chief Engineer is recommending that Future Use Permit No. 5155-3 REMAIN in EFFECT for 440 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5155-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5155-3, 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. 5155-3 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Garland Erbele, Chief Engineer
May 29, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 29, 2002

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

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

Dear Mr. Larson:

Future Use Permit No. 5155-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Sioux Valley News printed at Canton (Phone #605 764-2000). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on June 6, 2002 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032 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. 5155-3. This permit was approved in 1987 and currently reserves 440 acre feet of water from the Dakota Sandstone Aquifer located in the E ½ of Sections 18, 19, 30 and 31; W ½ of Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R49W; NE ¼ Section 6; NW ¼ Section 3; N ½ Sections 4 and 5; all in T98N-R49W. The water is to provide future supplies for the system.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 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. 5155-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Pierre SD on July 10, 2002 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 June 28, 2002. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5155-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 28, 2002. 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 June 28, 2002. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2002

Sioux Valley News
PO Box 255
Canton SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5155-3 to be published twice. Please publish the first notice on June 6, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032.

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 May 29, 2002 enclosing Notice of Hearing to Review Future Use Water Permit No. 5155-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

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 WATER PERMIT NO. 5155-3

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:

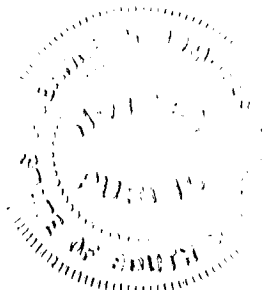
JUNE 6, 2002
JUNE 13, 2002

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$56.91** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this **13th** day of **JUNE, 2002.**


Notary Public, South Dakota

(Seal)



Jeanne M. Limoges
My Commission Expires
November 18, 2003

RECEIVED

JUN 17 2002

**WATER RIGHTS
PROGRAM**

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032 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. 5155-3. This permit was approved in 1987 and currently reserves 440 acre feet of water from the Dakota Sandstone Aquifer located in the E 1/2 of Sections 18, 19, 30 and 31; W1/2 of Section 15, 22, 27 and 34; Section 16, 17, 20, 21, 28, 29, 32, and 33; all of T99N-R49W; NE1/4 Section 6; NW1/4 Section 3; N 1/2 Sections 4 and 5; all in T98N-R49W. The water is to provide future supplies for the system.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 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. 5155-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol Pierre SD on July 10, 2002 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 June 28, 2002. The Chief engineer's address in "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5155-3 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

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 28, 2002. 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 June 28, 2002. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
(6-6, 13)



July 12, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

Dear Mr. Larson:

I am writing in response to action taken by the Water Management Board at the hearing on July 10, 2002 to review Future Use Permit No. 5155-3. The Board allowed the permit to remain in effect for 440 acre-feet of water annually. Future Use Permit No. 5155-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5155-3 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 12, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 12, 2002 regarding Notice Future User Permit No 449-3 & 3981-3, Future Use Permit No. 1442-2, Future Use Permit No. 4673-3, Future Use Permit No. 5155-3, Future Use Permit No. 5832-3 addressed as stated below:

449-3 & 3981-3

Lyle D Johnson, Public Works Director
City of Sioux Falls
224 W 9th St
Sioux Falls SD 57102

1442-2

West River Water Development District
Mike Kurle, Manager
PO Box 523
Murdo SD 57559

4673-3

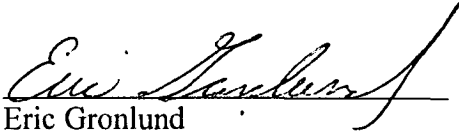
Dawn Glover, Finance Officer
City of Elk Point
PO Box 280
Elk Point, SD 57025-0280

5155-3

Dennis Larson, Manager
Lincoln County Rural Water System
PO Box 36
Harrisburg SD 57032

5832-3

Pamela Bonrud, Executive Director
Lewis & Clark Rural Water System
300 N Dakota Ave
Suite 206
Sioux Falls, SD 57102



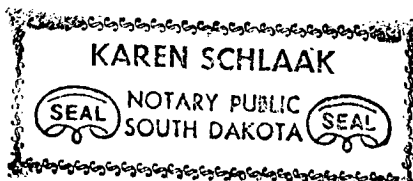
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of July, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417233

Pierre, July 22, 2002

RECEIVED OF Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032
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>5155-3</u> after period of seven years.	27	50
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	27 50

By Darland Ebele
Chief Engineer *gm*



**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 8, 2009

Lincoln County Rural Water System
Robin Dykstra, Manager
PO Box 36
Harrisburg SD 57032

Dear Mr. Dykstra:

I am writing in regard to the seven year review of Future Use Water Permit No. 5155-3 from Dakota Formation which is held by system. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the system. Currently, our records show that 440 acre-feet remain in reserve under this future use permit that was issued in 1987 and last reviewed in July, 2002.

Please respond in writing by May 15, 2009, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs system.

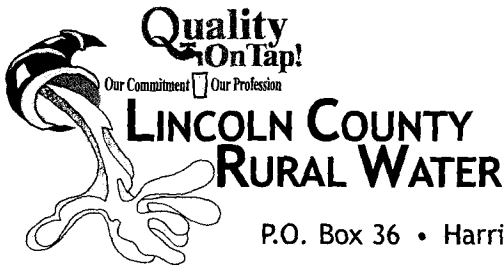
Permit No. 5155-3 will then be public noticed at the system expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining 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,

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

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



RECEIVED

MAY 26 2009

WATER RIGHTS
PROGRAM

P.O. Box 36 • Harrisburg, South Dakota 57032 • Phone: (605) 767-2966 • Fax: (605) 767-5125

May 20, 2009

Karen Schlaak
Department of Environment
and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol Building
Pierre, SD 57501-3182

Dear Ms. Schlaak:

Please accept this as Lincoln County Rural Water System's written request to retain Future Use Water Permit No. 5155-3 from the Dakota Formation. Lincoln County Rural Water System is optimistic to receive water from the Lewis and Clark Regional Water System in 2012. Although once LCRWS starts to receive water from L&C, the agreement for delivery of water from the City of Sioux Falls will terminate.

LCRWS expects the continued rapid growth around the Cities of Sioux Falls, Tea and Harrisburg. We feel the demand for water will increase as the area continues to develop. Lincoln County Rural Water System has a serious concern of a shortage of water for our water system due to the possible growth in this area.

I respectfully request the Water Management Board allow Lincoln County Rural Water System to retain Future Use Permit No. 5155-3 for 440 acre-feet.

Thank you

Robin L. Dykstra, manager

Lincoln County Rural Water



**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. 5155-3, Lincoln County Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5155-3, Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032.

The Chief Engineer is recommending that Future Use Permit No. 5155-3 REMAIN in EFFECT for 440 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5155-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5155-3, 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. 5155-3 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Garland Erbele, Chief Engineer
June 2, 2009

NOTE: Please be advised that the Legislature passed a bill this year raising all Water Rights Program filing fees. The fee increases become effective July 1, 2009.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 2009

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

Lincoln County Rural Water System
Robin Dykstra, Manager
PO Box 36
Harrisburg SD 57032

Dear Mr. Dykstra:

Future Use Permit No. 5155-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Sioux Valley News printed at Canton SD (Phone #605 764-2000). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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

June 2, 2009

Sioux Valley News
PO Box 255
Canton SD 57013

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5155-3 to be published twice. Please publish the first notice on June 11, 2009 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 Lincoln County Rural Water System, PO Box 36, Harrisburg SD 57032.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of June 2, 2009 enclosing Notice of Hearing to Review Future Use Water Permit No. 5155-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on June 11, 2009 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 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. 5155-3 at 10:30 am, July 8, 2009 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 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 June 29, 2009. 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.

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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 June 29, 2009. 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 June 29, 2009. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

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:

DENR Notice of Hearing to Review Future Use Water Permit No. 5155-3

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

June 11, 2009

June 18, 2009

that the full amount of the fees charged for publishing the same to-wit: the sum of \$63.68 insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Andy Wilcox
Subscribed and sworn to before me this 18th day of June, 2009.

Teresa J. Wilcox
Notary Public, South Dakota



My Commission Expires
12/9/2014

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by Lincoln County Rural Water System for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5155-3. This permit was approved 1987 currently reserves 440 acre feet from the Dakota Sandstone Aquifer located in the E 1/2 of Sections 18, 19, 30 and 31; W 1/2 of Sections 15, 22, 27 and 34; Sections 16, 17, 20, 28, 29, 32 and 33; all in T99N-R49W; NE 1/4 Section 6, NW 1/4 Section 3; N 1/2 Sections 4 and 5; all in T98N-R49W. The water is to provide future supplies for the system.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 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. 5155-3 at 10:30 am, July 8, 2009 at the Floyd Mathaw 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 June 29, 2009. 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

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JUN 29 2009

WATER RIGHTS
PROGRAM

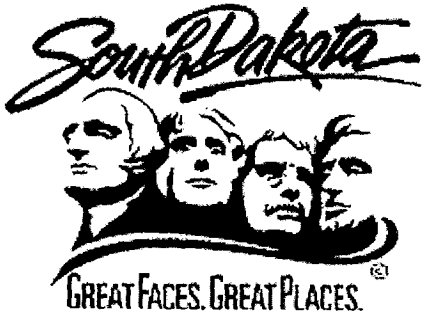
permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5155-3 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 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 June 29, 2009. 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 June 29, 2009. Steven M. Pirner, Secretary, Department of Environmental and Natural Resources.

Published in the Sioux Valley News on June 11 and 18, 2009.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 2009

NOTICE

TO: Robin Dykstra, Manager
Lincoln Rural Water System
PO Box 36
Harrisburg SD 57032

FROM: Garland Erbele, Chief Engineer
Water Rights Program

A handwritten signature in black ink, appearing to read "Garland Erbele", written over the printed name in the "FROM:" field.

SUBJECT: Scheduled Time for Review of Future Use Permit No. 5155-3

The hearing time before the Water Management Board to consider the review of Future Use Water Permit No. 5155-3 has changed from 10:30 AM to 1:30 PM on Wednesday, July 8, 2009. This matter was recently public noticed. The change in the hearing time is necessary due to adjustments in the Board's agenda.

The Water Management Board will now consider review of Future Use Water Permit No. 5155-3 at **1:30 PM**, on July 8, 2009, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD.

Applicable provisions of the Notice published June 11 and 18, 2009 in area newspapers still apply.

If you have any questions, please contact Eric Gronlund at 605 773-3352.

CERTIFICATION

I hereby certify that on June 26, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 26, 2009 regarding scheduled time change for Future Use # 5155-3 at the WMB Mtg. addressed as stated below:

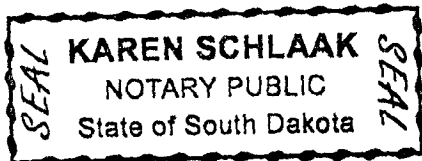
Robin Dykstra, Manager, Lincoln Rural Water System, PO Box 36, Harrisburg SD 57032


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of June, 20 09.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 9, 2009

NOTICE

Lincoln County Rural Water System
Robin Dykstra, Manager
PO Box 36
Harrisburg SD 57032

Dear Mr. Dykstra:

I am writing in response to action taken by the Water Management Board at the hearing on July 8, 2009 to review Future Use Permit No. 5155-3. The Board allowed the permit to remain in effect for 440 acre-feet of water annually. Future Use Permit No. 5155-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5155-3 is \$95.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

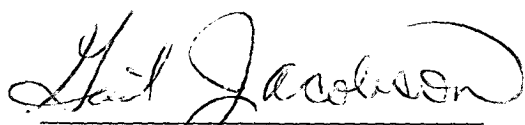
Sincerely,

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

CERTIFICATION

I hereby certify that on July 9, 2009 I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 9, 2009 regarding future use permits addressed as stated below:

City of Elk Point, Erika Hammitt, Finance Officer, PO Box 280, Elk Point SD 57025 **4673-3**
West River Water Dev Dist., Jake Fitzgerald, Mngr., PO Box 407, Murdo SD 57559 **1442-2**
Lincoln County Rural Water System, Robin Dykstra, Mngr., PO Box 36, Harrisburg SD **5155-3**
57032 **5515-3**



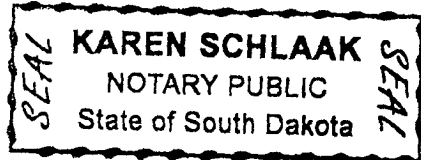
Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of July, 2009.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/20, 20 09

RECEIVED OF Lincoln Co Rural Water System Inc PO Box 36 Harrisburg SD 57032

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>5155-3</u> after period of seven years.	95	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	95 00

No.

04778

By

[Signature]
Chief Engineer



5155-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 28, 2016

Lincoln County Rural Water System
Robin Dykstra, Manager
PO Box 36
Harrisburg SD 57032

Dear Mr. Dykstra:

I am writing in regard to the seven year review of Future Use Water Permit No. 5155-3 from the Dakota Aquifer held by the Lincoln County Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the system. Currently, our records show that 440 acre-feet remain in reserve under this future use permit that was issued in 1987 and last reviewed in 2009.

Please respond in writing by May 31, 2016 regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

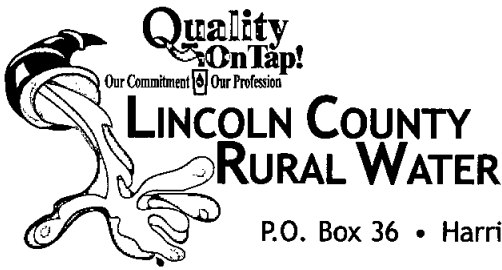
Permit No. 5155-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 440 acre-feet remain in reserve, the fee will be \$95.00.

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



RECEIVED

MAY 16 2016

WATER RIGHTS
PROGRAM

P.O. Box 36 • Harrisburg, South Dakota 57032 • Phone: (605) 767-2966 • Fax: (605) 767-5125

May 13, 2016

Department of Environment and Natural Resources
Karen Schlaak, Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Greetings to the Water Management Board, Karen Schlaak and Eric Grunlund:

Lincoln County Rural Water System, Inc. is located in an area bordered by the cities of Sioux Falls, Tea and Harrisburg. Lincoln County South Dakota has been one of the fastest growing counties in the nation for several years and projections for growth are expected to continue. As such, the demands for water in this area have increased and will continue to increase for many years to come.

Presently Lincoln County Rural Water has sufficient capacity from its Lewis and Clark Regional Water System allocation to serve the needs of the water system. That capacity will be impacted significantly as growth continues within the area served by the Lincoln County Rural Water System.

Lincoln County Rural Water System respectfully requests that Future Use Water Permit No. 5155-3 from the Dakota Aquifer held by Lincoln County Rural Water System be renewed for seven (7) years. We ask that this permit continue to reserve water for future water supply needs for the system in the amount of 440 acre-feet.

The Board of Directors and management of Lincoln County Rural Water System, Inc. feel reasonable needs exist for retaining the permit.

Please contact Robin Dykstra with any questions or comments.

Respectfully yours,

Robin L. Dykstra, manager

Lincoln County Rural Water System, Inc.



**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. 5155-3, Lincoln County Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5155-3, Lincoln County Rural Water System, c/o Robin L. Dykstra, PO Box 36, Harrisburg SD 57032.

The Chief Engineer is recommending that Future Use Permit No. 5155-3 REMAIN in EFFECT for 440 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5155-3, 2) the rural water system has demonstrated a reasonable need for the water reserved by Permit No. 5155-3, 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. 5155-3 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the rural water system after the Board hearing.

Jeanne Goodman, Chief Engineer
May 31, 2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 31, 2016

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

Lincoln County Rural Water System
Robin L Dykstra, Manager
PO Box 36
Harrisburg SD 57032

Dear Mr. Dykstra:

Future Use Permit No. 5155-3 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 Sioux Valley News, Canton SD (605 764-2000) and the Argus Leader, Sioux Falls SD (605 331-2200). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 9, 2016. 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 June 9, 2016. Lincoln County Rural Water System is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by Lincoln County Rural Water System, c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 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. 5155-3. This permit was approved 1987 and currently reserves 440 acre feet from the Dakota Aquifer located in the E 1/2 of Sections 18, 19, 30 and 31; W 1/2 of Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R49W; NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 of Sections 4 and 5; all in T98N-R49W. The water is to provide future supplies for the system

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5515-3 REMAIN in EFFECT for 440 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. 5515-3 at 2:00 pm, July 6, 2016 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 27, 2016. 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. 5155-3 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 June 27, 2016. 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 June 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:48 AM
To: svn@siouxvalleynewsonline.com
Subject: 5155-3, Lincoln County Rural Water System
Attachments: 5155-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

Lincoln County RWS, c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 (605 767-2966) 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.

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

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 01, 2016 8:49 AM
To: allegals@argusleader.com
Subject: 5155-3, Lincoln County Rural Water System
Attachments: 5155-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2016.

Lincoln County RWS, c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 (605 767-2966) 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.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

RECEIVED

JUN 13 2016

WATER RIGHTS
PROGRAM

CUSTOMER NUMBER:	078200	Argus Leader	
AD ORDER NUMBER:	1326684		
	6/9, 2016	P.O. Box 677349, Dallas, TX 75267-7349	\$107.89 Pd

Lincoln Rural Water System
Attn: Robin Dykstra, Manager
PO Box 36
Harrisburg, SD 57032

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION

Customer Number: 078200
Invoice Number: 1326684

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Thursday	the	9	day of	June	2016
	the		day of		2016
	the		day of		2016
	the		day of		2016
	the		day of		2016
	the		day of		2016
	the		day of		2016
	the		day of		2016

and that \$107.89 Pd was charged for publishing the same including a \$10.00 affidavit fee.

Subscribed and sworn to before me 6/9/2016

Notary Public, South Dakota

My Commission expires March 11, 2022



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT

NO. 5155-3
Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by Lincoln County Rural Water System, c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 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. 5155-3. This permit was approved 1987 and currently reserves 440 acre feet from the Dakota Aquifer located in the E 1/2 of Sections 18, 19, 30 and 31; W 1/2 of Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R4W; NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 of Sections 4 and 5; all in T99N-R4W. The water is to provide future supplies for the system.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5155-3 REMAIN IN EFFECT for 440 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. 5155-3 at 2:00 pm, July 6, 2016 at: Floyd Mathew Troland 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 June 27, 2016. 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. 5155-3 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 con-

tact Eric Groplund, Water Rights Program, (605 773-3352) by June 27, 2016. The time of the hearing will be automatically delayed for at least 28 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 June 27, 2016.

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 June 20, 2016. Steven M. Firmer, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$107.89.
1326684 June 9, 2016

Affidavit of Publication RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JUN 20 2016

WATER RIGHTS
PROGRAM

ANDY WILCOX

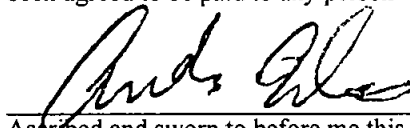
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and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

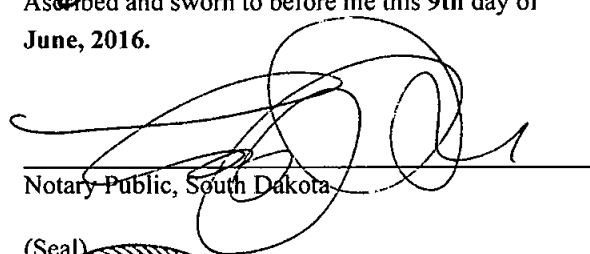
Water Use Permit Notice of Hearing

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

June 9, 2016

that the full amount of the fees charged for publishing the same to-wit: the sum of \$45.75 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.


Subscribed and sworn to before me this 9th day of
June, 2016.


Notary Public, South Dakota



My Commission Expires
December 9, 2020

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by Lincoln County Rural Water System, c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 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. 5155-3. This permit was approved 1987 and currently reserves 440 acre feet from the Dakota Aquifer located in the E 1/2 of Sections 18, 19, 30 and 31; W 1/2 of Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R49W; NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 of Sections 4 and 5; all in T98N-R49W. The water is to provide future supplies for the system

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5515-3 REMAIN in EFFECT for 440 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. 5515-3 at 2:00 pm, July 6, 2016 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 27, 2016. 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. 5155-3 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 June 27, 2016. 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 June 27, 2016.

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 June 20, 2016. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on June 9, 2016 at a total approximate cost of \$45.75.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

July 12, 2016

NOTICE OF ENTRY OF ORDER

Lincoln County Rural Water System
Robin L Dykstra, Manager
PO Box 36
Harrisburg SD 57032

Dear Mr. Dykstra:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2016 to review Future Use Permit No. 5155-3. The Board allowed the permit to remain in effect for 440 acre-feet of water annually. Future Use Permit No. 5155-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5155-3 is \$95.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 12, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 12, 2016 regarding future use permits addressed as stated below:

Permit No. 5155-3 Lincoln County RWS, Robin Dykstra, PO Box 36, Harrisburg SD 57032

Permit No. 4673-3 City of Elk Point, Erika Hammitt, FO, PO Box 280, Elk Point SD 57025

Permit Nos. 449-3, 3981-3, 3981A-3 Greg Anderson, Water Purification Plant, 2100 N Minnesota Ave, Sioux Falls SD 57104

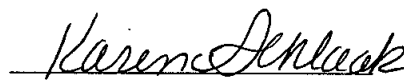
Permit No. 2560-2 Fall River Water Users Dist, Keith Neugebauer, PO Box 321, Oral SD 57766

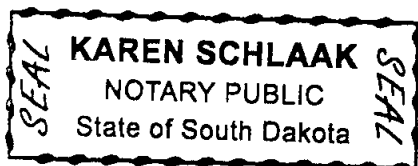
Permit No. 1442-2 West River Water Dev Dist, Jake Fitzgerald, PO Box 407, Murdo SD 57559


Gail Jacobson
Secretary/ Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 2016.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/18, 20 16

RECEIVED OF Lincoln Co. RWS Inc PO Box 36 Harrisburg SD 57032

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	95	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5155-3</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. _____	95	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **07878**

By Jessie Hoalman
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 29, 2023

Lincoln County Rural Water System
Robin Dykstra, Manager
27066 Henry Pl
Sioux Falls SD 57108

Dear Mr. Dykstra:

I am writing in regard to the seven-year review of Future Use Water Permit No. 5155-3 from the Dakota Aquifer held by Lincoln County Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the system. Currently, our records show that 440 acre-feet remain in reserve under this future use permit that was issued in 1987 and last reviewed in 2009.

Please respond in writing by May 1, 2023, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5155-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 440 acre-feet remain in reserve, the fee will be \$95.00.

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



27066 Henry Pl. • Sioux Falls, SD 57108 • (605) 767-2966 • office@lincolncoruralwater.com

RECEIVED

APR 13 2023

OFFICE OF
WATER

April 10, 2023

Department of Environment and Natural Resources
Karen Schlaak, Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Greetings to the Water Management Board, Karen Schlaak and Ron Duvall:

Lincoln County Rural Water System, Inc. is located in an area bordered by the cities of Sioux Falls, Tea and Harrisburg. Lincoln County South Dakota continues to be one of the fastest growing counties in the nation for several years and projections for growth are expected to continue. As such, the demands for water in this area have increased and will continue to increase for many years to come.

Presently Lincoln County Rural Water has sufficient capacity from its Lewis and Clark Regional Water System allocation to serve the needs of the water system short term. That capacity will be impacted significantly as growth continues within the area served by the Lincoln County Rural Water System.

Along with the Lewis and Clark Regional Water System and the Dakota Sandstone, Lincoln County Rural Water System, Inc. is one of the water systems looking at the Dakota Mainstem Water System. We are hopeful the Dakota Mainstem will come to fruition as the additional source will be needed to satisfy the needs in our growth area.

Lincoln County Rural Water System respectfully requests that Future Use Water Permit No. 5155-3 from the Dakota Aquifer held by Lincoln County Rural Water System be renewed for seven (7) years. We ask that this permit continue to reserve water for future water supply needs for the system in the amount of 440 acre-feet.

The Board of Directors and management of Lincoln County Rural Water System, Inc. feel reasonable needs exist for retaining the permit.

Please contact Robin Dykstra with any questions or comments.

Respectfully yours,

Robin L. Dykstra, manager

Lincoln County Rural Water System, Inc.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5155-3, Lincoln County Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 5155-3, Lincoln County Rural Water System, Robin Dykstra, Manager, 27066 Henry Pl, Sioux Falls SD 57108.

The Chief Engineer is recommending that Future Use Permit No. 5155-3 REMAIN in EFFECT for 440 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5155-3, 2) the rural water system has demonstrated a reasonable need for the water reserved by Permit No. 5155-3, 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. 5155-3 is subject to payment of the \$ 95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the rural water system after the Board hearing.

Eric Gronlund, Chief Engineer
May 23, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 25, 2023

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

Lincoln County Rural Water System
Robin Dykstra, Manager
27066 Henry Pl
Sioux Falls SD 57108

Dear Mr. Dykstra:

Future Use Permit No. 5155-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the following newspapers:

- Lennox Independent in Lennox SD (Ph # 605 647-2284)
- Argus Leader in Sioux Falls SD (contact information will be mailed to you when received from the newspaper)

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

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

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on June 8, 2023. The Lincoln County Rural Water System is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by the Lincoln County Rural Water System, Robin Dykstra, Manager, 27066 Henry Pl, Sioux Falls SD 57108 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. 5155-3. This permit was approved in 1987 and currently reserves 440 acre-feet of water from the Dakota Aquifer located in E 1/2 Sections 18, 19, 30 and 31; W 1/2 Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R49W; NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 Sections 4 and 5; all in T98N-R49W for rural water system use which serves user in Lincoln and Minnehaha counties. The permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5155-3 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 20, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5155-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 2023.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 20, 2023. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of _____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 2:58 PM
To: legals@argusleader.com
Subject: 5155-3 Lincoln County Rural Water System - Public Notice
Attachments: 5155-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

Lincoln County Rural Water System, Robin Dykstra, Manager, 27066 Henry Pl, Sioux Falls SD 57108, (605-767-2966) 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.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 3:00 PM
To: notices@lennoxnews.com
Subject: FW: 5155-3 Lincoln County Rural Water System - Public Notice
Attachments: 5155-3 FU REVIEWpubnotice_final.doc; FORM8.FRM.doc

Hello,

Please see original email below regarding a public notice. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Wednesday, May 24, 2023 2:57 PM
To: ads@lennoxnews.com; publisher@lennoxnews.com
Subject: 5155-3 Lincoln County Rural Water System - Public Notice

Attached is a notice to be published on June 8, 2023.

Lincoln County Rural Water System, Robin Dykstra, Manager, 27066 Henry Pl, Sioux Falls SD 57108, (605-767-2966) 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.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

:SS

COUNTY OF LINCOLN

Julia Eng

being first duly sworn, disposes and says: That (he/she) is a resident of the County of Lincoln and State of South Dakota; that THE LENNOX INDEPENDENT is a weekly legal newspaper of general circulation, printed and published in Lennox, in said County and State, and is now, and has been such newspaper continuously, during all the times hereinafter mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed

Notice of Hearing to Review
Future Use Water Permit No.
5155-3

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Thursday the 8 day of June A.D., 2023 and that the succeeding publication was severally

on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____

that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 67 Dollars and 10 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Lennox Independent, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever.

Julia M. Eng

Subscribed and sworn to before me this 21 day of June, 2023.

Anne Horner

Notary Public
Lincoln County, South Dakota

My Commission expires Oct. 26, 2024.

RECEIVED

JUN 23 2023

OFFICE OF
WATER

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by the Lincoln County Rural Water System, Robin Dykstra, Manager, 27066 Henry Pl, Sioux Falls SD 57108 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. 5155-3. This permit was approved in 1987 and currently reserves 440 acre-feet of water from the Dakota Aquifer located in E 1/2 Sections 18, 19, 30 and 31; W 1/2 Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R49W; NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 Sections 4 and 5; all in T98N-R49W for rural water system use which serves user in Lincoln and Minnehaha counties. The permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5155-3 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Argus Leader

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

Account No.: SFA-0000001201

Ad No.: 0005717145

PO #: 5155-3

Lines : 259

Ad Total: \$77.16

LINCOLN COUNTY RURAL WATER SYS
27066 HENRY PL
SIOUX FALLS, SD 57108

This is not an invoice

of Affidavits 1

Account No.: SFA-0000001201

Ad No.: 0005717145

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin County of Brown

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper 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 issue(s) :

Thursday, June 8, 2023

Sworn to and subscribed before me this 8 day of June, 2023.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires

1-7-26

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO.
5155-3

Notice is given that the Water Management Board will review Future Use Permit No. 5155-3 held by the Lincoln County Rural Water System, Robin Dykstra, Manager, 27066 Henry Pl., Sioux Falls SD 57108 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. 5155-3. This permit was approved in 1987 and currently reserves 440 acre-feet of water from the Dakota Aquifer located in E 1/2 Sections 18, 19, 30 and 31; W 1/2 Sections 15, 22, 27 and 34; Sections 16, 17, 20, 21, 28, 29, 32 and 33; all in T99N-R49W; NE 1/4 Section 6; NW 1/4 Section 3; N 1/2 Sections 4 and 5; all in T98N-R49W for rural water system use which serves user in Lincoln and Minnehaha counties. The permit was last reviewed in 2016.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5155-3 REMAIN in EFFECT for 440 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications is available at <https://dwr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5155-3 on July 12, 2023, at 9:30 am (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to

SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 20, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5155-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03, and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person

who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 20, 2023.

Any interested person may file a comment on the future use permit renewal with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brion Walsh, Nondiscrimination Coordinator, by calling (605) 773-5569 or by email at Brion.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is June 20, 2023. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. Published once at the approximate cost of \$77.16. Published June 8, 2023 at the total approximate cost of \$77.16 and may be viewed free of charge at www.sdpublicnotices.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 31, 2023

NOTICE OF ENTRY OF ORDER

Lincoln County Rural Water System
c/o Robin Dykstra
27066 Henry Pl
Sioux Falls SD 57108

Dear Mr. Dykstra:

I am writing in response to action taken by the Water Management Board at the hearing on July 12, 2023 to review Future Use Permit No. 5155-3. The Board allowed the permit to remain in effect for 440 acre-feet of water annually. Future Use Permit No. 5155-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5155-3 is \$95.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

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

CERTIFICATION

I hereby certify that on July 31, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 31, 2023 involving action taken by the Water Management Board hearing on July 12, 2023:

Lincoln County Rural Water System, c/o Robin Dykstra, 27066 Henry Pl., Sioux Falls SD 57108

West River Water Development District, c/o Jake Fitzgerald, Manager, PO Box 407, Murdo SD 57559

City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117

City of Sioux Falls, c/o Ryan Johnson, PO Box 7402, Sioux Falls SD 57117


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31 day of July, 2023.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 14, 2023

RECEIVED OF Lincoln County Rural Water System c/o Robyn Dykstra 27066 Henry Pl., Sioux Falls SD 57108

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>5155-3</u> after period of seven years.	<u>\$95.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$95.00</u>

By Eric Gronlund
Chief Engineer
Em



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 5155-3

Name of Applicant: Lincoln County Rural Water System, Robin Dykstra

Date of Posting: 6/6/2023

Date of Removal: 7/31/2023



Ron Duvall, Water Rights Permitting Administrator

7/31/23

Date

Subscribed and sworn to before me, a notary public, this 31 day of July, 2023.



Notary Public - South Dakota
My commission expires:
Rachel Rodriguez
My Commission Expires
May 16, 2029



(SEAL)