Considered: _____

WATER PERMIT NO. 5156-3

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 3cfs, 440 ac-ft annually Total Acres NA

Source of Water Supply Dakota Sandstone Aquifer 2 to 5 wells

Water to be used for Rural Water System County Lincoln & Minnehaha

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. 15, 1987 Fee $275.00 Remarks _____

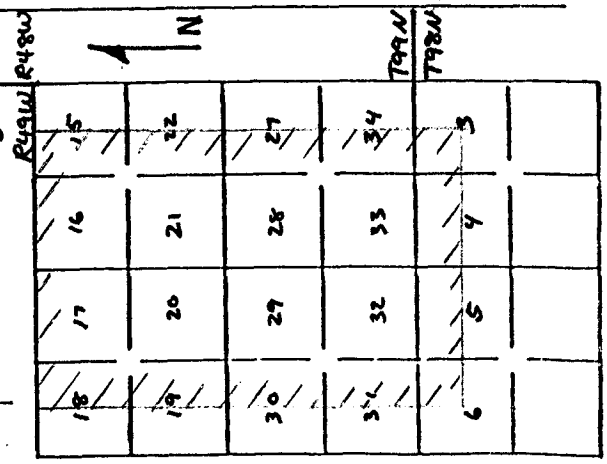
Corrected Application Received Oct 21, 1987 Period of Annual Use Jan 1 - Dec 31

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 and 33; E½ of sections 18, 19, 30 & 31; W½ of sections 15, 22, 27 & 34; all in T99N-R49W: NE¼ section 6; NW¼ section 3; N½ of sections 5 and 4; all in T98N-R49W

Land to be Irrigated NA



Well Log: Driller not constructed Licensed YES ____ NO ____

Depth of Well ≈ 700 feet REMARKS _____

Type of Map plat PREPARED BY Gordon Krause Reviewed and the Number assigned on Oct 23, 1987 By Ron Duvall

23

FORM 2: Application for uses other than irrigation (type or print)

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

No. 5156-3 Hydrologic Unit 10170203
Map No. same Basin Big Sioux River
Newspaper Canton Sioux Valley News, Box 255 (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._____

OCT 1987 DIVISION OF WATER RIGHTS Pierre, SD

1. 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
2. Amount of water claimed (c.f.s) 3.0 cfs maximum diversion, 440 ac. ft. annual use
3. Source of water supply Dakota Sandstone Aquifer 2 - 5 wells
4. 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
5. Counties where water will be used Lincoln & Minnehaha
6. Annual period during which water is to be used Calendar Year Jan 1 - Dec 31
7. 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 1987

Dennis Larsen
Notary Public

4-87

Form 2A

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) _____

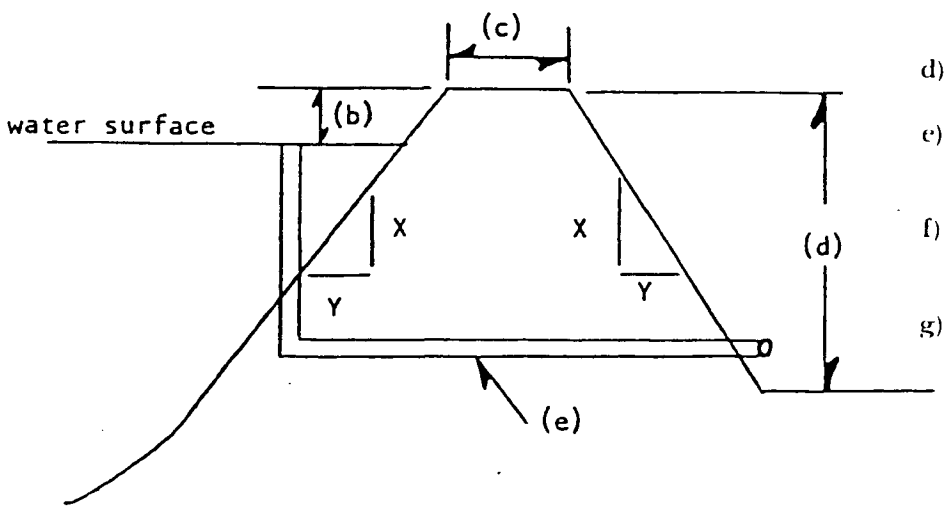
3. Water Storage Dams

   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 _____

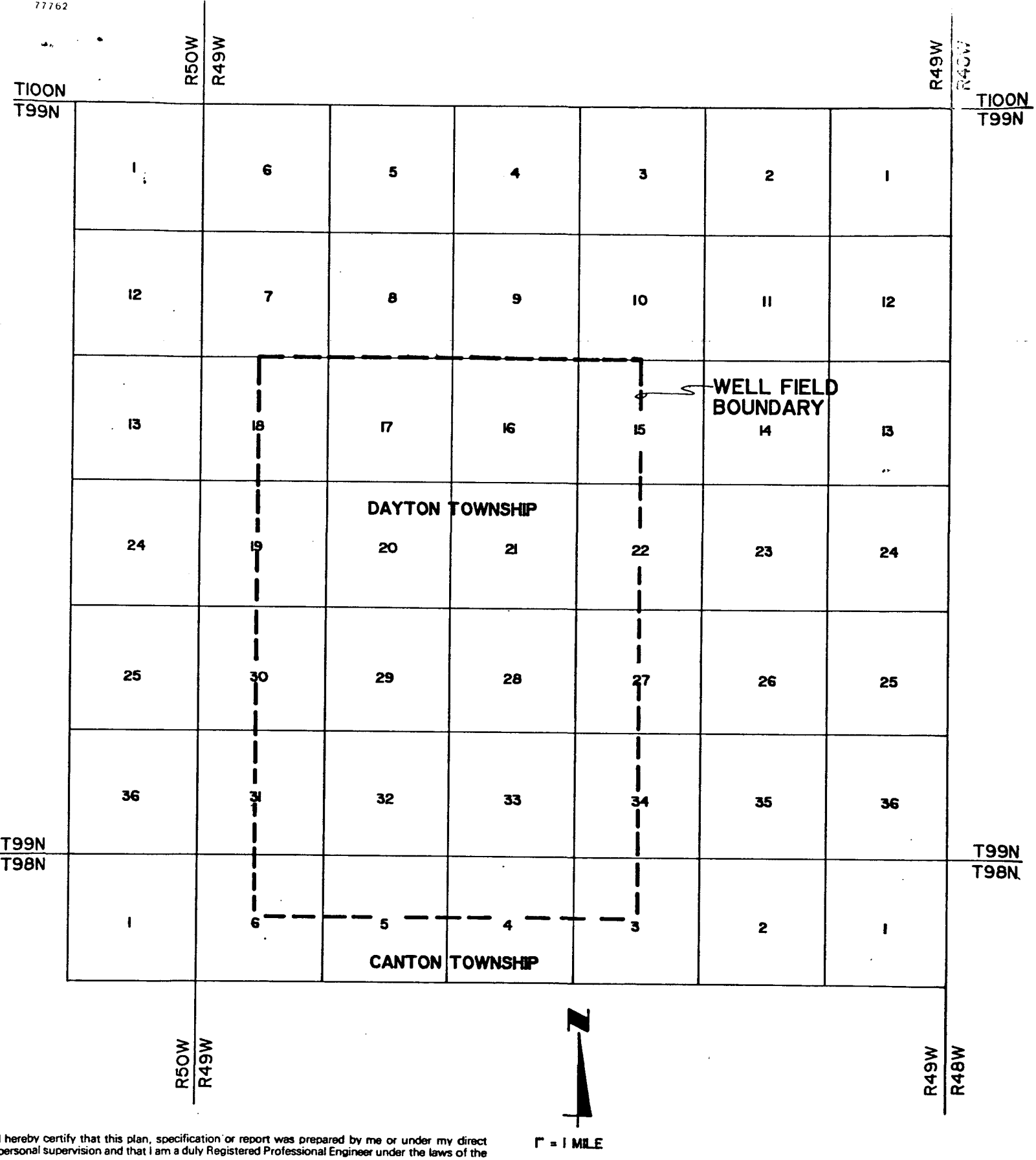
   Surface Area of Impoundment _____

   Storage _____ acre feet

   Drainage area above dam _____

_____
Signature of Applicant

77762



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

Appl. No. 5156-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

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. ~~5156~~-3 to Appropriate Water, to construct works and to put water to beneficial use	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____ (Any Other Work Provided by Law) **Total**	275	00

By John Hatch
Chief Engineer JOHN HATCH ms

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5156-3, 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. 5156-3, Lincoln County Rural Water System, Inc., PO Box 36, Harrisburg SD.

The Chief Engineer is recommending 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.

See the attached report for additional information.

JOHN HATCH, Chief Engineer
December 14, 1987

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
Water Rights Division
(605) 773-3352

January 28, 1988

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

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

Dear Sir:

Your Application No. 5155-3 & 5156-3 for a permit to appropriate water for rural water system use, has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the

Sioux Valley News printed at Canton, SD

Sioux Falls Argus Leader printed at Sioux Falls

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your 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 application can be considered by the Water Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 38, 1988

Sioux Valley News
Box 255
Canton, South Dakota 57013

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5155-3 & 5156-3 to be published twice. Please publish the first notice on or before February 4, 1988 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, Inc., 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,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No._____

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

Date_____

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

_____ _____
Name Newspaper

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 28, 1988

Argus Leader
PO Box 5034
Sioux Falls, South Dakota 57117

Dear Sir:

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Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

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No._____

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

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

_____ _____
Name Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before 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.

Form 8 - Proof of Publication - Notice of Intent to Appropriate Water

No. 5155-3 & 5156-3

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 Argus Leader

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

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

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

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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 this application 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 the 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 the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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, 46-2-8, 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.

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535 Feb. 4 & 11, 1988

FEB 1988 DIVISION OF WATER RIGHTS Pierce SD

WNR-808-7/79
Proof of Publication

Form 8 - Proof of Publication - Notice of Intent to Appropriate Water

No._____

PR(

STATE OF SOUTH DAKOTA)
) ss.
County Lincoln)

I, CONNIE RENLI

certify that the annexed printed copy of Notice (

Water was taken from the SIOUX

A newspaper which during the whole time of pul herein after stated, has been and is printed and pu

City of Canton

County of Lincoln and Si that the said notice was published in said newsp two dates:

February 4, 1988

February 11, 1988

Connie Ren
(Signature)

Bookkeeper
(Title)

February 11, 198
(Date Signed)

Cost of Printing: $57.79

WNR-808-7/79
Proof of Publication

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.

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

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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 Engine

CITY OF CANTON

Phone 605/987-2881

123 South Main
Canton, South Dakota 57013

FEB 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

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,

John D. Anderson

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

FEB 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

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:

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 interferance with our future source of water supplies.

Sincerely,

Wanda J. Sletten

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

FEB 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

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

Wanda J. Sletten
Secretary

SOUTH Dakota 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 Rural Water System
PO Box 36
Harrisburg SD 57032
and Parties of Record (see attached list)

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

SUBJECT: Deferral of Water Permit Application No. 5156-3, Lincoln County Rural Water System, Inc.

The Water Management Board deferred consideration of Water Permit Application No. 5156-3 at the March 2 and 3, 1988 Board Meeting. Application No. 5156-3 was deferred until test drilling is completed to determine the quantity and quality of water available at the proposed well sites. The Board also directed that Application No. 5156-3 be readvertised for hearing when specific well sites are located through test drilling. Notice will be given for a hearing date and place upon submission of test drilling results and specific well locations.

cc: Harold Deering, Assistant Attorney General
John Guhin, 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 of Deferral of Water Permit Application No. 5156-3 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
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA
My Commission Expires Apr. 1, 1993

John Hatch

Notary Public

February 8, 1988
(date)

page _____

Parties of Record before Water Management Board regarding Water Permit Application No. 5156-3, Lincoln County Rural Water System, Inc.

For:

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

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

Interested:

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

SOUTH Dakota Department of
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,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

From transcript - March 2&3, 1988 hearing

fire. That's the only two conversations I have had with her.

MR. MASTEN: Nothing further.

MRS. GUNDERSON: Thank you, Mr. Masten.

What is the pleasure of the Board?

MR. ROLLAG: Madamm Chairman, I would move that water permit 5155-3 be granted with the qualifications as stated.

MRS. GUNDERSON: Is there a second?

MR. BRINK: Second. That is the future use permit?

MRS. GUNDERSON: That is the future use permit. Is there any further discussion? If not, all those in favor say Aye.

(Board members say Aye.)

MRS. GUNDERSON: Opposed.

(No answer.)

MRS. GUNDERSON: Carried.

What is your pleasure on 5156-3?

MR. FREEMAN: I would move the same be defered and be readvertised when the proposed well sites are determined.

MRS. GUNDERSON: Is there a second?

MS. LOUCKS: Second.

MRS. GUNDERSON: Any further discussion? If not, all those in favor say Aye.

DeWild Grant Reckert and Associates Company
Consulting Engineers

1302 South Union Street
P.O. Box 511
Rock Rapids, IA 51246
(712) 472-2531
Fax (712) 472-2710

January 25, 2008

Mr. Garland Erbele, PE, Chief Engineer
Water Rights Program, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RECEIVED
JAN 30 2008
WATER RIGHTS
PROGRAM

Re: Supplemental Information
Deferred Water Use Permit (No. 5156-3)
September through December 2007 Dakota Aquifer Exploratory Drilling and Testing
Lincoln County Rural Water
Lincoln County, South Dakota

Dear Mr. Erbele:

On behalf of Lincoln County Rural Water (LCRW), DeWild Grant Reckert and Associates Company (DGR) is submitting the enclosed report prepared by Leggette, Brashears & Graham, Inc. The report presents the results of an exploratory drilling program, a single-well aquifer pumping test, and ground-water sampling completed between September through December 2007 for the purpose of better characterizing the Dakota Aquifer within LCRW's Future Use Permit (No. 5155-3) area.

This information is intended to provide the Chief Engineer of the South Dakota Water Rights Program with information necessary to assist in the review of LCRW's Deferred Water Use Permit (No 5156-3). LCRW would like action on the deferred permit at the March 2008 Water Management Board Meeting.

Thank you in advance and please contact me if you have any questions or need additional information.

Sincerely,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY

Gordon Krause

Gordon Krause, P. E.

cc: Robin Dykstra - LCRW

P:\08\008\05\Doc\001-ltr.wpd

RECEIVED
JAN 29 2008
WATER RIGHTS PROGRAM

LEGGETTE, BRASHEARS & GRAHAM, INC.

Northpark Corporate Center
8 Pine Tree Drive
Suite 250
St. Paul, MN 55112
651-490-1405
651-490-1006 (FAX)

LETTER OF TRANSMITTAL

DATE:	28-Jan-08	JOB NO.:	LCRW
ATTN::	Garland Erbele		
RE:	Deferred Water Use Permit 5156-3		
	Lincoln County Rural Water		

TO: Water Rights Program, DENR
523 E. Capitol Ave
Joe Foss Building
Pierre, SD 57501

WE ARE SENDING YOU: ■ Attached ☐ Under separate cover via _____ the following items:

☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

ORIGINALS	DATE	NO.	DESCRIPTION
1	1/25/2008		Dakota Aquifer Exploratory Drilling and Testing
			September through December 2007
			Lincoln County Rural Water
			Lincoln County, South Dakota

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit_____copies for approval
☐ For your use ☐ Approved as noted ☐ Resubmit_____copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return_____corrected prints
■ For review and comment ☐ _____
☐ FOR BIDS DUE___20___ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS: Please replace the enclosed report with the one that submitted 1/25/08.
The previous version did not have the table and figures included.

A letter from Gordon Krause, P.E. of DeWild Grant Reckert and Associates Company will be submitted under separate cover outlining the purpose of this submittal.

COPY TO: _____

SIGNED: _____
David Hume
Senior Associate

RECEIVED
JAN 3 0 2008
WATER RIGHTS PROGRAM

LEGGETTE, BRASHEARS & GRAHAM, INC.

Northpark Corporate Center
8 Pine Tree Drive
Suite 250
St. Paul, MN 55112
651-490-1405
651-490-1006 (FAX)

LETTER OF TRANSMITTAL

DATE:	25-Jan-08	JOB NO.:	LCRW
ATTN::	Garland Erbele		
RE:	Deferred Water Use Permit 5156-3		
	Lincoln County Rural Water		

TO: Water Rights Program, DENR
523 E. Capitol Ave
Joe Foss Building
Pierre, SD 57501

WE ARE SENDING YOU: ❑Attached ❑Under separate cover via _____the following items:

❑ Shop Drawings ❑ Prints ❑ Plans ❑ Samples ❑ Specifications

❑ Copy of letter ❑ Change order ❑ _____

ORIGINALS	DATE	NO.	DESCRIPTION
1	Jan-08		Dakota Aquifer Exploratory Drilling and Testing
			September through December 2007
			Lincoln County Rural Water
			Lincoln County, South Dakota

THESE ARE TRANSMITTED as checked below:

❑ For approval ❑ Approved as submitted ❑ Resubmit_____copies for approval
❑For your use ❑ Approved as noted ❑ Resubmit_____copies for distribution
❑ As requested ❑ Returned for corrections ❑ Return_____corrected prints
❑ For review and comment ❑ _____
❑ FOR BIDS DUE___20___ ❑ PRINTS RETURNED AFTER LOAN TO US

REMARKS: On behalf of Lincoln County Rural Water (LCRW), Leggette, Brashears & Graham, Inc. is submitting the enclosed report for review by the Chief Engineer of the South Dakota Water Rights Program. A letter from Gordon Krause, P.E. of DeWild Grant Reckert and Associates Company will be submitted under separate cover outlining th the purpose of this submittal.

COPY TO: Gordon Krause DGR
Robin Dykstra LCRW
Mitch Kannenberg LBG

SIGNED: _____
David Hume
Senior Associate

LEGGETTE, BRASHEARS & GRAHAM, INC.

PROFESSIONAL GROUND-WATER AND
ENVIRONMENTAL ENGINEERING SERVICES

8 PINE TREE DRIVE
SUITE 250
ST. PAUL, MN 55112
(651) 490-1405
FAX (651) 490-1006
www.lbgweb.com

RECEIVED
JAN 2 9 2008
WATER RIGHTS
PROGRAM

January 25, 2008

Mr. Gordon Krause, PE
DeWild Grant Reckert and Associates Company
1320 South Union Street
P.O. Box 511
Rock Rapids, IA 51264

Re: **Dakota Aquifer Exploratory Drilling and Testing**
September through December 2007
Lincoln County Rural Water
Lincoln County, South Dakota

Dear Mr. Krause:

This letter report presents the results of the exploratory drilling, single-well aquifer pumping test (aquifer test), and ground-water sampling completed for Lincoln County Rural Water (LCRW) between September and December 2007. This work was completed for the purpose of better characterizing the Dakota Aquifer within LCRW's Future Use Permit (No. 5155-3) area shown on Figure 1. A preliminary Dakota Aquifer wellfield design is also presented based on the aquifer parameters estimated from the aquifer test.

On behalf of LCRW, DeWild Grant Reckert and Associates Company (DGR) contracted Leggette, Brashears & Graham, Inc. (LBG) to oversee drilling activities, log borehole cuttings, complete the aquifer test, and evaluate the results. Layne Western (Layne) was contracted by LCRW to complete the drilling, conduct borehole geophysical logging, and install and develop a test well.

Objective and Activities

The purpose of this exploration work was to provide the South Dakota Department of Environment and Natural Resources (SD DENR) Water Rights Program and Water Management Board with site-specific hydrogeologic information necessary to reassess LCRW's Deferred Permit (No. 5156-3).

To meet the objective, the following activities were completed.

- Drilled two test holes (TH-1 and TH-2) through the Dakota Formation;
- Logged borehole cuttings and identified the stratigraphic layers;
- Performed and interpreted borehole geophysical logs of TH-1 and TH-2;
- Constructed and developed a 4-inch diameter test well (OW-1) in TH-2;
- Conducted an aquifer test to estimate aquifer parameters;
- Collected and analyzed ground-water samples for select parameters listed under U.S. EPA's National Secondary Drinking Water Regulations (NSDWR); and,
- Completed a preliminary wellfield design.

Subsurface Exploration and Well Installation

Exploratory drilling was completed in September 2007 for the purpose of determining the thickness and water-bearing potential of sand deposits in the Dakota Formation. This was achieved using a mud rotary rig to advance test holes TH-1 and TH-2 through the Dakota Formation to depths of 720 and 673 feet below grade (bg), respectively. Borehole cuttings were logged on site by LBG and borehole geophysical logging was conducted by Layne after completion of each test hole. The logs are provided in Attachment 1.

Borehole geophysical logging methods consisted of natural gamma, neutron density, spontaneous potential, resistivity, and caliper to determine the borehole diameter. LBG compared these logs with borehole cuttings to better characterize the borehole geology.

The stratigraphy at TH-1 consists of 240 feet of unconsolidated, Quaternary-aged glacial till with a few thin sand and gravel layers overlying Cretaceous-age bedrock. From youngest to oldest the bedrock units consist of the Carlile Shale, Greenhorn Limestone, Graneros Shale, and poorly consolidated sands, siltstones, and marine shales of the Dakota Formation. The Dakota Formation at TH-1 is approximately 230 feet thick and was found to contain insufficient sand to justify completing a well.

TH-2 was located approximately 2 miles south-southeast of TH-1 (Figure 2). Borehole cuttings and the geophysical log from TH-2 showed thicker and coarser sands compared to TH-1. The primary zones of interest were encountered at approximately 408 to 553 and 601 to 662 feet bg. To maximize the ground-water contribution from the Dakota Aquifer at this location, OW-1 was constructed with three screened intervals: an upper screen from 410 to 550 feet bg, and two lower screens from 610 to 630 and 640 to 660 feet bg. The static water level measured in OW-1 on October 8, 2007 was 183 feet bg. The well log for OW-1 is presented in Attachment 1.

Well Development

Well OW-1 required two separate development sessions, both completed by Layne. The first was completed in October 2007 by using a combination of air lifting and pumping, and focused primarily on the uppermost screened interval from 410 to 550 feet bg. Based on the development procedure and equipment utilized by Layne, poor ground-water quality, and lower than expected specific capacity results obtained from the aquifer test (reported below), LBG requested that Layne redevelop the well and focus on the lower screened intervals.

The second development was completed on December 18 through 20, 2007 using a packer and pump setup to concentrate the development processes and collect ground-water samples representative of the lowermost screen interval (640 to 660 feet bg), both lower screen intervals (610 to 630 and 640 to 660 feet bg), and all three screen intervals (410 to 550, 610 to 630, and 640 to 660 feet bg). A combination of methods was used that included surging, pumping, and introduction of chemical additives to break-up the mud cake that was present as a result of well installation. The packer was set and inflated in blank casing sections placed between each screen. After the final development stage, the packer was deflated and the well was pumped at 71 gallons per minute (gpm) for approximately 1 hour with approximately 17 feet of drawdown, as calculated from the initial static water level.

Aquifer Test Procedures

The aquifer test was completed October 10 through October 12, 2007 for the purpose of estimating the transmissivity (T) of the Dakota Aquifer and the potential yield of a production well. OW-1 was pumped for approximately 20 hours at an average flow rate of 84 gpm. The pump was shut off October 11 and the recovery period ended October 12. Water levels were monitored in OW-1 using a dedicated pressure transducer.

Ground water was discharged approximately 150 feet west-southwest of OW-1 to a drainage ditch on the north site of 279th Street that ultimately drains south to Beaver Creek. LBG obtained a Temporary Permit to Use Public Waters for Testing Purposes and a General Permit for Temporary Discharge Activities (SDG070613) from SD DENR. Per the discharge permit, a ground-water sample was collected by LBG and analyzed by Tetra Tech, Sioux Falls, South Dakota for oil and grease and total suspended solids. Flow rate was calculated using a pipe orifice with free discharge and piezometer tube. A field measurement was collected for pH. There were no exceedences of the permit conditions.

Qualitative and Quantitative Analysis

A qualitative analysis to assess how the Dakota Aquifer responded to pumping was completed by evaluating the drawdown versus time data obtained from the aquifer test (Attachment 2). Approximately 29 feet of drawdown was observed in OW-1 as a result of pumping this well at 84 gpm with most of the drawdown occurring in the first several minutes of the test. The specific capacity was calculated at 2.9 gpm per foot (gpm/ft) of drawdown (Attachment 3). Recovery data are also presented on the graphs in Attachment 2 and illustrate that OW-1 recovered to 99 percent prior to removal of the transducer. No negative hydraulic boundary conditions were observed during the aquifer test. Following redevelopment approximately 17 feet of drawdown was measured at a pumping rate of 71 gpm for a specific capacity of 4.1 gpm/ft (Attachment 3).

The drawdown versus time data and the specific capacity results from the October 2007 aquifer test were not analyzed because the well was not fully developed at the time of the test; therefore, it is uncertain what portions of the aquifer were contributing to the well. Instead, the T of the Dakota Aquifer at OW-1 was estimated using the specific capacity value of 4.1 gpm/ft from the second development and the empirical equation from Driscoll (1989). Using this solution, a T of 8,200 gallons per day per foot (gpd/ft) (1,100 feet squared per day) was estimated. This is within the range of T values (3,000 to 12,000 gpd/ft) obtained from aquifer pumping tests conducted on Dakota Aquifer wells in the city of Canton, South Dakota, about 4 miles southeast of OW-1. A storativity (S) for the Dakota Aquifer of approximately 10^{-4} was also reported by Frykman and Iles (1990).

Ground-Water Quality

Ground-water samples were collected from OW-1 on October 11 and December 20, 2007. The October samples were analyzed by the South Dakota Department of Health, and the December samples by Mid Continent Testing Laboratories, Inc. The analytical reports are provided in Attachment 4 and the results are summarized in Table 1.

The results from the October analyses show relatively poor quality water with total dissolved solids, total iron, manganese, and sulfate exceeding the NSDWR standards, and combined radium exceeding the U.S. EPA Maximum Contaminant Level (MCL). The October 2007 results suggested the lower screened intervals were not fully developed; therefore three additional samples were collected following the redevelopment in December 2007.

The December sample results show the water quality improved with the redevelopment. Sample 1 (640 to 660 feet bg screened interval) and Sample 3 (all three screened intervals) showed only dissolved and total iron, and manganese concentrations were above the NSDWR standards. Sample 2 (600 to 660 feet bg screened intervals) showed only total iron and manganese exceeded the NSDWR standard. Radium 226 and 228 for all three samples were not detected above method detection limit and below the MCL.

Proposed Wellfield Design

To meet the 3 cubic feet per second (1,300 gpm) Future Use Permit and LCRW demand, several scenarios for a proposed wellfield were evaluated to determine the potential well interference. The most effective scenario consists of four wells each spaced approximately 1 mile apart. The preliminary well

interference study was completed using standard analytical methods to calculate theoretical drawdown, well efficiency, and well interference. Theoretical drawdown was calculated using the non-equilibrium well equation and assumption from the Theis (1935) solution. The evaluation assumes a well efficiency of 75 percent, a T of 8,000 gpd/ft, and a S of 10^{-4}. The results are summarized in Attachment 5.

The locations of the proposed wells are shown on Figure 2. These well locations are approximate and could change based on land access and subsurface lithology. Three of the four would pump approximately 435 gpm with the fourth serving as a backup. Assuming a static water level of 185 feet and a depth of 610 feet bg to the top of the aquifer, this would leave approximately 425 feet of available head. Assuming three adjacent wells pumping continuously at this rate, approximately 310 to 320 feet of drawdown could be expected in each well. This would leave approximate 105 to 115 feet of available head under pumping conditions.

Sincerely,

LEGGETTE, BRASHEARS & GRAHAM, INC.

David S. Hume
Senior Associate

Michael C. Plante
Senior Hydrogeologist

Reviewed by:

Mitch Kannenberg
Associate

Tim Kenyon
Principal

Attachments
MCP/DSH:kw
S:\Tech\DGR - Lincoln\Dakota Aquifer\Oct-Dec07 Aquifer pumping test\Report\LCRW_OW-1_Oct07-pump-test-rpt.doc

References

Driscoll, 1986. *Groundwater and Wells*, Second Edition, Appendix 16D, p. 1021.

Frykman, L.J. and D.L. Iles, 1990, *Hydrogeologic Investigation of the Dakota Formation to Identify Additional Well Sites for the City of Canton, South Dakota.* South Dakota, Dept of Water and Natural Resources, Div of Geological Survey, Open File Report 62-UR.

Theis, 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, Am. Geophys. Union Trans., vol. 16, pp. 519-524.

TABLE

TABLE 1

OW-1 GROUND-WATER ANALYTICAL RESULTS
LINCOLN COUNTY RURAL WATER
LINCOLN COUNTY, SOUTH DAKOTA

Laboratory Analysis

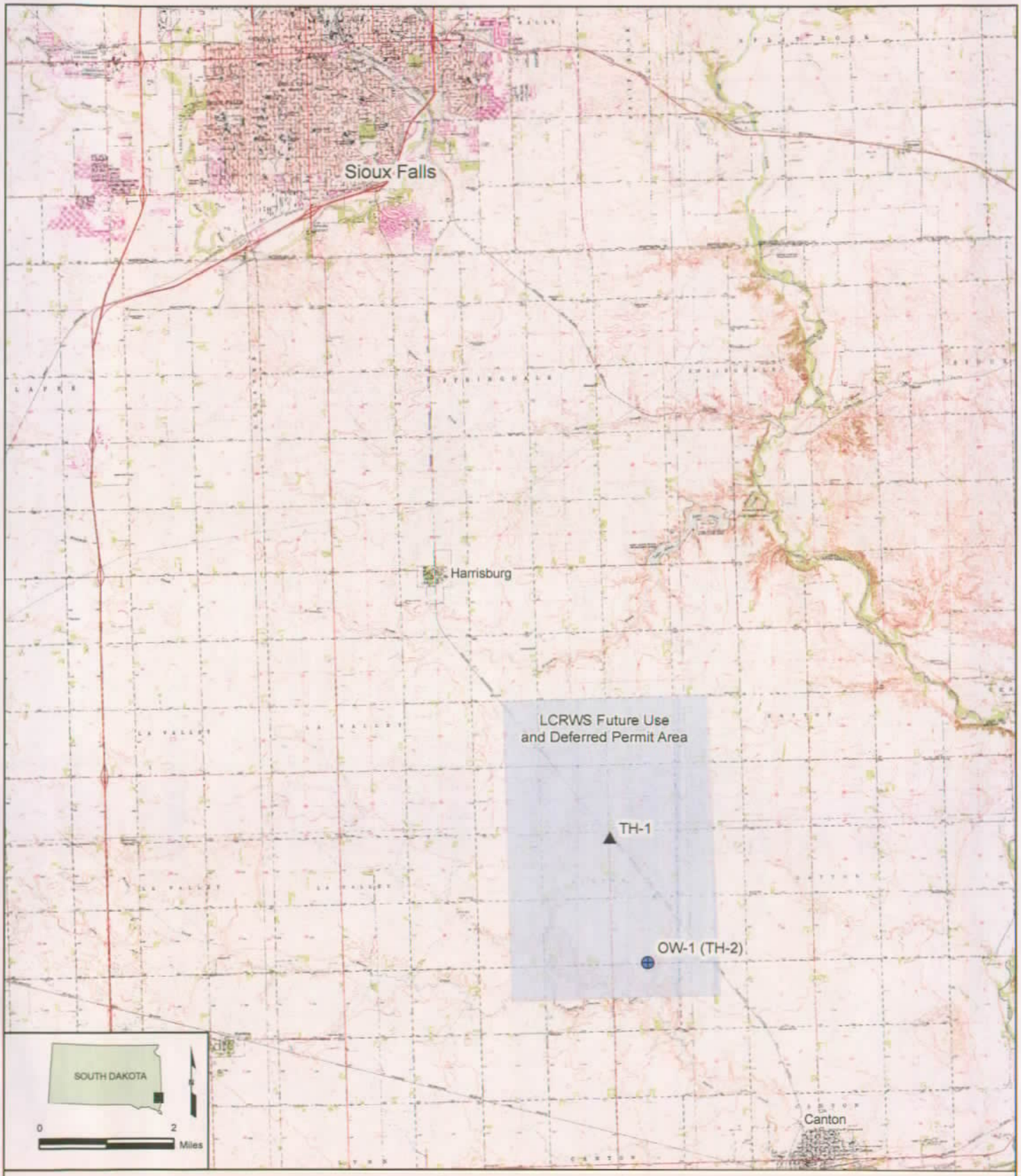
Parameters Analyzed	Units	Test Well 2 (1) 10/11/2007	Sample 1 (2) 640-660 SI 12/20/2007	Sample 2 (2) 600-660 SI 12/20/2007	Sample 3 (2) 0-660 SI 12/20/2007	U.S. EPA MCL	U.S. EPA Secondary Standard
Physical Properties							
Electrical Conductivity	umho/cm	1140	709	710	714	NLE	NLE
Total Hardness (as CaCO3)	mg/L	478	143	145	150	NLE	NLE
TDS	mg/L	791	401	408	389	NLE	500
Non-Metals							
Alkalinity (as CaCO3)	mg/L	316	285	282	285	NLE	NLE
Chloride	mg/L	23	3.50	3.75	4.00	NLE	250
Fluoride	mg/L	0.76	1.26	1.27	1.25	4.0	2.0
Nitrogen - Ammonia (NH3)	mg/L	1.13	1.63	1.65	1.57	NLE	NLE
Nitrogen - Nitrate (NO3)	mg/L	<0.2	<0.050	<0.050	<0.050	10	NLE
Sulfate	mg/L	306	79.2	79.2	79.2	NLE	250
Metals (Dissolved - Field Filtered)							
Arsenic	mg/L	NA	<0.005	<0.005	<0.005	0.010	NLE
Calcium	mg/L	NA	38.5	39.1	40.3	NLE	NLE
Iron	mg/L	NA	0.391	0.235	0.333	NLE	0.3
Magnesium	mg/L	NA	11.4	11.6	11.9	NLE	NLE
Manganese	mg/L	NA	0.081	0.080	0.076	NLE	0.05
Potassium	mg/L	NA	16.5	16.6	16.5	NLE	NLE
Sodium	mg/L	NA	91.2	85.6	84.3	NLE	NLE
Metals (Total)							
Arsenic	mg/L	<0.001	<0.005	<0.005	<0.005	0.010	NLE
Calcium	mg/L	131	NA	NA	NA	NLE	NLE
Iron	mg/L	0.8	0.626	0.960	0.549	NLE	0.3
Magnesium	mg/L	36.8	NA	NA	NA	NLE	NLE
Manganese	mg/L	0.17	0.079	0.077	0.077	NLE	0.05
Potassium	mg/L	14.1	NA	NA	NA	NLE	NLE
Sodium	mg/L	73.9	NA	NA	NA	NLE	NLE
Uranium	ug/L	0.2	<0.001	<0.001	<0.001	30	NLE
Radiological							
Gross Alpha	pCi/L	NA	1.8	<1.0	3.2	15	NLE
Radium 226	pCi/L	4.0	<1.0	<1.0	<1.0	5 *	NLE
Radium 228	pCi/L	2.1	<1.0	<1.0	<1.0		

Field Tests

pH	std. units	7.4	7.89	7.76	7.74	NLE	6.5 - 8.5
Electrical Conductivity	umho/cm	NA	700	700	690	NLE	NLE
Iron	mg/L	NA	0.3	0.35	0.35	NLE	0.3
Manganese	mg/L	NA	0.0	0.0	0.0	NLE	0.05

Notes:
* Radium 226 and 228 are regulated by a combined MCL.
NA: Not analyzed
NLE: No limit established
SI: Screened interval
(1): Analyzed by SD Department of Health
(2): Analyzed by MidContinent Testing Lab, Inc.

FIGURES



Source: Harrisburg, Canton SW, Canton, and Klondike USGS 7.5-Minute Quadrangles.

● Observation Well ▲ Test Hole

Prepared By:
LEGGETTE, BRASHEARS & GRAHAM, INC.
Professional Ground-Water and
Environmental Engineering Services
8 Pine Tree Drive, Suite 250
St. Paul, Minnesota 55112
(651) 490-1405

LINCOLN COUNTY RURAL WATER SYSTEM

LINCOLN COUNTY, SOUTH DAKOTA

SITE MAP

FILE:	LINCOLN01M.MXD	DATE:	01/14/08	FIGURE:	1

Proposed Production Well
Observation Well
Test Hole
Discharge

0 3,000 Feet

N

South Dakota

Source: Harrisburg, Canton SW, Canton, and Klondike USGS 7.5-Minute Quadrangles.

Prepared By:
LEGGETTE, BRASHEARS & GRAHAM, INC.
Professional Ground-Water and
Environmental Engineering Services
8 Pine Tree Drive, Suite 250
Saint Paul, MN 55112
(651) 490-1405

LINCOLN COUNTY RURAL WATER SYSTEM
LINCOLN COUNTY, SOUTH DAKOTA

TEST HOLES, OBSERVATION WELL, AQUIFER TEST DISCHARGE LOCATION, AND PROPOSED PRODUCTION WELLS

FILE:	LINCOLN01L.MXD	DATE:	01/14/2008	FIGURE:	2

ATTACHMENT 1

TEST HOLE BORING LOGS AND OW-1 WELL LOG

LEGGETTE, BRASHEARS & GRAHAM, INC.
140 East Hinks Lane, Suite 126
Sioux Falls, SD 57104
(605) 334-6000 or Fax (605) 334-1850

GEOLOGIST'S LOG

FINAL DETAIL.: LCRW #1

SITE:	Lincoln County Rural Water	DATE STARTED:	9-12-2007
LOCATION:	Near Harrisburg, South Dakota	DATE COMPLETED:	9-15-2007
DRILLING CO:	Layne-Western	TOTAL DEPTH OF HOLE:	720' bgs
SAMPLING METHOD:	Mud Rotary	GEOLOGISTS:	Mitch Kannenberg

APPROX. ELEVATION (feet AMSL)	DEPTH (in feet)	GRAPHIC	FORMATION	DESCRIPTION	DRILL BIT & OTHER NOTES OR PROBLEMS
1405, 1400, 1395, 1390, 1385, 1380, 1375, 1370, 1365, 1360, 1355, 1350, 1345, 1340, 1335, 1330, 1325, 1320, 1315, 1310, 1305, 1300, 1295, 1290, 1285, 1280, 1275, 1270, 1265, 1260, 1255, 1250, 1245, 1240, 1235, 1230, 1225, 1220, 1215, 1210, 1205, 1200, 1195, 1190, 1185, 1180, 1175, 1170, 1165, 1160	0, -5, -10, -15, -20, -25, -30, -35, -40, -45, -50, -55, -60, -65, -70, -75, -80, -85, -90, -95, -100, -105, -110, -115, -120, -125, -130, -135, -140, -145, -150, -155, -160, -165, -170, -175, -180, -185, -190, -195, -200, -205, -210, -215, -220, -225, -230, -235, -240, -245, -250		Glacial Till (Oxidized)	TOPSOIL CLAY: brown, sandy	
			Sand (Outwash)	SAND: fine to medium grained	
			Glacial Till (Unoxidized)	CLAY: gray, with occasional sandy portions	Slow Drilling
			Carlile Formation	SHALE: gray	

REMARKS:

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SAMPLING METHOD:	Mud Rotary	**GEOLOGISTS:**	Mitch Kannenberg

APPROX. ELEVATION (feet AMSL)	DEPTH (in feet)	GRAPHIC	FORMATION	DESCRIPTION	DRILL BIT & OTHER NOTES OR PROBLEMS
1155	-250		Carlilie Formation		
1150	-255				
1145	-260				
1140	-265				
1135	-270				
1130	-275				
1125	-280				
1120	-285				
1115	-290				
1110	-295				
1105	-300				
1100	-305				
1095	-310				
1090	-315				
1085	-320				
1080	-325				
1075	-330				
1070	-335				
1065	-340				
1060	-345				
1055	-350				
1050	-355				
1045	-360				
1040	-365				
1035	-370				
1030	-375				
1025	-380				
1020	-385				
1015	-390				
1010	-395				
1005	-400				
1000	-405		Greenhorn Formation	SHALY LIMESTONE: gray, with white pieces of limestone, strong effervescence	Rig Chatter, hard drilling
995	-410				
990	-415				
985	-420				Contact with Graneros picked from electric log
980	-425				
975	-430				
970	-435		Graneros Formation	SHALE: gray, effervesces slightly, slightly fissile	
965	-440				
960	-445				Rig Chatter at 446', 447', 451.5', 453.5'
955	-450				
950	-455				
945	-460		Dakota Formation	SAND WITH SHALE: very fine grained, with shale, gray, shale is fissile	Rig Chatter at 457' and drilling speed increased. Driller said drilling like sand with shale layers, electric log also indicates interbedded sand and shale
940	-465				
935	-470				
930	-475				
925	-480				
920	-485				
915	-490				
910	-495			SAND: very fine grained, clean (based on electric log)	
	-500				

REMARKS:

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GEOLOGIST'S LOG

FINAL DETAIL.: **LCRW #1**

SITE:	Lincoln County Rural Water	**DATE STARTED:**	9-12-2007
LOCATION:	Near Harrisburg, South Dakota	**DATE COMPLETED:**	9-15-2007
DRILLING CO:	Layne-Western	**TOTAL DEPTH OF HOLE:**	720' bgs
SAMPLING METHOD:	Mud Rotary	**GEOLOGISTS:**	Mitch Kannenberg

APPROX. ELEVATION (feet AMSL)	DEPTH (in feet)		GRAPHIC	FORMATION	DESCRIPTION	DRILL BIT & OTHER NOTES OR PROBLEMS
905, 900, 895, 890, 885, 880, 875, 870, 865, 860, 855, 850, 845, 840, 835, 830, 825, 820, 815, 810, 805, 800, 795, 790, 785, 780, 775, 770, 765, 760, 755, 750, 745, 740, 735, 730, 725, 720, 715, 710, 705, 700, 695, 690, 685, 680	-500, -505, -510, -515, -520, -525, -530, -535, -540, -545, -550, -555, -560, -565, -570, -575, -580, -585, -590, -595, -600, -605, -610, -615, -620, -625, -630, -635, -640, -645, -650, -655, -660, -665, -670, -675, -680, -685, -690, -695, -700, -705, -710, -715, -720, -725, -730			Dakota Formation	SAND WITH SHALE: interbeds or shale with sand interbeds sand very fined grained @620 fbg more Shale, less sand SAND: clean, very fined grained (based on electric log) SHALE: gray, with fine grained sand SILTSTONE: composed almost entirely of quartz grains SHALE: (from electric log) SAND: pink, coarse grained, well rounded, well sorted SAND: white, with white clay, sand is coarse grained, cement effervesces, contains pyrite TD at 00:45	
				Quartzite Wash		
				Paleozoic ? Sandstone		

REMARKS:

LEGGETTE, BRASHEARS
& GRAHAM, INC.
140 EAST HINKS LANE
SUITE 126
SIOUX FALLS, SD 57104
(605) 334-6000 • FAX (605) 334-1850
www.lbgweb.com

JOB: LCRW #1
SHEET NO.:
CALCULATED BY: S 20 Ohm - meters
DATE: 9/15/07
CHECKED BY:
DATE:
SCALE:

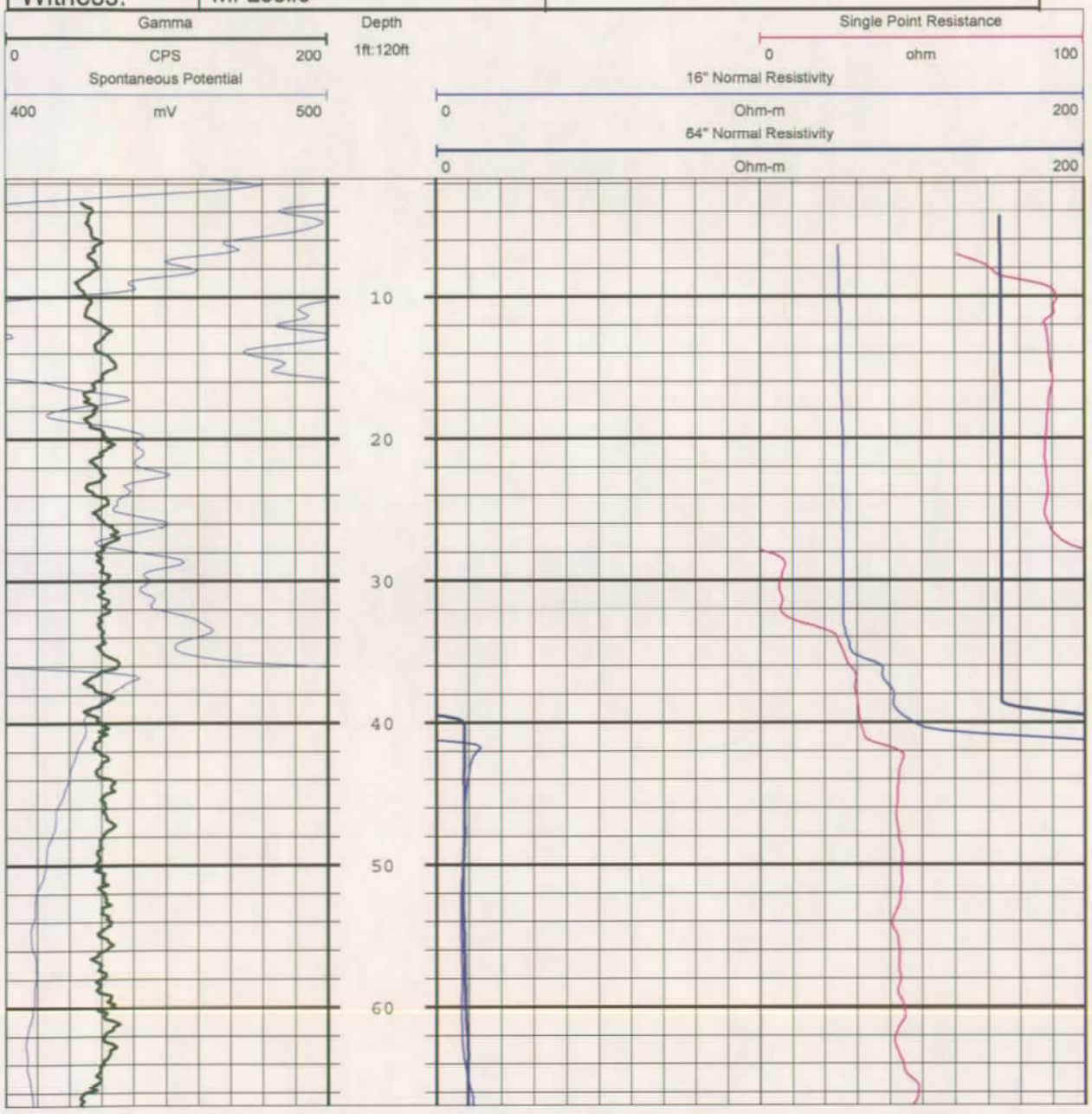
DEPTH		HOLE DIAMETER
	MOSTLY BROWN CLAY GLACIAL TILL (OXIDIZED)	7 7/8"
81	SAND - OUTWASH	
	GRAY CLAY TILL (UNOXIDIZED)	145-164 dirty sandy zone
240	CARLILE FORMATION (GRAY SHALE)	
395	GREENHORN L.S. (MARL)	
425	GRANEROS SHALE	403-427
457	SAND (V.F.G.) — DAKOTA	460-520 10' dirty
480	SAND, V. FINE-GRAINED W/ SHALE INTERBEDS	460-478 clean 468-4 ~~489~~ - 504 clean 494
525	SHALE, SANDY	
545	SAND, V. FINE-GR. W/ SHALE	
555	SHALE, SANDY	8 ft 642-648
570	SHALE W/ SAND & L.S. INTERBEDS	
605	AS ABOVE	662-686 clean sand
650	SILTSTONE	688-698 clean
684	SAND, COARSE - QTZ WASH	
695		Hot Shale 1186-689
720	PALEOZOIC SS — COARSE	

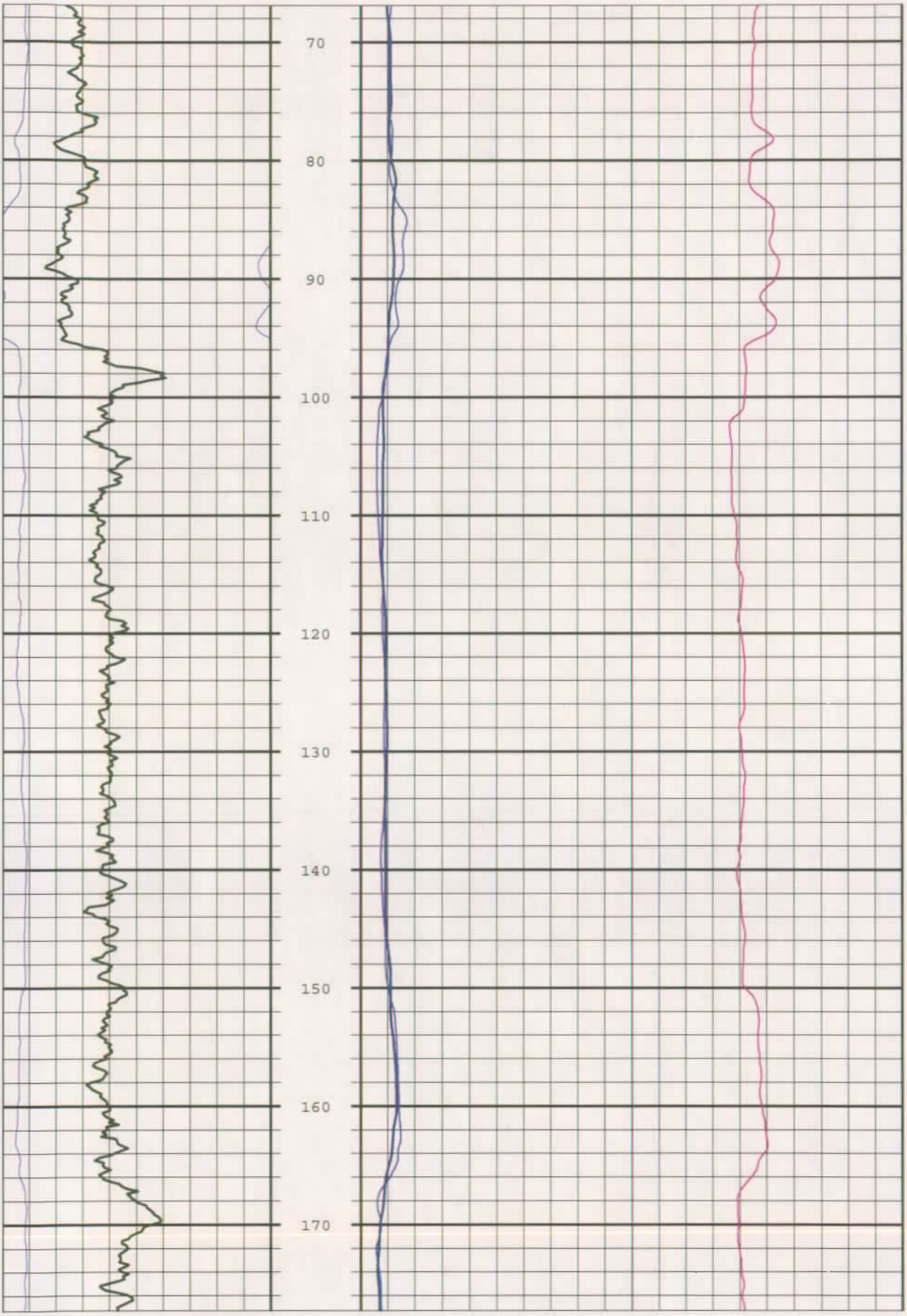
COMPANY:	Layne / Lincoln Co. RWS
Location:	SE of SH11/CR116 intersection

Well	TH-1		
Date	9/15/07	BH Fluid	Bentonite Mud
Casing	None		
File Name	lincrws\th1gelec.rd		
Depth Driller	720 ft.		
Depth Logger	719.55 ft.		
Logged by:	Madcharo		
Witness:	M. Leslie		

OTHER SERVICES

Neutron, Density

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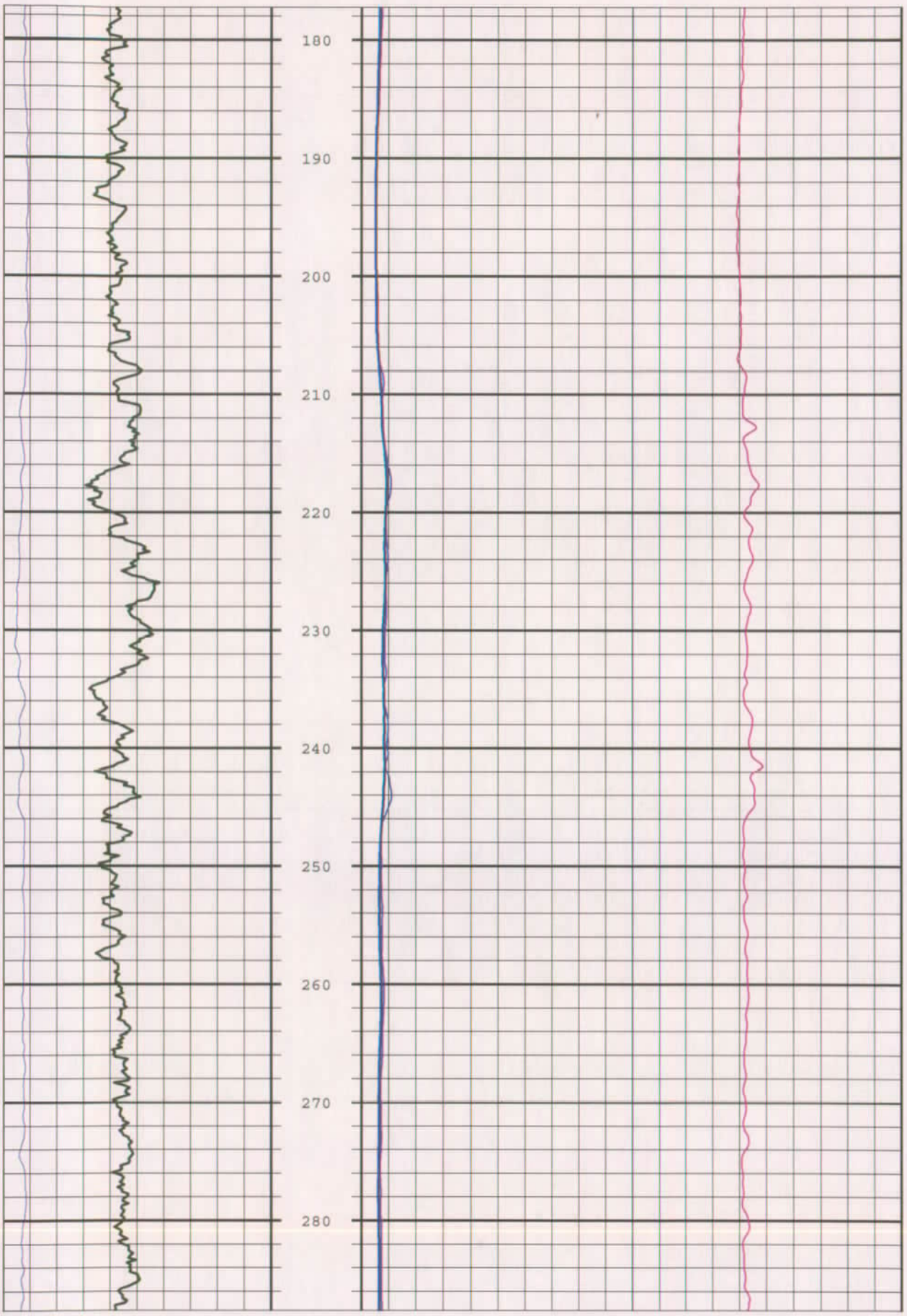
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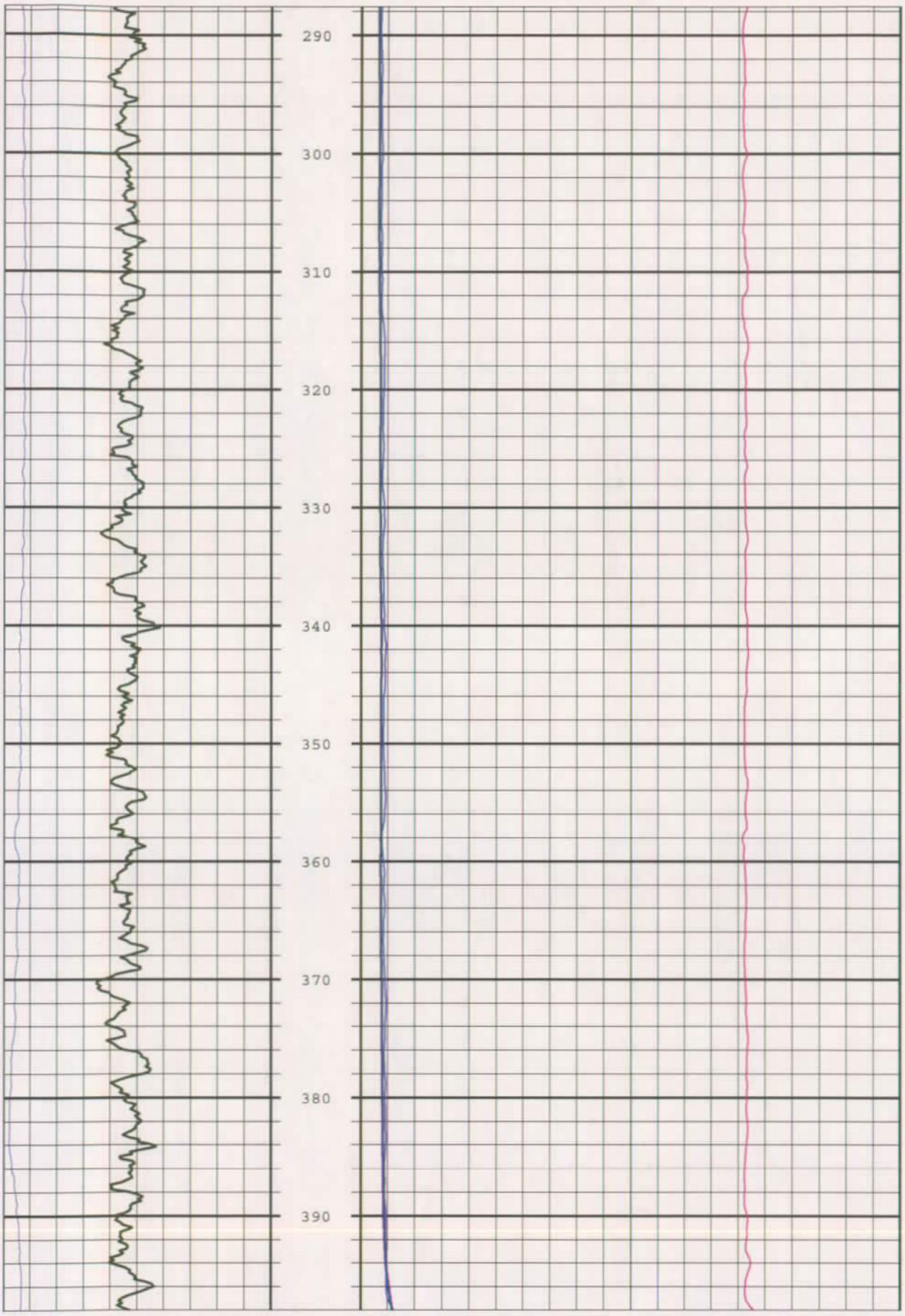
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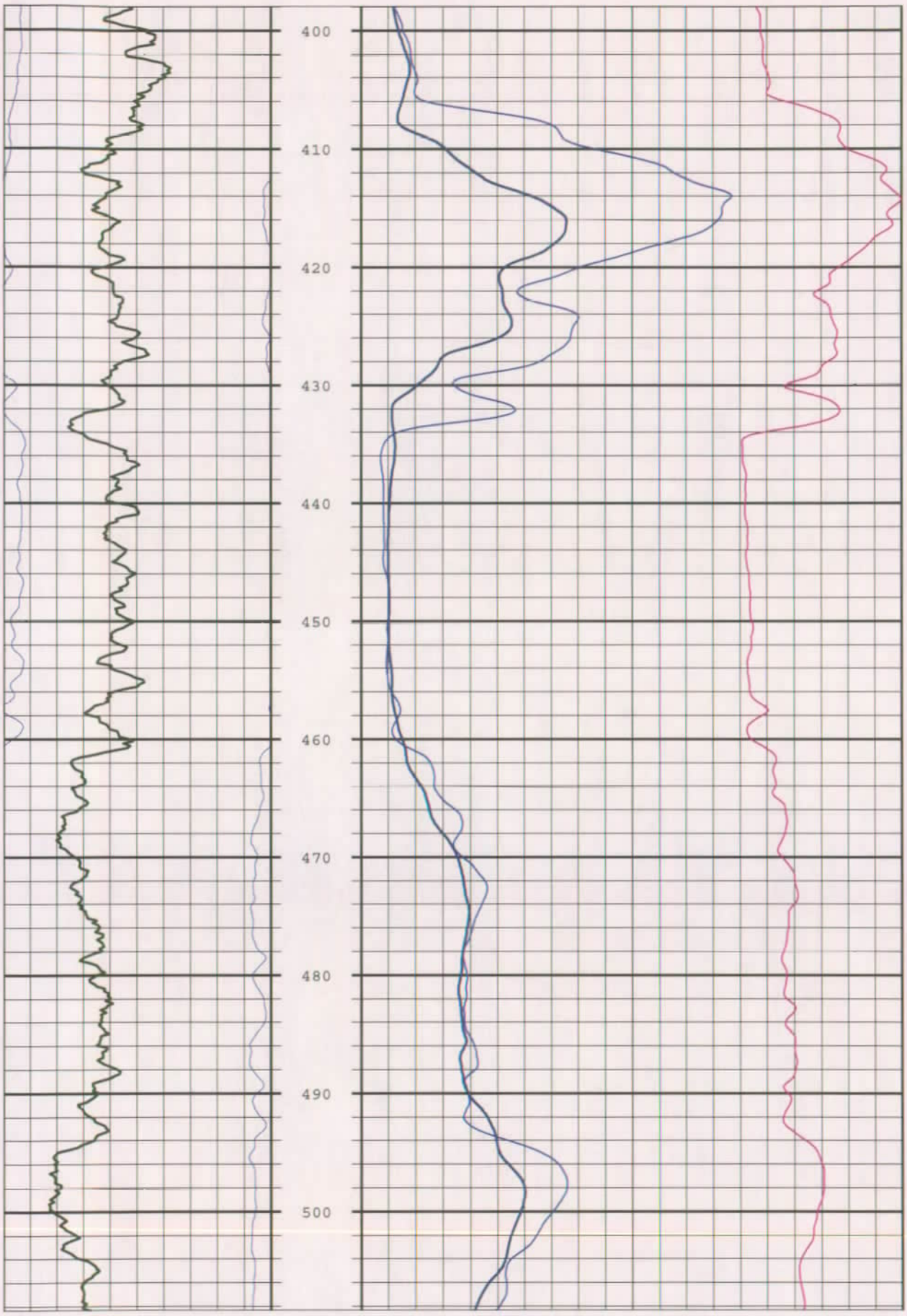
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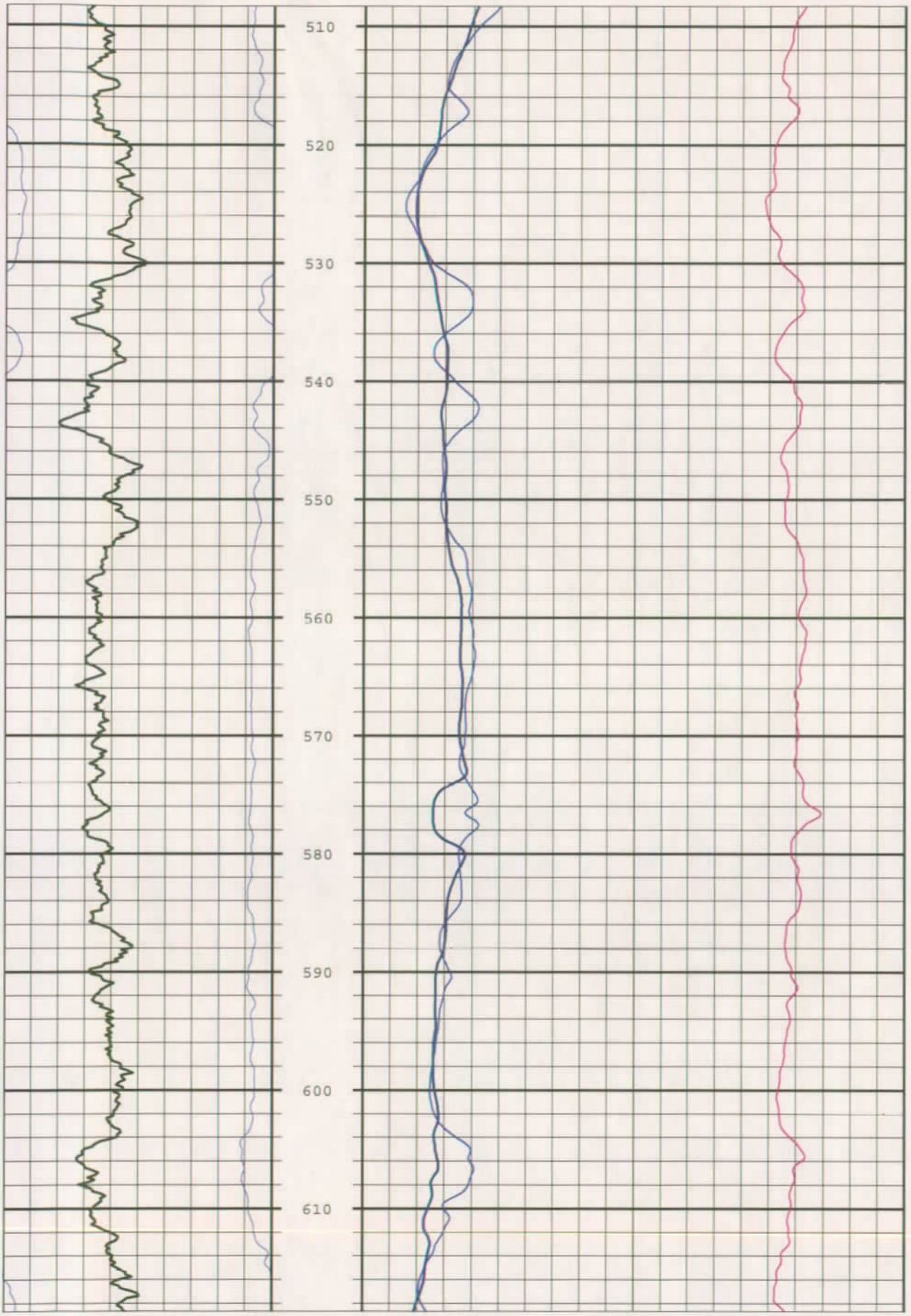
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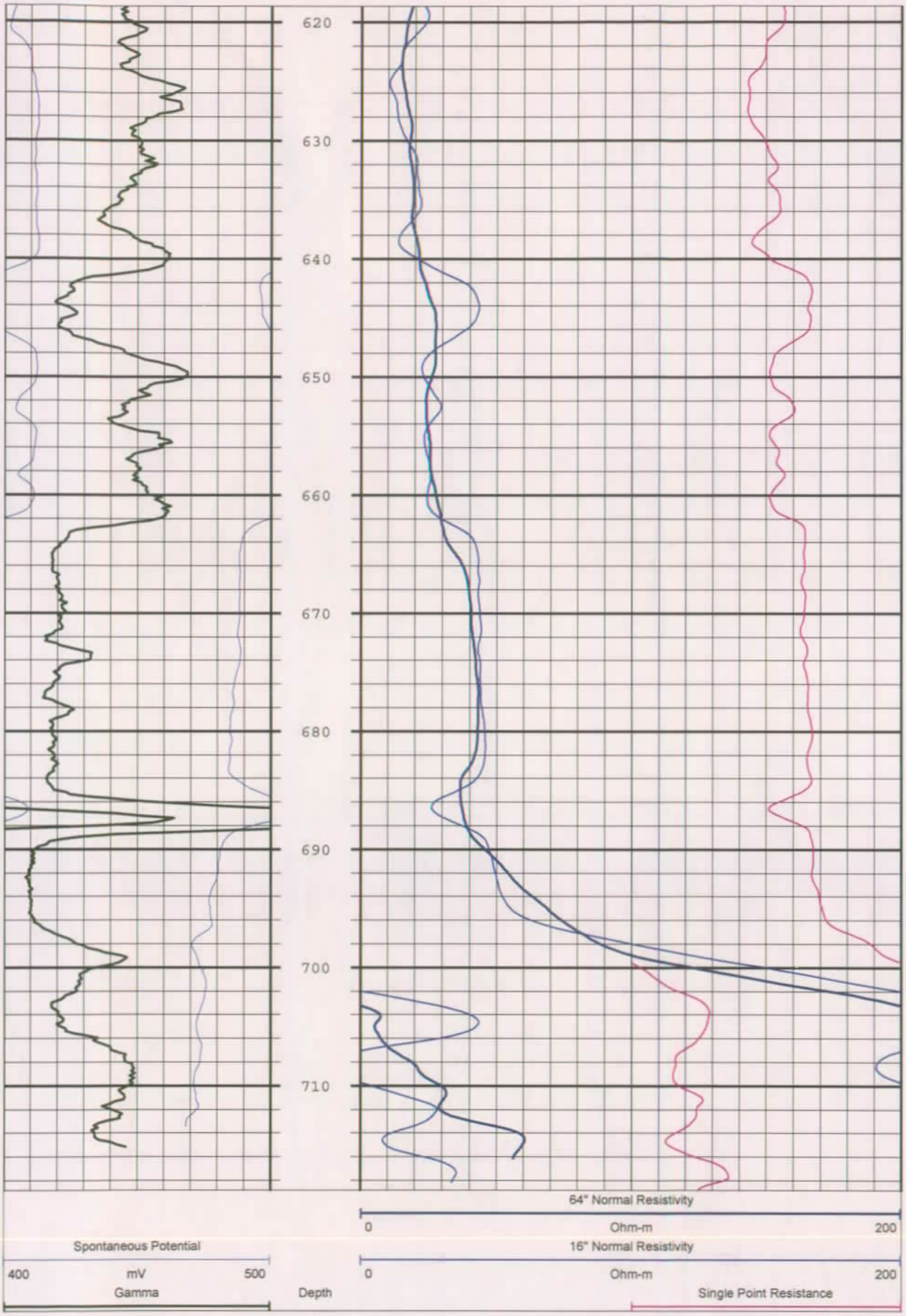
620
630
640
650
660
670
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690
700
710
64" Normal Resistivity
0
Ohm-m
200
Spontaneous Potential
16" Normal Resistivity
400
mV
500
0
Ohm-m
200
Gamma
Depth
Single Point Resistance

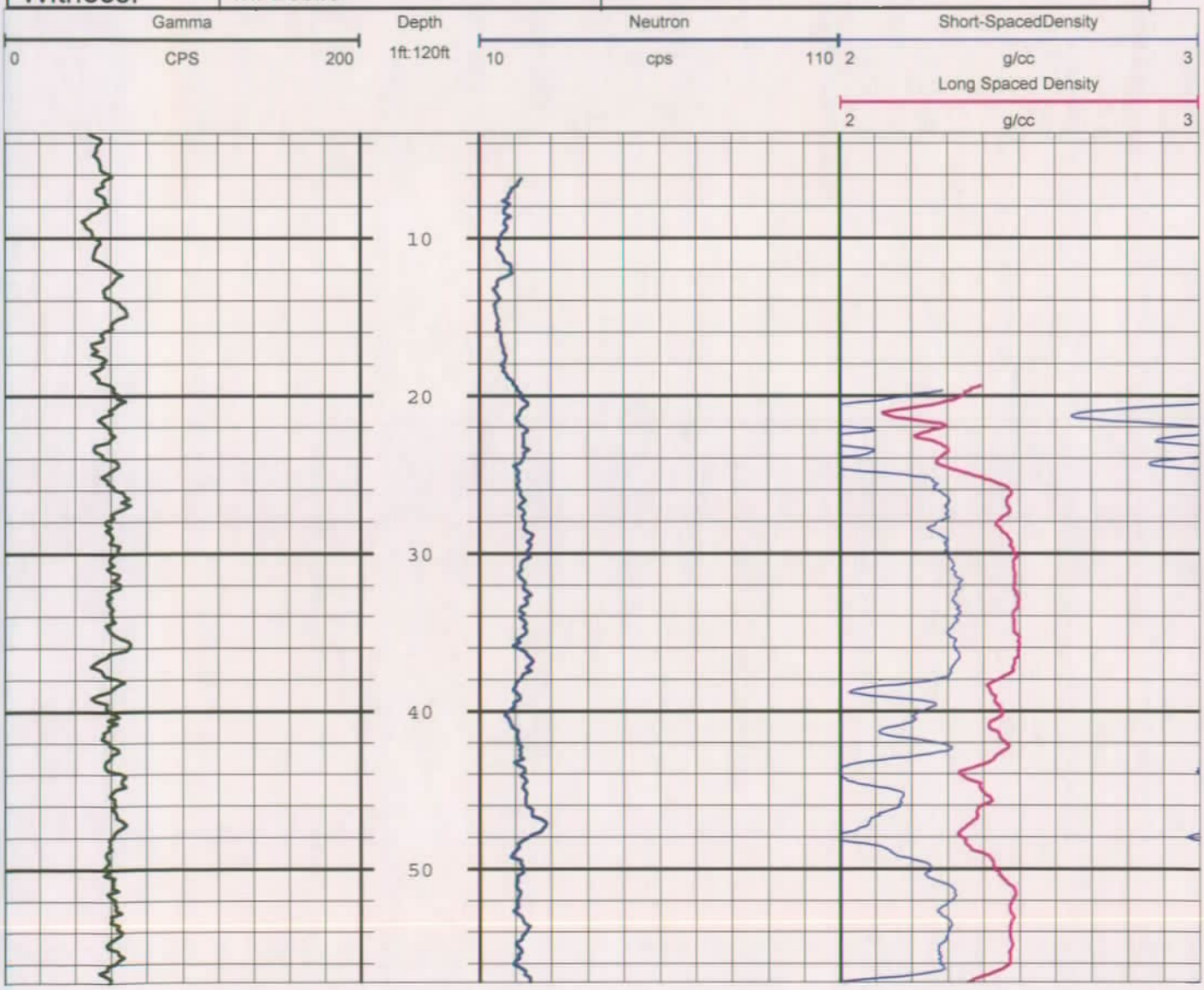
0	CPS	200	1ft:120ft	0	ohm	100

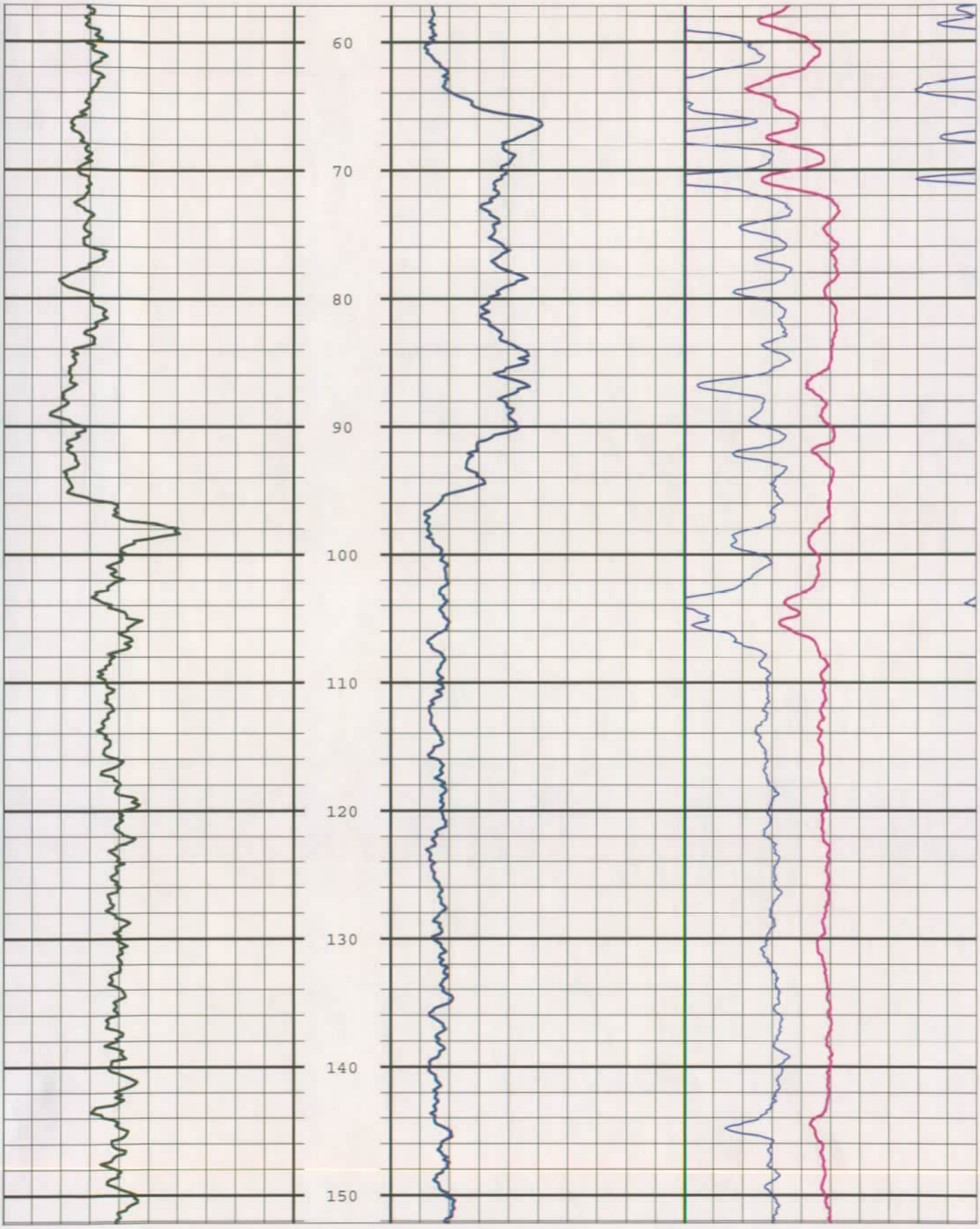
COMPANY:	Layne / Lincoln Co. RWS
Location:	SE of SH11/CR116 intersection

Well	TH-1		
Date	9/15/07	BH Fluid	Bentonite Mud

OTHER SERVICES
Neutron, Density

Casing	None
File Name	lincrws\th1gelec.rd
Depth Driller	720 ft.
Depth Logger	719.55 ft.
Logged by:	Madcharo
Witness:	M. Leslie

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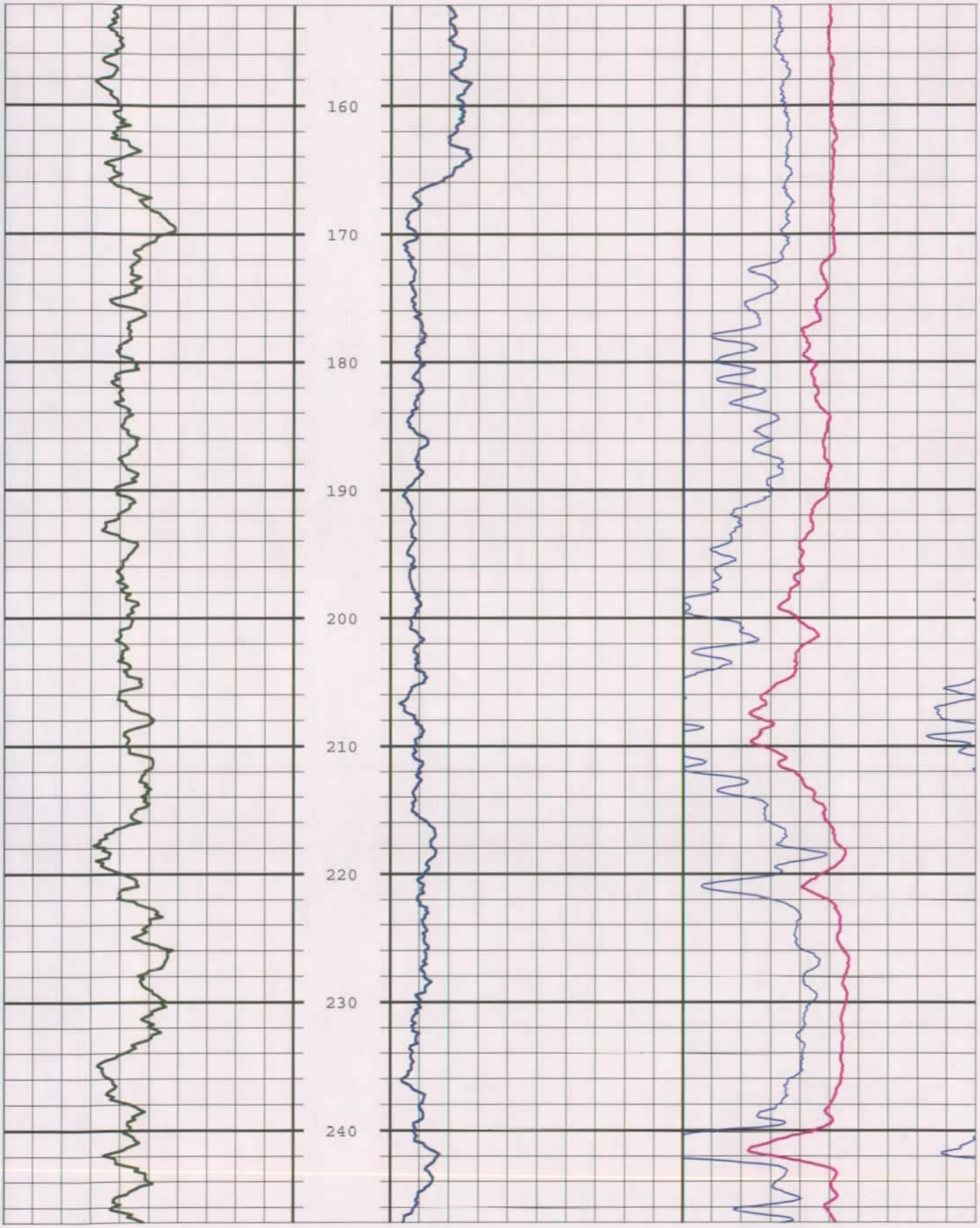
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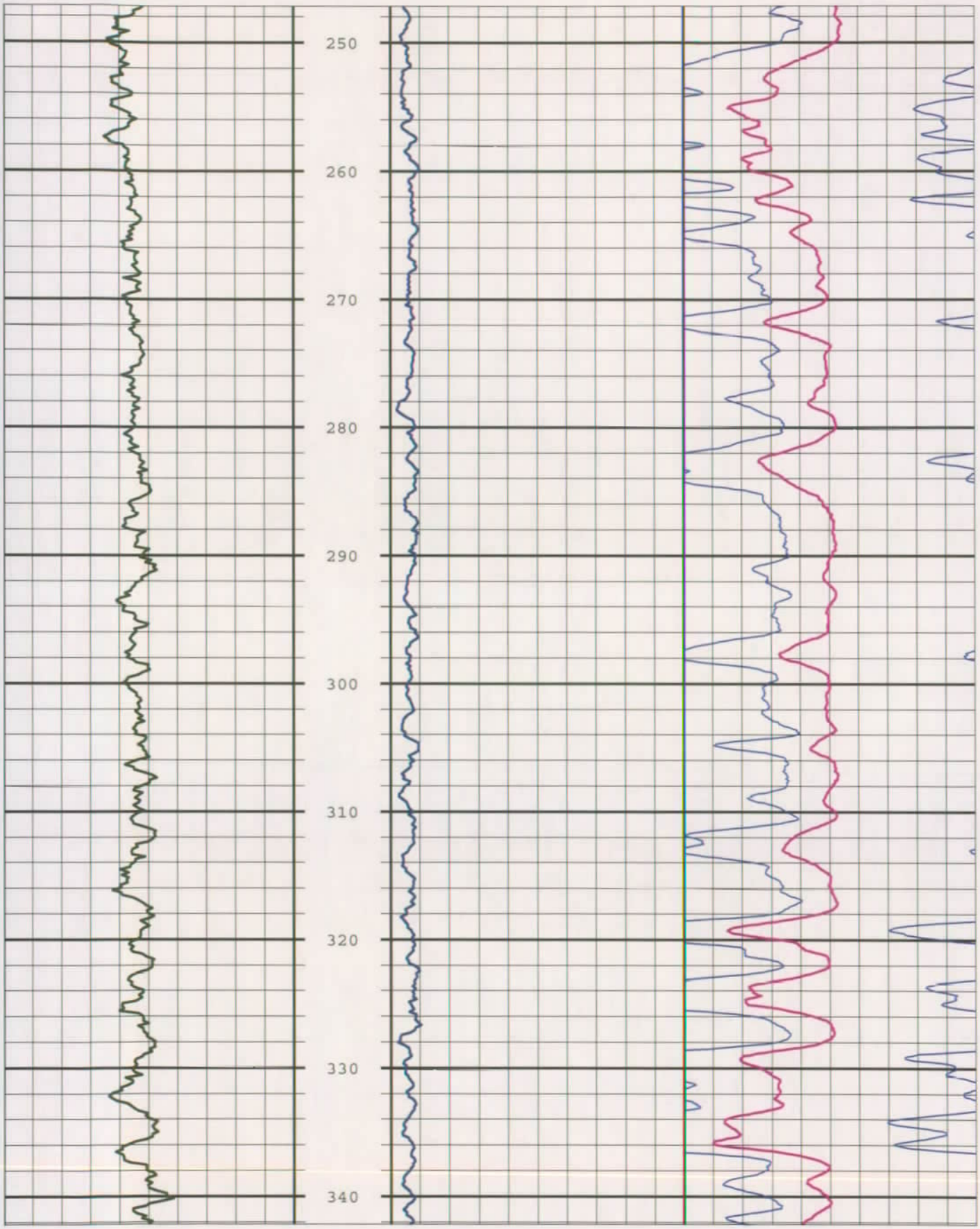
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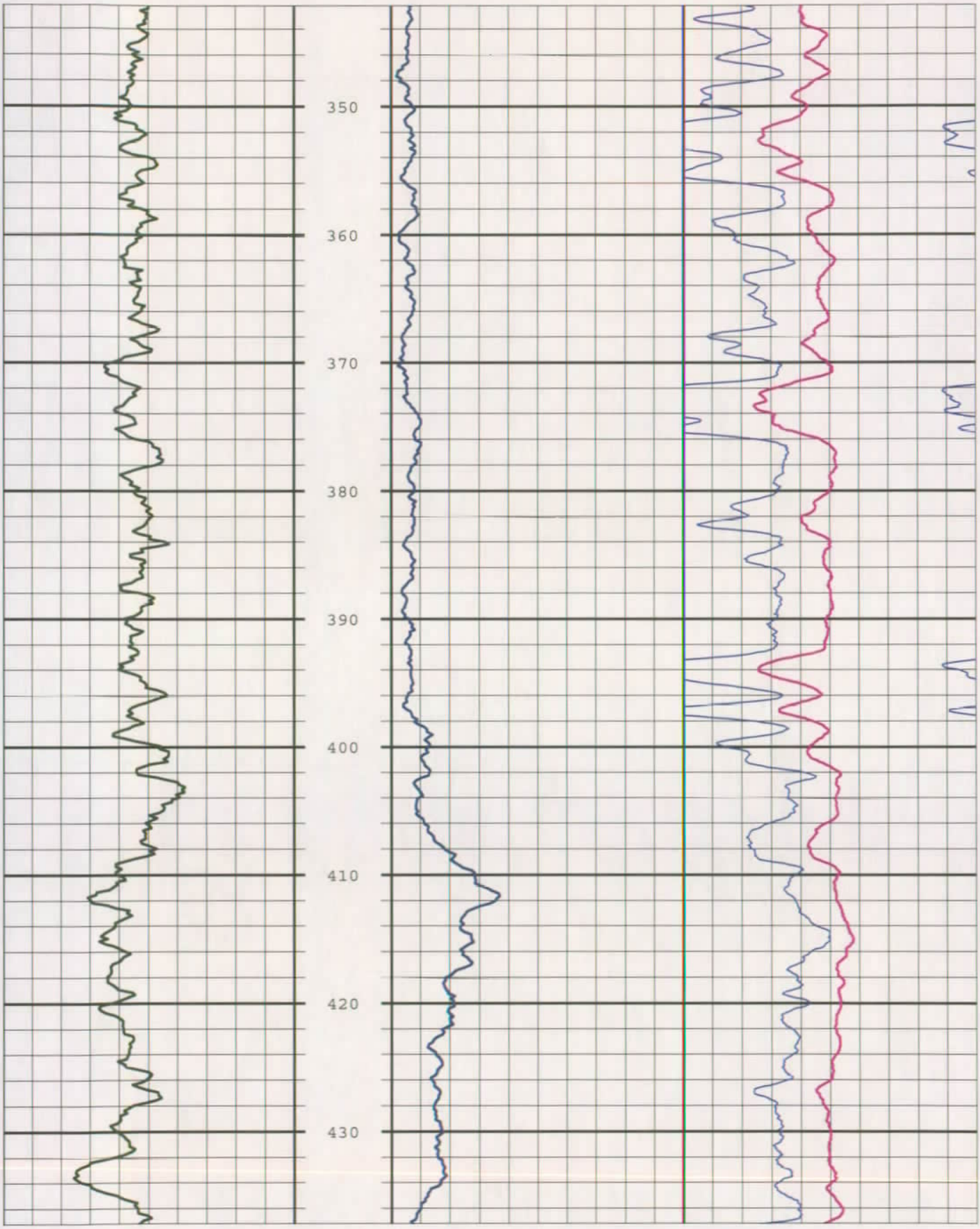
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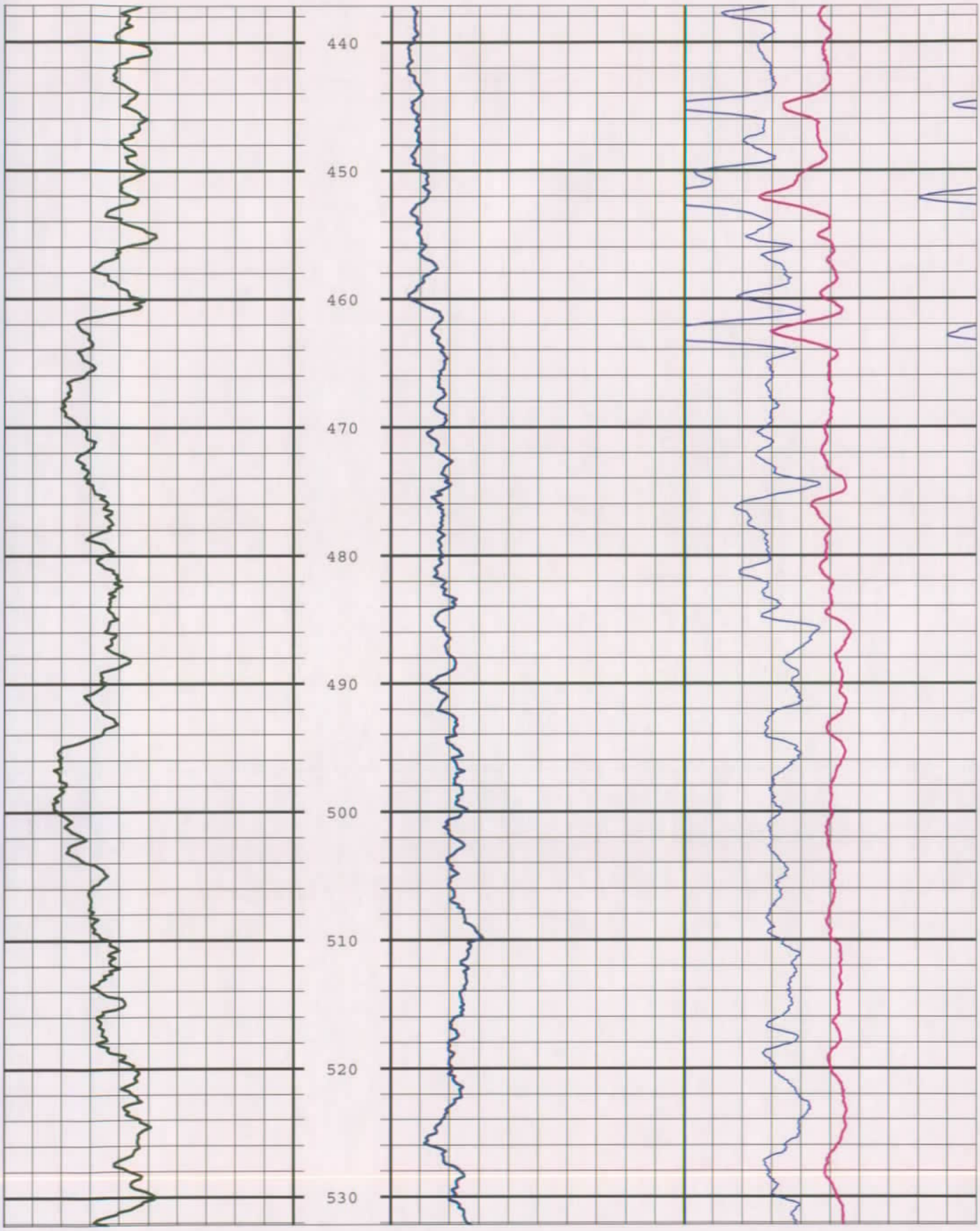
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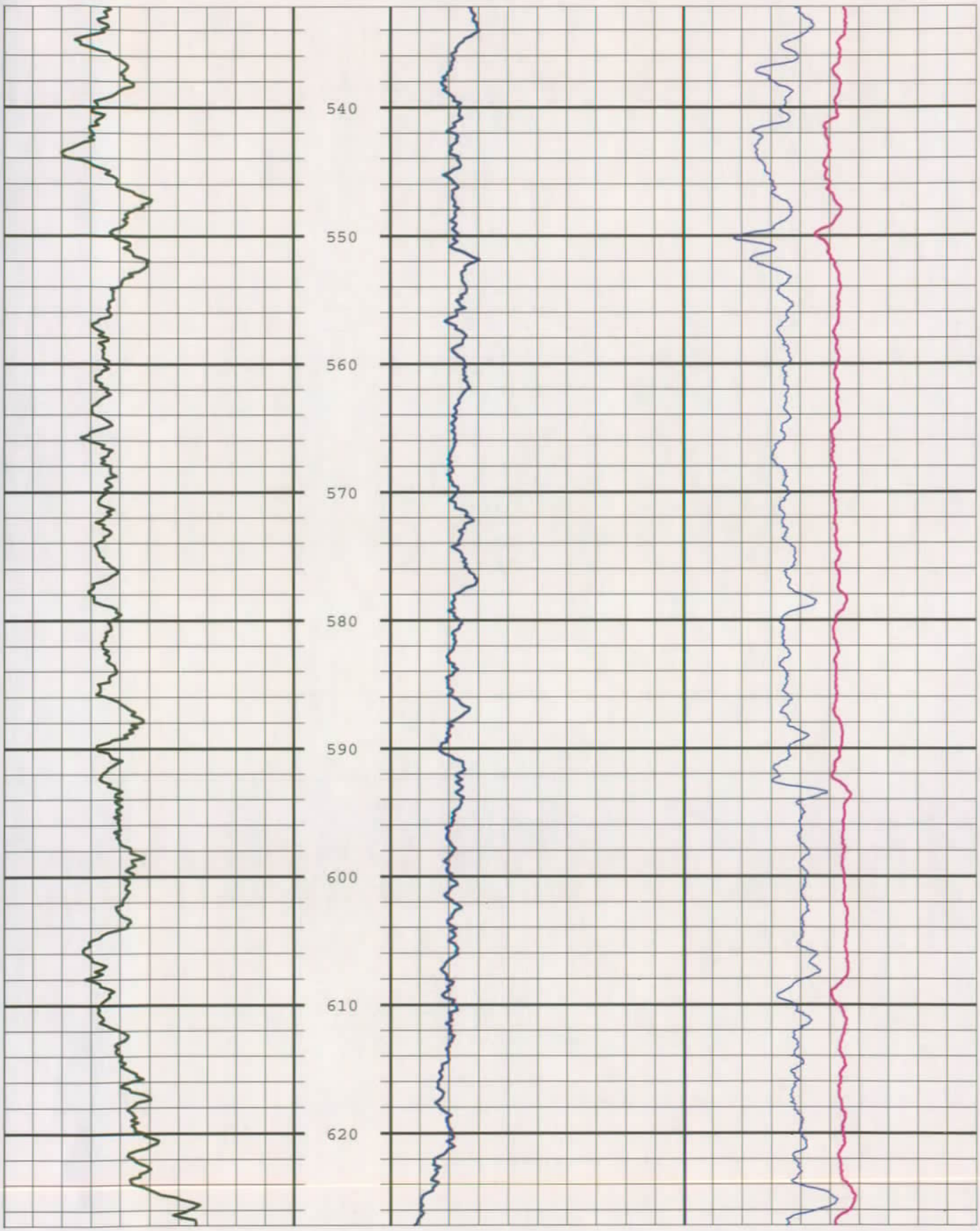
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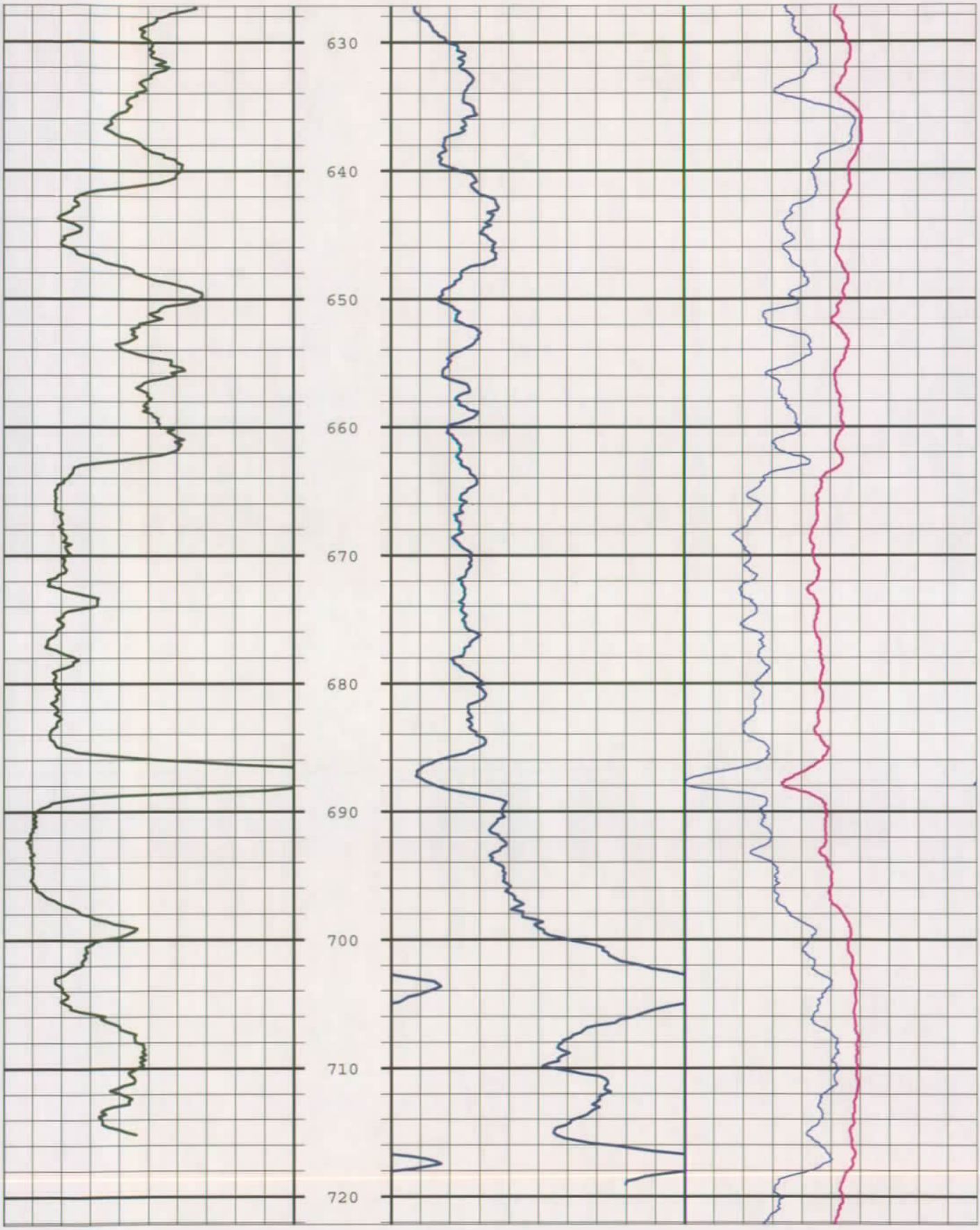
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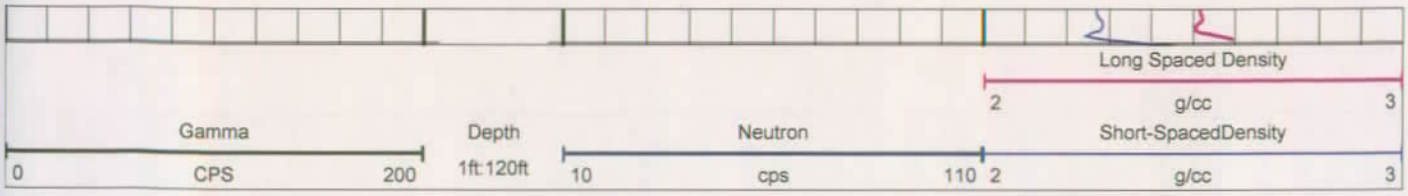
720

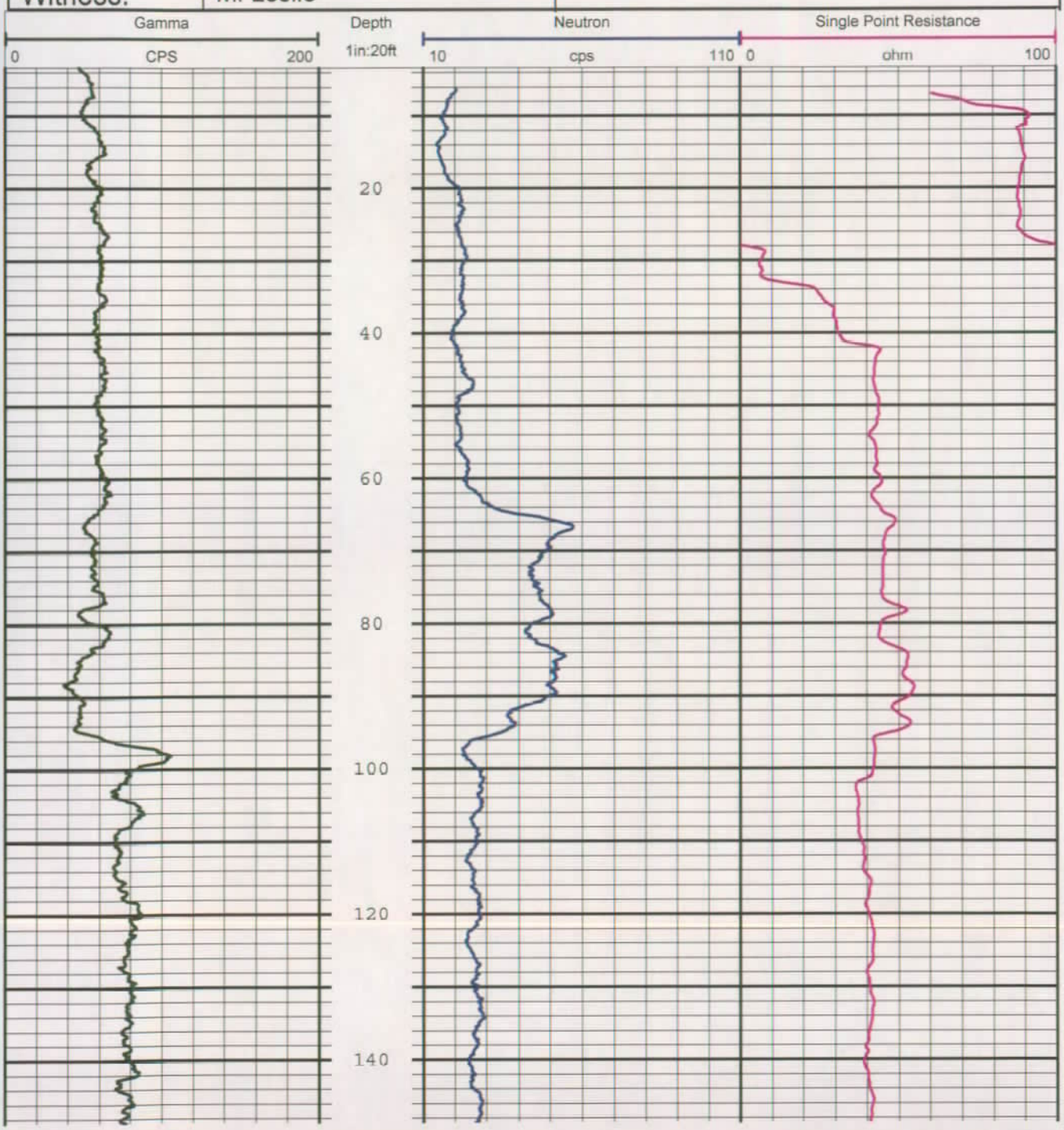

Long Spaced Density
2
g/cc
3
Gamma
Depth
Neutron
Short-SpacedDensity
0
CPS
200
1ft:120ft
10
cps
110
2
g/cc
3

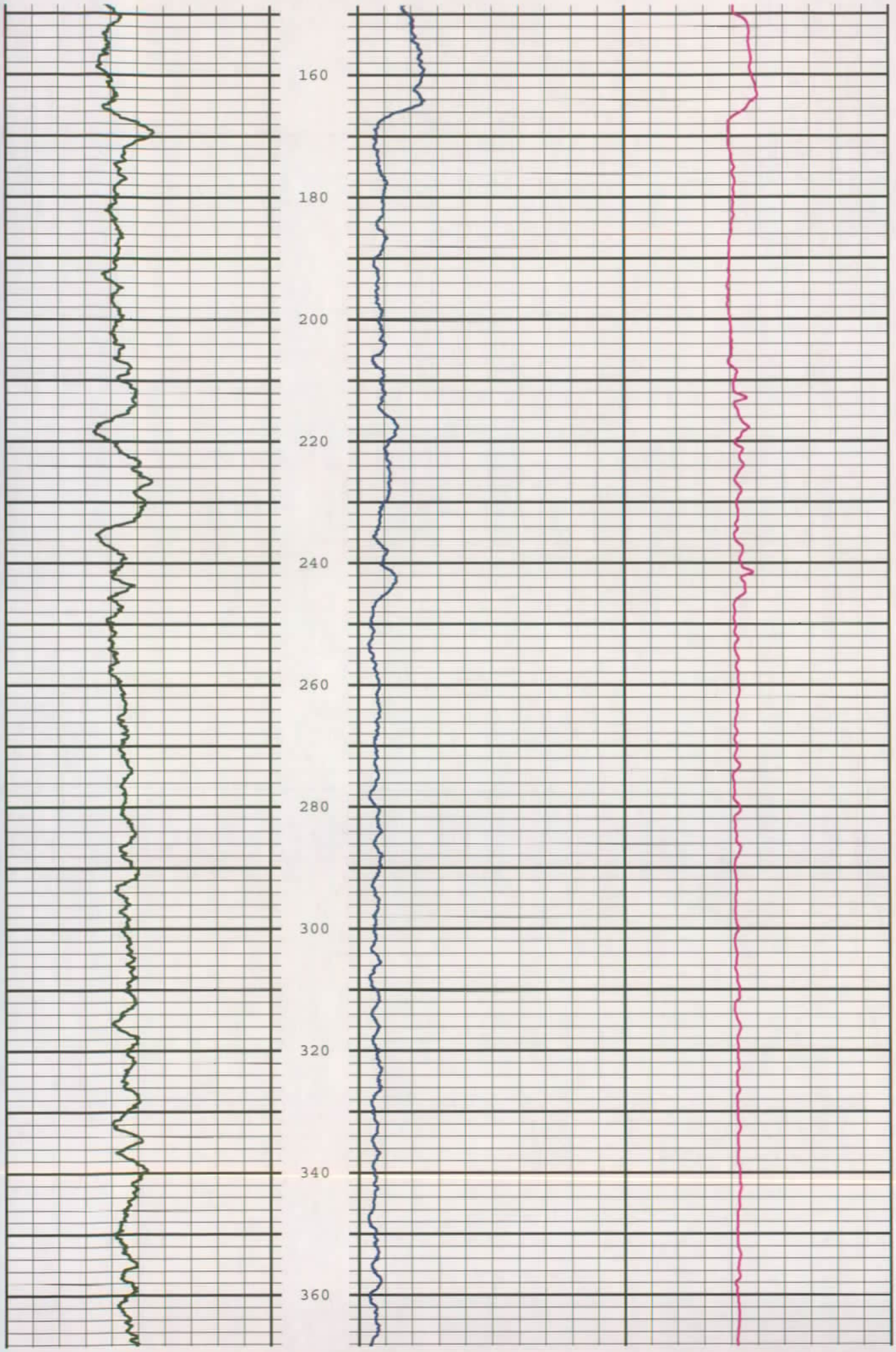
COMPANY:	Layne / Lincoln Co. RWS
Location:	SE of SH11/CR116 intersection

Well	TH-1		
Date	9/15/07	BH Fluid	Bentonite Mud
Casing	None		
File Name	lincrws\th1gelec.rd		
Depth Driller	720 ft.		
Depth Logger	719.55 ft.		
Logged by:	Madcharo		
Witness:	M. Leslie		

OTHER SERVICES

Neutron, Density

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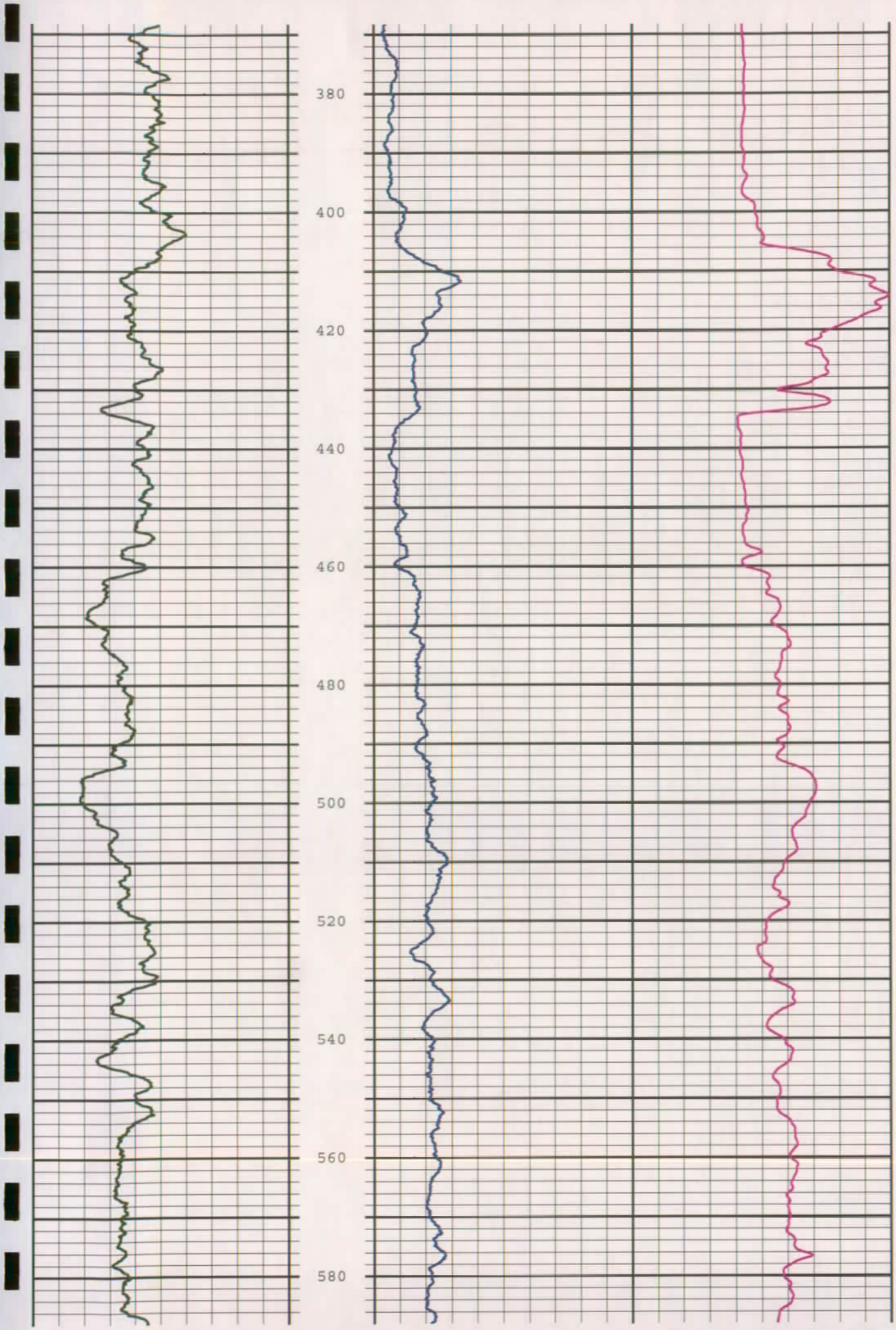
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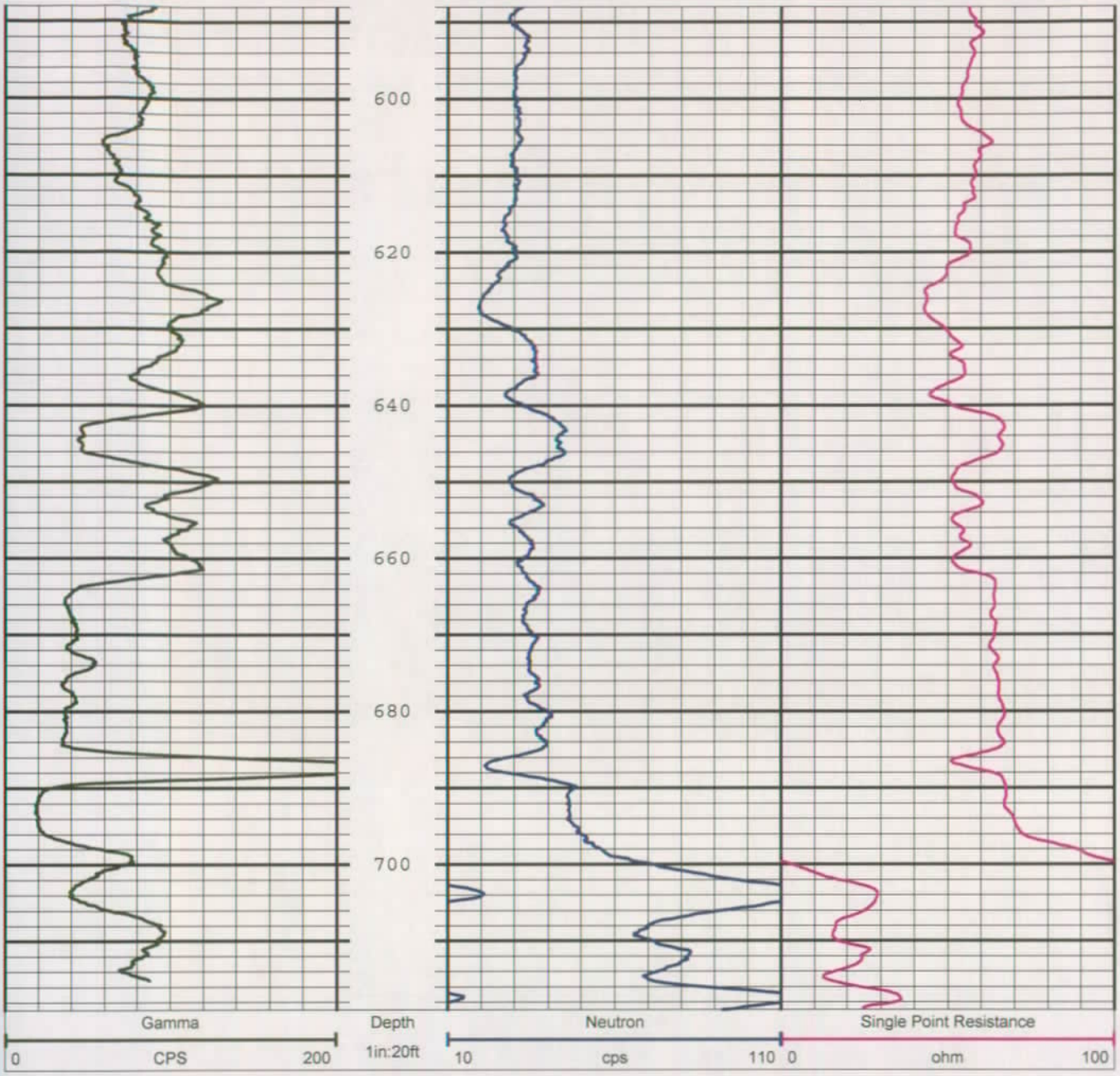
600
620
640
660
680
700
Gamma
0
CPS
200
Depth
1in:20ft
Neutron
10
cps
110
Single Point Resistance
0
ohm
100

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GEOLOGIST'S LOG

FINAL DETAIL.: **LCRW Well OW-1 (Test Hole #2) Final Construction Detail**

SITE:	Lincoln County Rural water	**DATE STARTED:**	9-19-2007
LOCATION:	Near Harrisburg, South Dakota	**DATE COMPLETED:**	9-24-2007
DRILLING CO:	Layne-Western	**TOTAL DEPTH OF HOLE:**	673' bgs
SAMPLING METHOD:	Mud Rotary	**GEOLOGISTS:**	Mitch Kannenberg

APPROX. ELEVATION (feet AMSL)	DEPTH (in feet)	WELL CONSTRUCTION	GRAPHIC	FORMATION	DESCRIPTION	DRILL BIT & OTHER NOTES OR PROBLEMS
1350	0			Topsoil	TOPSOIL	
1345	-5			Till (Oxidized)	CLAY: brown, sandy	
1340	-10	Cement Grout				
1335	-15					
1330	-20					
1325	-25					
1320	-30					
1315	-35					
1310	-40					
1305	-45					
1300	-50					
1295	-55			Till (Unoxidized)	CLAY: gray	
1290	-60					
1285	-65					
1280	-70			Outwash	SAND: medium grained	
1275	-75					
1270	-80			Till, with sand and gravel layers (gray)	TILL: with outwash layers	
1265	-85					
1260	-90					
1255	-95					
1250	-100	Bentonite Seal				
1245	-105					
1240	-110					
1235	-115					
1230	-120					
1225	-125					
1220	-130					
1215	-135					
1210	-140					
1205	-145					
1200	-150					
1195	-155	4" x 0.375" Wall Steel Casing				
1190	-160					
1185	-165					
1180	-170					
1175	-175					
1170	-180					
1165	-185					
1160	-190					
1155	-195					
1150	-200					
1145	-205					
1140	-210					
1135	-215					
1130	-220			Carlile Formation	SHALE: gray	
1125	-225					
1120	-230					
1115	-235				SANDSTONE: fine to medium grained, with shale interbeds	
1110	-240					
1105	-245					

REMARKS:

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GEOLOGIST'S LOG

FINAL DETAIL.: **LCRW Well OW-1 (Test Hole #2) Final Construction Detail**

SITE: Lincoln County Rural water
LOCATION: Near Harrisburg, South Dakota
DRILLING CO: Layne-Western
SAMPLING METHOD: Mud Rotary

DATE STARTED: 9-19-2007
DATE COMPLETED: 9-24-2007
TOTAL DEPTH OF HOLE: 673' bgs
GEOLOGISTS: Mitch Kannenberg

APPROX. ELEVATION (feet AMSL)	DEPTH (in feet)	WELL CONSTRUCTION	GRAPHIC	FORMATION	DESCRIPTION	DRILL BIT & OTHER NOTES OR PROBLEMS
1100	-250			Carlile Formation		
1095	-255					
1090	-260					
1085	-265					
1080	-270				SHALE: gray	
1075	-275					
1070	-280					
1065	-285					
1060	-290					
1055	-295					
1050	-300					
1045	-305					
1040	-310					
1035	-315					
1030	-320					
1025	-325					
1020	-330					
1015	-335					
1010	-340					
1005	-345			Greenhorn Formation	SHALE: gray, with white bits of limestone, strongly effervescent	
1000	-350					
995	-355					
990	-360					
985	-365					
980	-370	4" x 0.375" Wall Steel Casing				
975	-375					
970	-380					
965	-385			Graneros Formation	SHALE: gray	
960	-390					
955	-395					
950	-400					
945	-405	Bentonite Seal				
940	-410			Dakota Formation	SAND: light gray, fine to medium grained, with some shale interbeds	
935	-415					
930	-420					
925	-425					
920	-430					
915	-435					
910	-440					
905	-445					
900	-450					
895	-455					
890	-460				SAND: very fine to fine grained, clean, sub-angular to sub-rounded, detrital coal	
885	-465	4" x 0.025" SST Screen				
880	-470					
875	-475					
870	-480					
865	-485					
860	-490					
855	-495	Northern "0" Well Pack				

REMARKS:

LEGGETTE, BRASHEARS & GRAHAM, INC.
140 East Hinks Lane, Suite 126
Sioux Falls, SD 57104
(605) 334-6000 or Fax (605) 334-1850

GEOLOGIST'S LOG

FINAL DETAIL.: **LCRW Well OW-1 (Test Hole #2) Final Construction Detail**

SITE:	Lincoln County Rural water	**DATE STARTED:**	9-19-2007
LOCATION:	Near Harrisburg, South Dakota	**DATE COMPLETED:**	9-24-2007
DRILLING CO:	Layne-Western	**TOTAL DEPTH OF HOLE:**	673' bgs
SAMPLING METHOD:	Mud Rotary	**GEOLOGISTS:**	Mitch Kannenberg

APPROX. ELEVATION (feet AMSL)	DEPTH (in feet)	WELL CONSTRUCTION	GRAPHIC	FORMATION	DESCRIPTION	DRILL BIT & OTHER NOTES OR PROBLEMS
850, 845, 840, 835, 830, 825, 820, 815, 810, 805, 800, 795, 790, 785, 780, 775, 770, 765, 760, 755, 750, 745, 740, 735, 730, 725, 720, 715, 710, 705, 700, 695, 690, 685, 680, 675, 670	-500, -505, -510, -515, -520, -525, -530, -535, -540, -545, -550, -555, -560, -565, -570, -575, -580, -585, -590, -595, -600, -605, -610, -615, -620, -625, -630, -635, -640, -645, -650, -655, -660, -665, -670, -675, -680	Bentonite Seal; 4" x 0.375" Wall Steel Casing; 4" x 0.025" SST Screen; 4" x 0.375" Wall Steel Casing; 4" x 0.025" SST Screen		Dakota Formation; Paleozoic ? Sandstone	SHALE: interbed 507' to 513.5'; SAND: light gray, medium to coarse grained, sub-angular to sub-rounded; SHALE; SAND: buff, medium to coarse grained, effervesces, some shale interbeds; SHALE: gray, with sand interbeds; SAND: buff, medium grained, poorly sorted; SHALE; SAND: pink/buff, medium to coarse grained; SHALE; SAND: pink/buff, medium to coarse grained; SANDSTONE: with shale and clay	

REMARKS:

LEGGETTE, BRASHEARS & GRAHAM, INC.
140 EAST HINKS LANE
SUITE 126
SIOUX FALLS, SD 57104
(605) 334-6000 • FAX (605) 334-1850
www.lbgweb.com

JOB LCRW - LCRW #2
SHEET NO. ____ OF ____
CALCULATED BY MWK DATE ____
CHECKED BY ____ DATE ____
SCALE ____

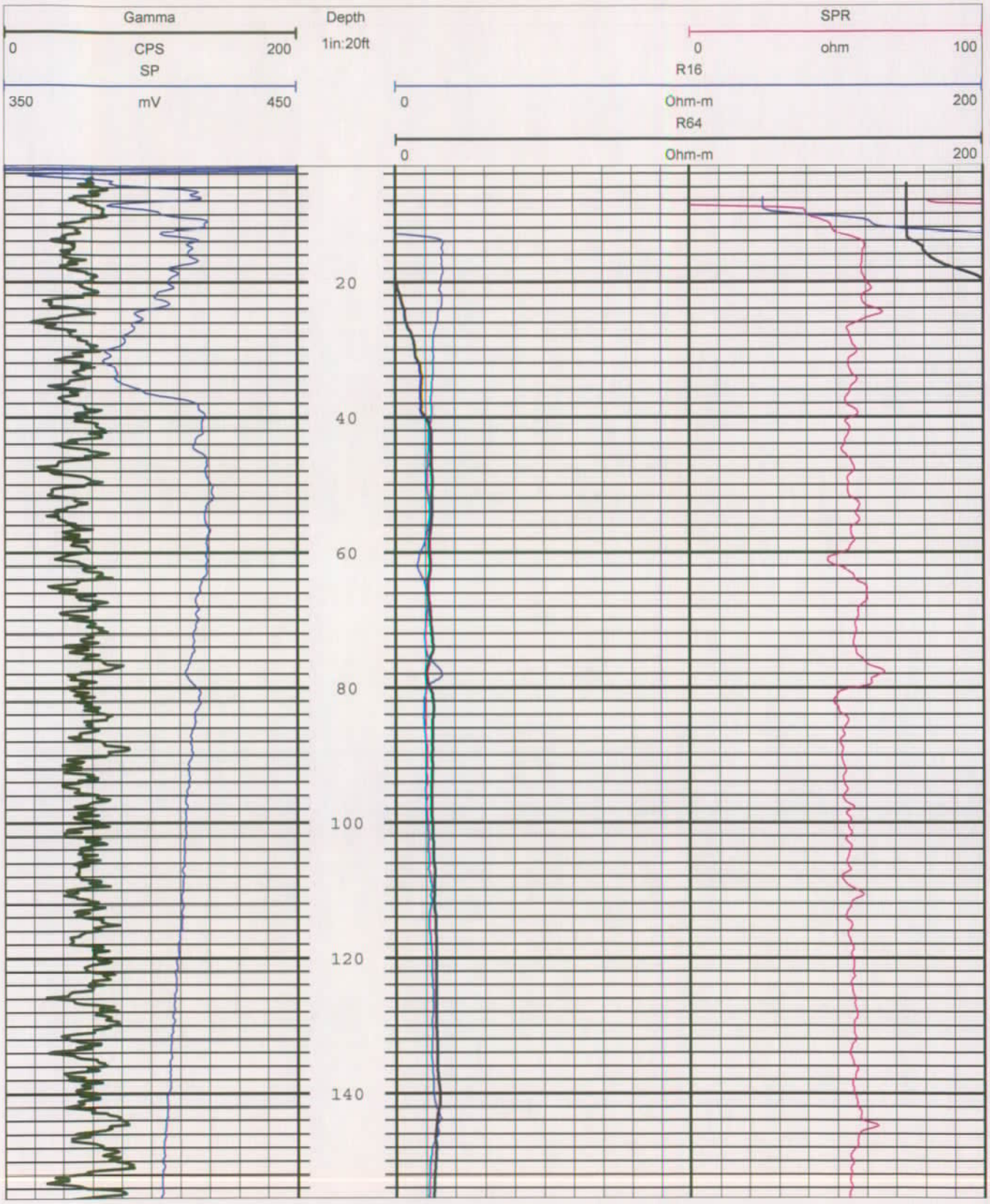
ELEV	DEPTH	GRAPHIC	FORMATION	
50				
	3			
	57		TILL (OXID)	Clay, brown, sandy
80	70		TILL (UNOXID)	CLAY, GRAY
	78		OUTWASH	SAND, MED-GRAINED
			TILL, w/ S+G LAYERS (GRAY)	TILL w/ OUTWASH LAYERS
131	219		CARLILE ↓	
	231		~~SHALE, GRAY~~	SHALE, GRAY
082	268		CARLILE (CODELL SS)	SANDSTONE, FINE-MED GR, W/ SHALE INTERBEDS
			CARLILE	SHALE, GRAY
062	344		GREENHORN	SHALE, GRAY (FIRM/SOFT/LAMINAR) - "DRILLER SAYS"
66	384			
143	467		GRANEROS	SHALE, GRAY
			DAKOTA FM	SAND, light gray, fine-med grained w/ some shale interbeds
840	460			'CLEAN' SAND, v. fine to fine sub-ang to sub-round, lots detrital coal
870	480			
	507			
	513			SHALE INTERBED 507 - 513½ ?
	513½			SAND, lt. gray, med to coarse, sub-ang to sub-rounded
	529			SHALE
	546½		Sand - 546½ - 550'	SAND, buff, med-coarse, eff clean 546½ - 544 dirty 544 - 550
680	550			
				Shale, gray, w/ sand interbeds
	599			SAND, buff, med-gr, poorly sorted
	605.5			~~SHALE~~
	629½			SAND, SAND, pink/buff, med-coarse
	632			SHALE
	660			SAND, PINK/BUFF, med-coarse
	673		PALEOZOIC SS	SANDSTONE, w/ SHALE & CLAY

LLRW #2 MWK SAND PICKS

THICKNESS		
100'	*	407 – 507 (Best is 460–480)
15.5'	*	513½ – 529
9.5'	*	~~50~~ 540½ – 550
6.5'	*	599 – 605½
20'	*	609½ – 629½
28'	*	632 – 660

~ Shale layer at 642½ – 643
" " " 651½ – 652

TOTAL SAND THICKNESS = 179.5 ft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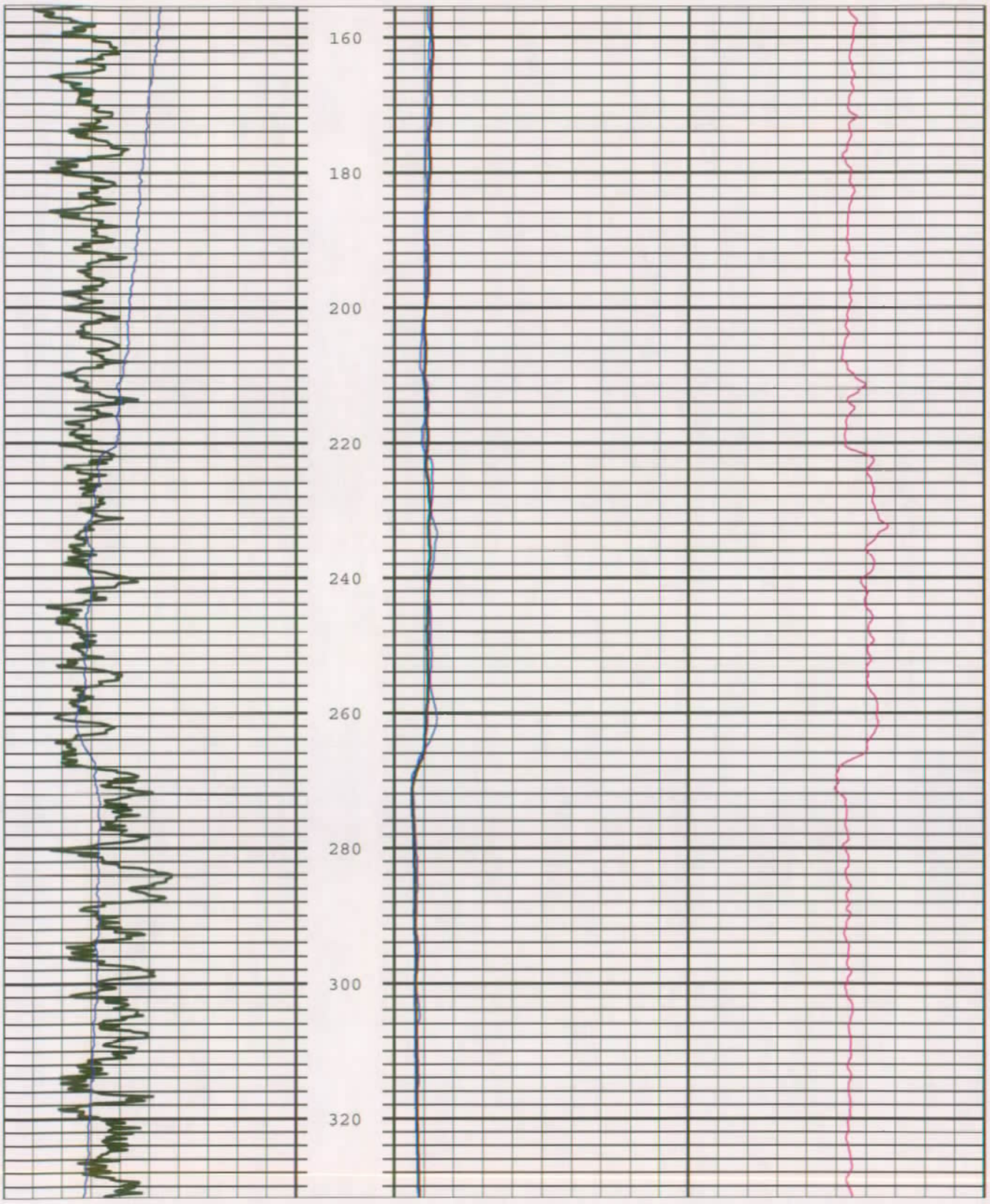
CPS
200
SP
350
mV
450
Depth
1in:20ft
20
40
60
80
100
120
140
SPR
0
ohm
100
R16
0
Ohm-m
200
R64
0
Ohm-m
200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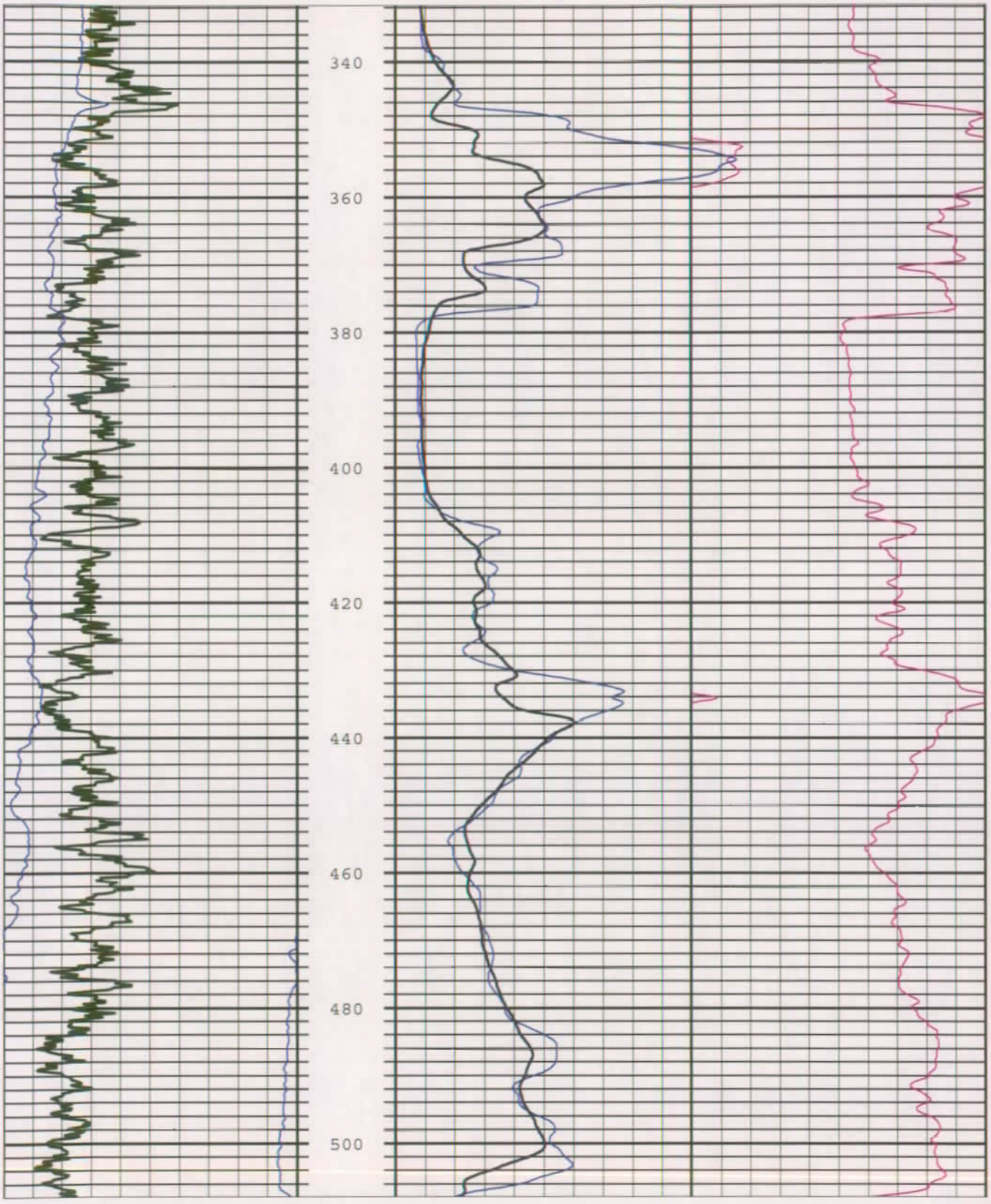
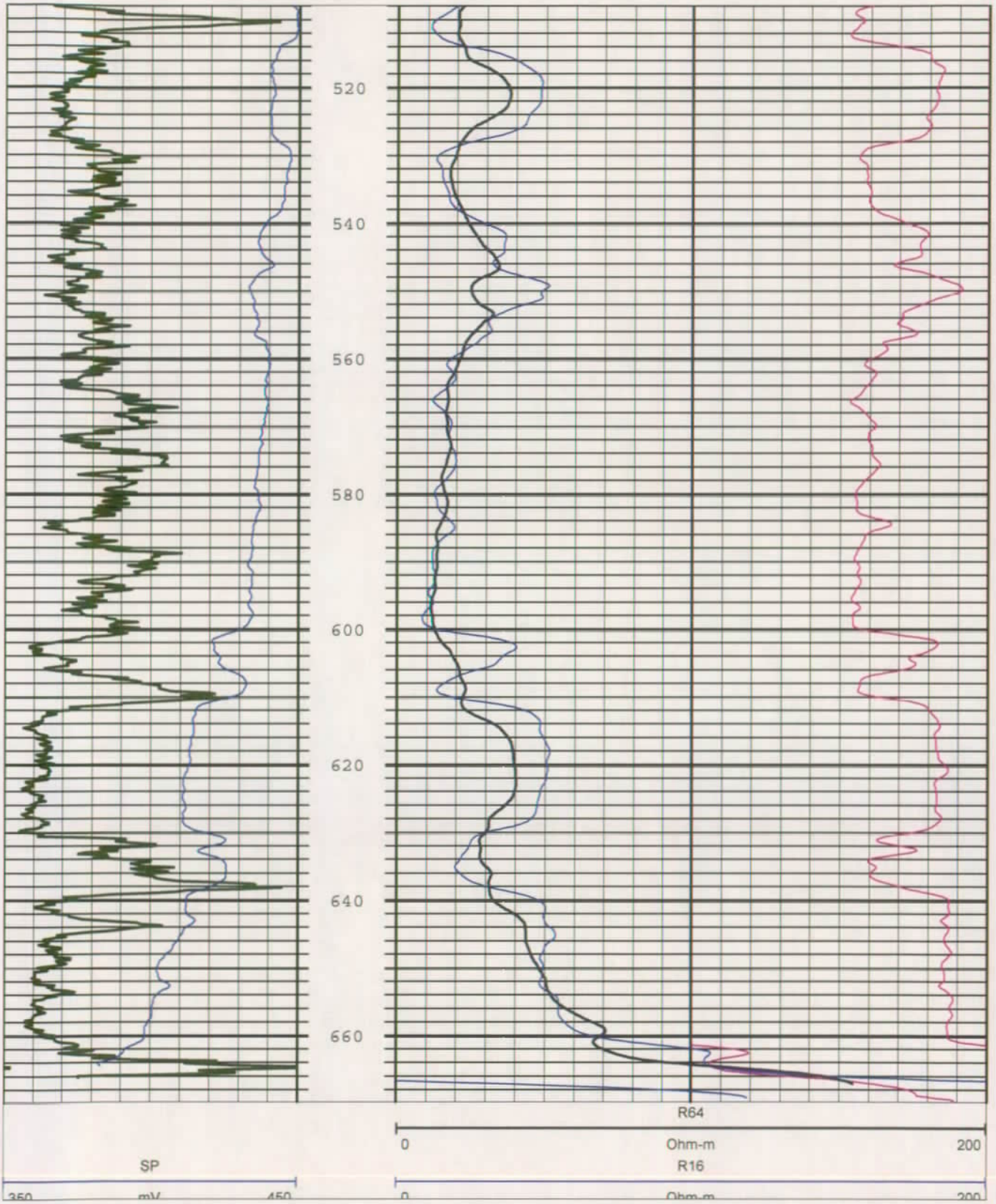
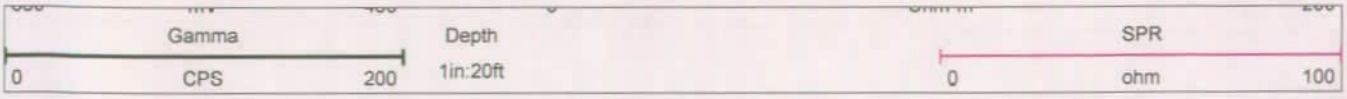
180
200
220
240
260
280
300
320


340
360
380
400
420
440
460
480
500


520
540
560
580
600
620
640
660
R64
0
Ohm-m
200
SP
R16
350
mV
450
0
Ohm-m
200


Gamma
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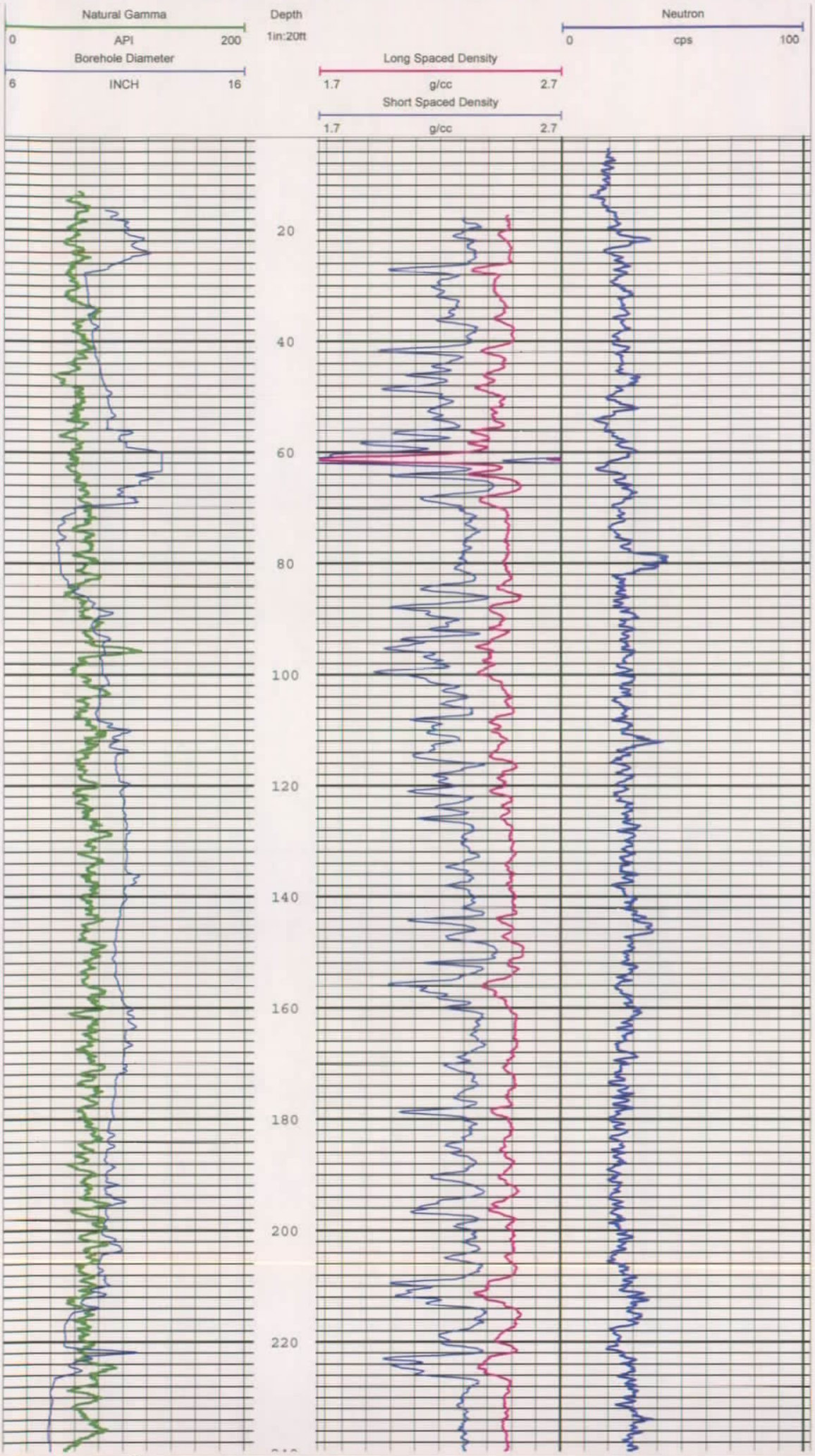
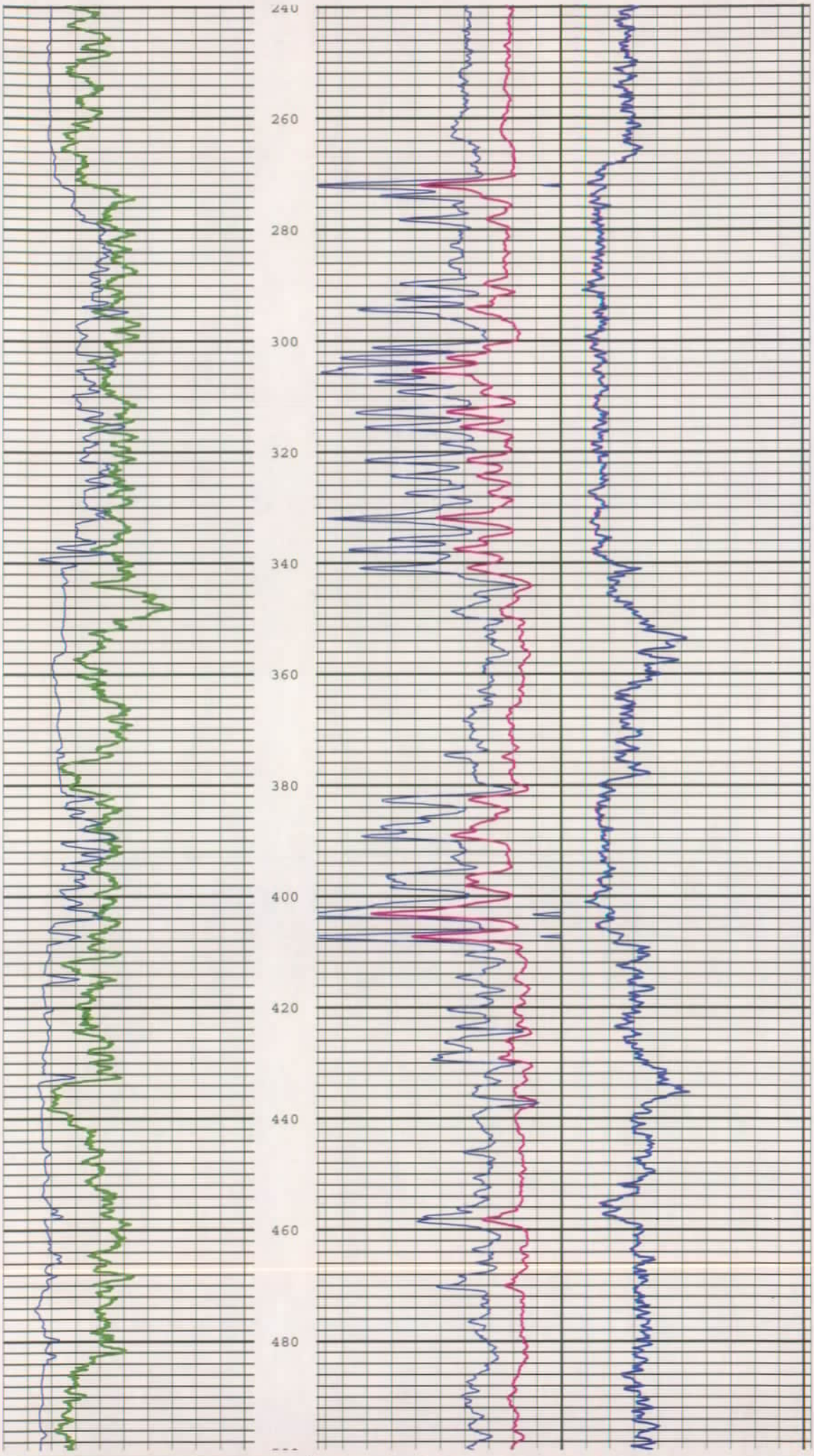
CPS
200
Depth
1in:20ft
SPR
0
ohm
100


Natural Gamma
0
API
200
Borehole Diameter
6
INCH
16
Depth
1in:20ft
Long Spaced Density
1.7
g/cc
2.7
Short Spaced Density
1.7
g/cc
2.7
Neutron
0
cps
100
20
40
60
80
100
120
140
160
180
200
220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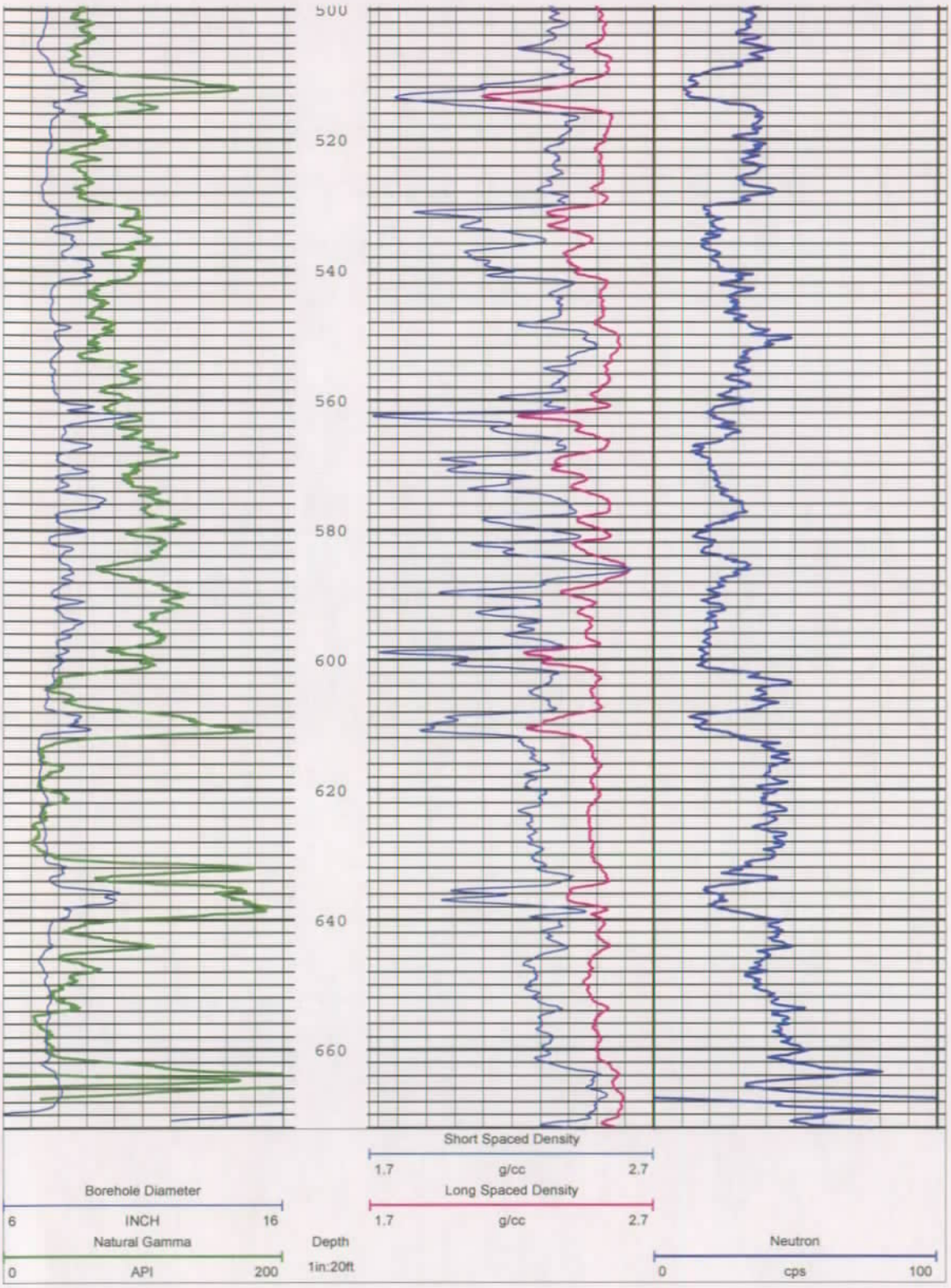
260
280
300
320
340
360
380
400
420
440
460
480

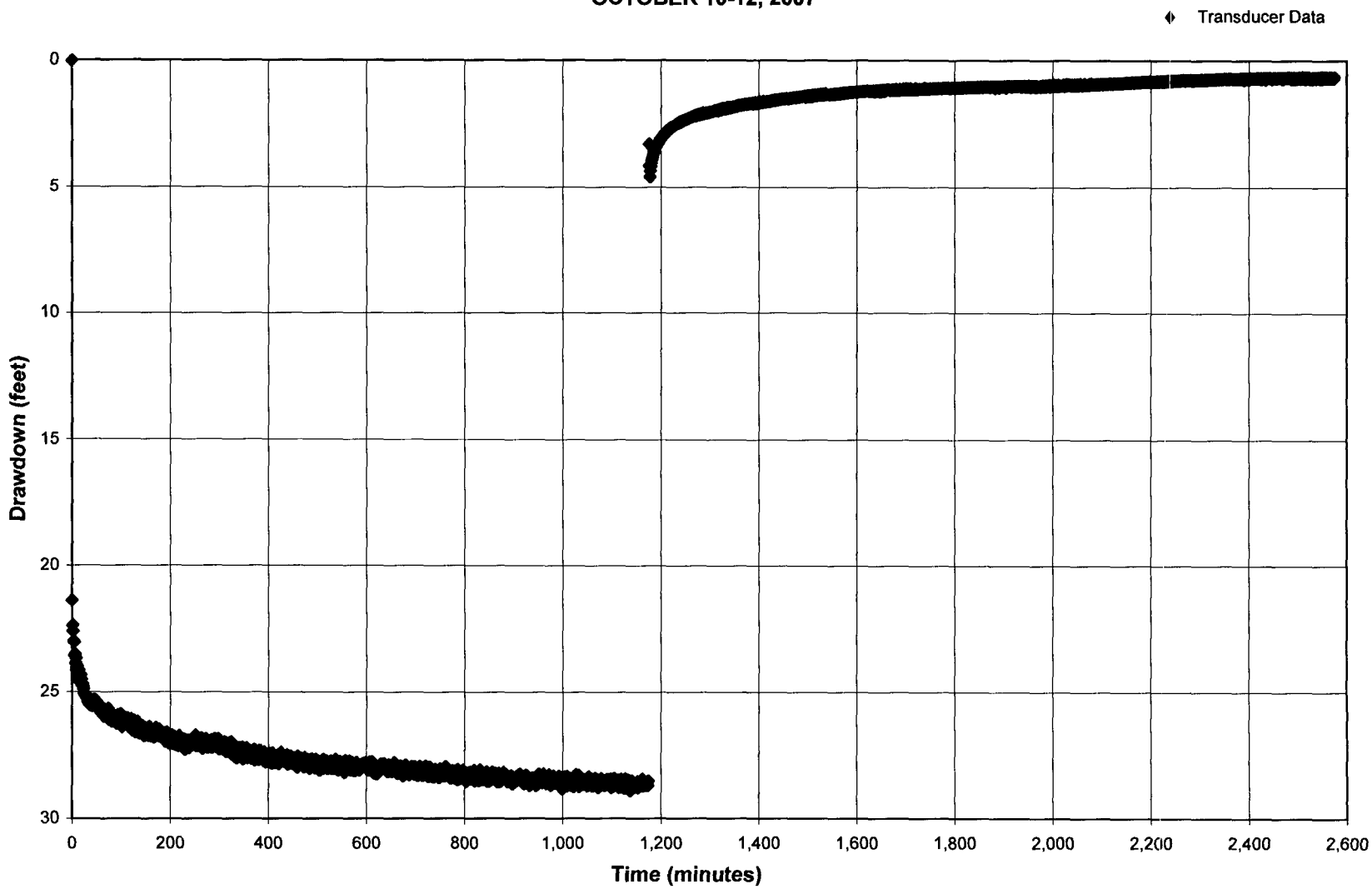

500
520
540
560
580
600
620
640
660
Short Spaced Density
1.7
g/cc
2.7
Long Spaced Density
1.7
g/cc
2.7
Borehole Diameter
6
INCH
16
Natural Gamma
0
API
200
Depth
1in:20ft
Neutron
0
cps
100

ATTACHMENT 2

QUALITATIVE ANALYSIS

LINCOLN COUNTY RURAL WATER
SINGLE-WELL AQUIFER PUMPING TEST
LINCOLN COUNTY, SOUTH DAKOTA

OW-1
OCTOBER 10-12, 2007

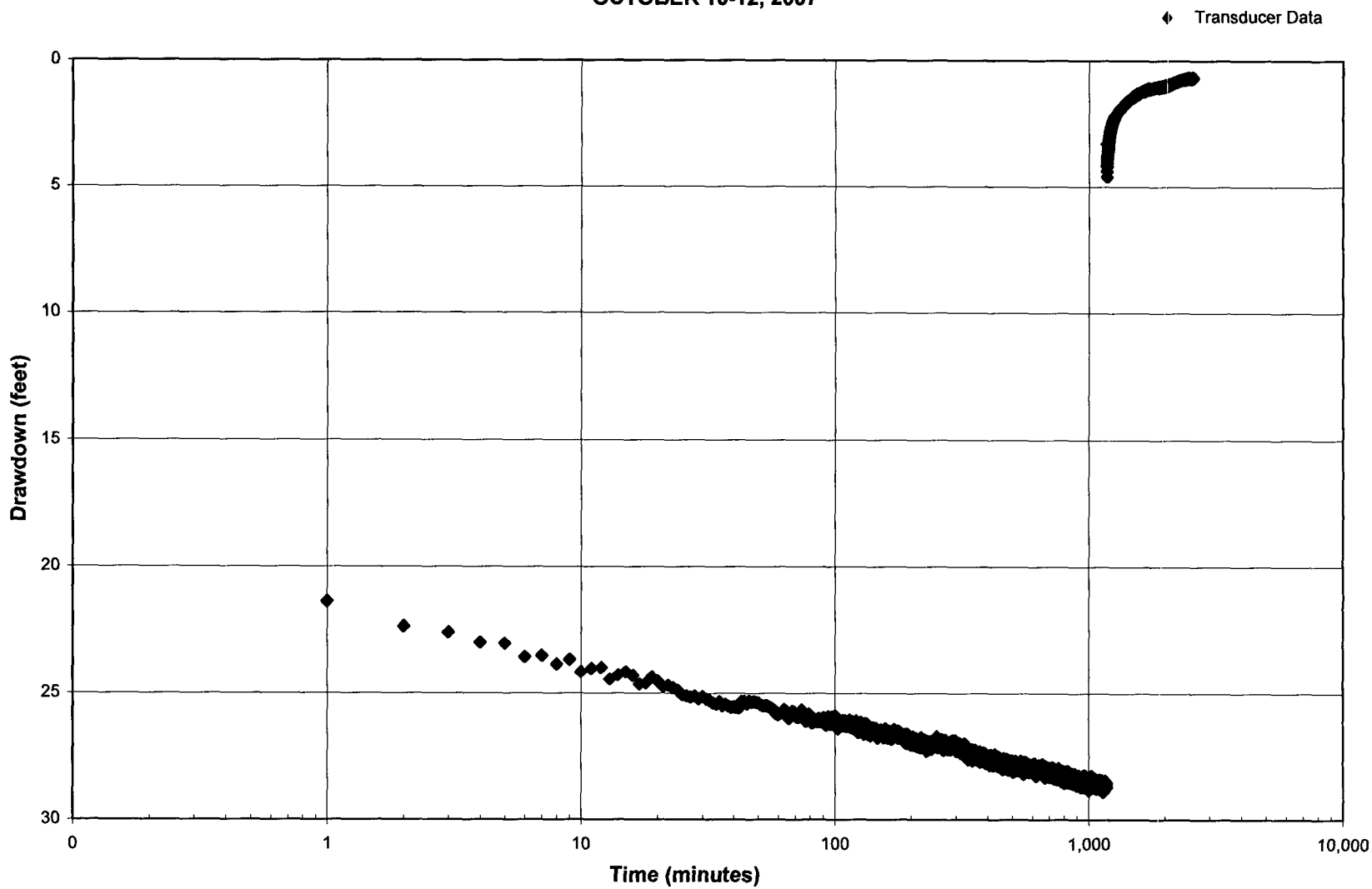


S:\Tech\DGR - Lincoln\10-10-07 Aquifer pumping test data\
Lincoln_OW-1_Oct07.xls, OW-1 Graph (ft dd)

LEGGETTE, BRASHEARS & GRAHAM, INC.

LINCOLN COUNTY RURAL WATER
SINGLE-WELL AQUIFER PUMPING TEST
LINCOLN COUNTY, SOUTH DAKOTA

OW-1
OCTOBER 10-12, 2007



S:\Tech\DGR - Lincoln\10-10-07 Aquifer pumping test data\
Lincoln_OW-1_Oct07.xls, OW-1 Graph (semi-log ft dd)

LEGGETTE, BRASHEARS & GRAHAM, INC.

ATTACHMENT 3

QUANTITATIVE ANALYSIS

LEGGETTE, BRASHEARS & GRAHAM, INC.
Professional Ground-Water Consultants

JOB LCRW - Dakota
SHEET NO. 1 OF 1
CALCULATED BY MCP DATE 1/21/08
CHECKED BY RES DATE 1/21/08
SCALE

October 2007 Specific Capacity

Q = pumping rate (gallons per minute)
s = drawdown (feet)

$Q/s = 84 \text{ gpm} / 28.9 \text{ feet} = 2.9 \text{ gpm/ft}$

December 2007 Specific Capacity

Initial Static = 184.38 ft below top of casing (bTOC) - 12/18/07
Pumping water level = 201.66 ft bTOC - 12/20/07
Q = 70.8 gpm
s = 201.66 - 184.38 = 17.28 feet

$Q/s = 70.8 \text{ gpm} / 17.28 \text{ feet} = 4.1 \text{ gpm/ft}$

Transmissivity as calculated from Driscoll, F.G., 1989. "Groundwater and wells", Appendix 16D (2).

$T = 2000\ Q/s$, for confined aquifer

$T = 2000\ (4.1) = 8{,}200 \text{ gpd/ft}$

or $1{,}096 \text{ ft}^2/\text{day}$

ATTACHMENT 4

LABORATORY ANALYTICAL RESULTS

OCT 2 1 2007

South Dakota Department of Health

DIVISION OF ADMINISTRATION

Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

NOV - 5 2007

Date: 10/29/2007

Submitter copy to:

LBG-108185
MITCH KANNENBERG
140 E HINKS LN STE 126
SIOUX FALLS, SD 57104

Spec #: E07EC006802
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source

LBG

Date Rcvd: 10/12/2007
Time Rcvd: 0916
Date Coll: 10/11/2007
Time Coll: 1205
Spec Type: WATER
Coll By: K HECK
Date Built: 9/24/07
Field pH: 7.4
Location DISCHARGE
Site Location: DISCHARGE

Source Name TEST WELL 2
Source Sampled: WELL
Tap Location: DISCHARGE
Telephone Numb* 3346000
Treatment: NONE
Type of Sample: RAW
Well Depth: 660 FT
medium water
pH 7.4

Final Results

Uranium	0.2	ug/L	
EPA Method 200.8			
Arsenic	<0.001	mg/L	
Nitrate	<0.2	mg/L	Limit: 10.0
Chloride	23	mg/L	
Fluoride	0.76	mg/L	
Hardness (calc)	478	mg/L	
Iron, Total	0.80	mg/L	
Manganese	0.17	mg/L	
SOLIDS, TOTAL DISS.	791	mg/L	
Standard Method 2540C			
Sulfate	306	mg/L	
Ammonia	1.13	mg/L	
EPA Method 350.2/350.3			
Alkalinity-M	316	mg/L	
Alkalinity-P	0	mg/L	
Calcium	131	mg/L	
SM3111B			
Conductivity	1140	umho/cm	

(continued)

South Dakota Department of Health

DIVISION OF ADMINISTRATION

Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

Date: 10/29/2007

LBG-108185
MITCH KANNENBERG
140 E HINKS LN STE 126
SIOUX FALLS, SD 57104

Spec #: E07EC006802
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

	Source
	LBG
Magnesium	36.8 mg/L
SM3111B	
Potassium	14.1 mg/L
Sodium	73.9 mg/L

South Dakota Department of Health

DIVISION OF ADMINISTRATION
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

Date: 11/16/2007

LBG-108185
MITCH KANNENBERG
140 E HINKS LN STE 126
SIOUX FALLS, SD 57104

Spec #: E07EC006803
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source

LBG

Date Rcvd: 10/12/2007
Time Rcvd: 0916
Date Coll: 10/11/2007
Time Coll: 1205
Spec Type: WATER
Coll By: K HECK
Date Built: 9/24/07

Remarks: TEST WELL 2
Source Sampled: WELL
Tap Location: DISCHARGE
Treatment: NONE
Type of Sample: RAW
Well Depth: 660 FT

Final Results

Radium-226	4.0 +/- 0.5 pCi/L
radium-228	2.1 +/- 0.4 pCi/L

MIDCONTINENT
TESTING LABORATORIES, INC.

2381 South Plaza Drive P.O. Box 3388 Rapid City, SD 57709
(605) 348-0111 -- www.thechemistrylab.com

Sample Site: Sample 1, 640-660 SI
Project Name: LCRW
Project Number: 0306.LCRW00-00
Sampled: 12/20/07 at 11:40 AM
by Kristen R. Heck
Sample Matrix: Water

LEGGETTE, BRASHEARS & GRAHAM, INC.
140 E. HINKS LANE, SUITE 126
SIOUX FALLS, SD 57104

Lab ID#: 20071231101
Received: 12/21/07 at 12:00 PM
by Eric Fuehrer
Account: W1400
Leggette, Brashears & Graham, Inc.

Parameter	Result	Units	DF	MDL	PQL	Method	Analyst	Date
Physical Properties								
Electrical Conductivity	709	µmhos/cm	1	0.168	5.00	EPA 120.1	JAM	12/24/07
Hardness	143	mg/L	1			SM 2340 B	GAM	01/02/08
Total Dissolved Solids	401	mg/L	100ml	12.4	50.0	EPA 160.1	TMN	12/24/07
Non-Metallics								
Alkalinity	285	mg/L	1	0.412	10.0	SM 2320 B	JAM	12/24/07
Chloride (Cl-)	3.50	mg/L	1	0.420	0.500	SM 4500-Cl B	NMA	12/24/07
Fluoride	1.26	mg/L	1	0.001	0.050	SM 4500 F-C	NMA	12/28/07
Nitrogen, Ammonia (NH3)	1.63	mg/L	1	0.004	0.050	EPA 350.3	JAM	12/21/07
Nitrogen, Nitrate (NO3)	< 0.050	mg/L	1	0.017	0.050	EPA 353.2	DES	12/31/07
Sulfate (SO4)	79.2	mg/L	1	3.54	10.0	EPA 375.2	DES	12/31/07
Metals - Dissolved								
Arsenic (As)	< 0.005	mg/L	10	0.000219	0.005	EPA 200.8	PAT	12/26/07
Calcium (Ca)	38.5	mg/L	1	0.219	1.00	SM 3111 B	SAC	12/26/07
Iron (Fe)	0.391	mg/L	10	0.005	0.050	EPA 200.8	PAT	12/26/07
Magnesium (Mg)	11.4	mg/L	1	0.022	0.500	SM 3111 B	PAT	12/26/07
Manganese (Mn)	0.081	mg/L	10	0.000042	0.001	EPA 200.8	PAT	12/26/07
Potassium (K)	16.5	mg/L	10	1.78	5.00	SM 3111 B	SAC	12/26/07
Sodium (Na)	91.2	mg/L	5	0.741	2.50	SM 3111 B	SAC	12/26/07
Metals - Total								
Arsenic (As)	< 0.005	mg/L	1	0.000022	0.001	EPA 200.8	RAM	01/22/08
Iron (Fe)	0.626	mg/L	1	0.000492	0.005	EPA 200.8	RAM	01/22/08
Manganese (Mn)	0.079	mg/L	1	0.000004	0.000	EPA 200.8	RAM	01/22/08
Uranium	< 0.001	mg/L	10	0.000114	0.001	EPA 200.8	PAT	01/22/08
Radiological								
Gross Alpha	1.8	pCi/L	1			E900.0	SYS	01/13/08
Radium-226	< 1.0	pCi/L	1			E903.0	SYS	01/15/08
Radium-228	< 1.0	pCi/L	1			RA-05	SYS	01/10/08

Notes:
Radium 226, 228 and Gross Alpha analyses performed by Energy Laboratories, Inc.

Approved By: Robert Mills

Approved On: 1/22/2008 4:17:08 PM

MIDCONTINENT
TESTING LABORATORIES, INC.

2381 South Plaza Drive P.O. Box 3388 Rapid City, SD 57709
(605) 348-0111 -- www.thechemistrylab.com

Sample Site: Sample 2, 600-660 SI
Project Name: LCRW
Project Number: 0306.LCRW00-00
Sampled: 12/20/07 at 01:00 PM
by Kristen R. Heck
Sample Matrix: Water

LEGGETTE, BRASHEARS & GRAHAM, INC.
140 E. HINKS LANE, SUITE 126
SIOUX FALLS, SD 57104

Lab ID#: 20071231102
Received: 12/21/07 at 12:00 PM
by Eric Fuehrer
Account: W1400
Leggette, Brashears & Graham, Inc.

Parameter	Result	Units	DF	MDL	PQL	Method	Analyst	Date
Physical Properties								
Electrical Conductivity	710	µmhos/cm	1	0.168	5.00	EPA 120.1	JAM	12/24/07
Hardness	145	mg/L	1			SM 2340 B	GAM	01/02/08
Total Dissolved Solids	408	mg/L	100ml	12.4	50.0	EPA 160.1	TMN	12/24/07
Non-Metallics								
Alkalinity	282	mg/L	1	0.412	10.0	SM 2320 B	JAM	12/24/07
Chloride (Cl-)	3.75	mg/L	1	0.420	0.500	SM 4500-Cl B	NMA	12/24/07
Fluoride	1.27	mg/L	1	0.001	0.050	SM 4500 F-C	NMA	12/28/07
Nitrogen, Ammonia (NH3)	1.65	mg/L	1	0.004	0.050	EPA 350.3	JAM	12/21/07
Nitrogen, Nitrate (NO3)	< 0.050	mg/L	1	0.017	0.050	EPA 353.2	DES	12/31/07
Sulfate (SO4)	79.2	mg/L	1	3.54	10.0	EPA 375.2	DES	12/31/07
Metals - Dissolved								
Arsenic (As)	< 0.005	mg/L	10	0.000219	0.005	EPA 200.8	PAT	12/26/07
Calcium (Ca)	39.1	mg/L	1	0.219	1.00	SM 3111 B	SAC	12/26/07
Iron (Fe)	0.235	mg/L	10	0.005	0.050	EPA 200.8	PAT	12/26/07
Magnesium (Mg)	11.6	mg/L	1	0.022	0.500	SM 3111 B	PAT	12/26/07
Manganese (Mn)	0.080	mg/L	10	0.000042	0.001	EPA 200.8	PAT	12/26/07
Potassium (K)	16.6	mg/L	5	0.890	2.50	SM 3111 B	SAC	12/26/07
Sodium (Na)	85.6	mg/L	5	0.741	2.50	SM 3111 B	SAC	12/26/07
Metals - Total								
Arsenic (As)	< 0.005	mg/L	1	0.000022	0.001	EPA 200.8	RAM	01/22/08
Iron (Fe)	0.960	mg/L	1	0.000492	0.005	EPA 200.8	RAM	01/22/08
Manganese (Mn)	0.077	mg/L	1	0.000004	0.000	EPA 200.8	RAM	01/22/08
Uranium	< 0.001	mg/L	10	0.000114	0.001	EPA 200.8	PAT	01/22/08
Radiological								
Gross Alpha	< 1.0	pCi/L	1			E900.0	SYS	01/13/08
Radium-226	< 1.0	pCi/L	1			E903.0	SYS	01/16/08
Radium-228	< 1.0	pCi/L	1			RA-05	SYS	01/10/08

Notes:
Radium 226, 228 and Gross Alpha analyses performed by Energy Laboratories, Inc.

Approved By: Robert Mills

Approved On: 1/22/2008 4:17:08 PM

MIDCONTINENT
TESTING LABORATORIES, INC.

2381 South Plaza Drive P.O. Box 3388 Rapid City, SD 57709
(605) 348-0111 -- www.thechemistrylab.com

Sample Site: Sample 3, 0-660 SI
Project Name: LCRW
Project Number: 0306.LCRW00-00
Sampled: 12/20/07 at 03:40 PM
by Kristen R. Heck
Sample Matrix: Water

LEGGETTE, BRASHEARS & GRAHAM, INC.
140 E. HINKS LANE, SUITE 126
SIOUX FALLS, SD 57104

Lab ID#: 20071231103
Received: 12/21/07 at 12:00 PM
by Eric Fuehrer
Account: W1400
Leggette, Brashears & Graham, Inc.

Parameter	Result	Units	DF	MDL	PQL	Method	Analyst	Date
Physical Properties								
Electrical Conductivity	714	µmhos/cm	1	0.168	5.00	EPA 120.1	JAM	12/24/07
Hardness	150	mg/L	1			SM 2340 B	GAM	01/02/08
Total Dissolved Solids	389	mg/L	100ml	12.4	50.0	EPA 160.1	TMN	12/24/07
Non-Metallics								
Alkalinity	285	mg/L	1	0.412	10.0	SM 2320 B	JAM	12/24/07
Chloride (Cl-)	4.00	mg/L	1	0.420	0.500	SM 4500-Cl B	NMA	12/24/07
Fluoride	1.25	mg/L	1	0.001	0.050	SM 4500 F-C	NMA	12/28/07
Nitrogen, Ammonia (NH3)	1.57	mg/L	1	0.004	0.050	EPA 350.3	JAM	12/21/07
Nitrogen, Nitrate (NO3)	< 0.050	mg/L	1	0.017	0.050	EPA 353.2	DES	12/31/07
Sulfate (SO4)	79.2	mg/L	1	3.54	10.0	EPA 375.2	DES	12/31/07
Metals - Dissolved								
Arsenic (As)	< 0.005	mg/L	10	0.000219	0.005	EPA 200.8	PAT	12/26/07
Calcium (Ca)	40.3	mg/L	1	0.219	1.00	SM 3111 B	SAC	12/26/07
Iron (Fe)	0.333	mg/L	10	0.005	0.050	EPA 200.8	PAT	12/26/07
Magnesium (Mg)	11.9	mg/L	1	0.022	0.500	SM 3111 B	PAT	12/26/07
Manganese (Mn)	0.076	mg/L	10	0.000042	0.001	EPA 200.8	PAT	12/26/07
Potassium (K)	16.5	mg/L	5	0.890	2.50	SM 3111 B	SAC	12/26/07
Sodium (Na)	84.3	mg/L	5	0.741	2.50	SM 3111 B	SAC	12/26/07
Metals - Total								
Arsenic (As)	< 0.005	mg/L	1	0.000022	0.001	EPA 200.8	RAM	01/22/08
Iron (Fe)	0.549	mg/L	1	0.000492	0.005	EPA 200.8	RAM	01/22/08
Manganese (Mn)	0.077	mg/L	1	0.000004	0.000	EPA 200.8	RAM	01/22/08
Uranium	< 0.001	mg/L	10	0.000114	0.001	EPA 200.8	PAT	01/22/08
Radiological								
Gross Alpha	3.2	pCi/L	1			E900.0	SYS	01/13/08
Radium-226	< 1.0	pCi/L	1			E903.0	SYS	01/16/08
Radium-228	< 1.0	pCi/L	1			RA-05	SYS	01/10/08

Notes:
Radium 226, 228 and Gross Alpha analyses performed by Energy Laboratories, Inc.

Approved By: Robert Mills

Approved On: 1/22/2008 4:17:08 PM

ATTACHMENT 5

WELL INTERFERENCE EVALUATION

LINCOLN COUNTY RURAL WATER
WELL INTERFERENCE ANALYSIS

Approximate distances between wells in feet:

	Prod Well near OW-1	*Proposed 1*	*Proposed 2*	*Proposed 3*
Prod Well near OW-1	0	5280	5280	10560
Proposed 1	5280	0	10560	15840
Proposed 2	5280	10560	0	5280
Proposed 3	10560	15840	5280	0

Interference effect between wells - 1 year

(Assumptions: Drawdown at each well due to pumping. Each of 3 wells at 433 gpm. All of which are approximately 75% efficient)

	Prod Well near OW-1	*Proposed 1*	*Proposed 2*	*Proposed 3*
Prod Well near OW-1	200	36	36	
Proposed 1	36	200	27	
Proposed 2	36	27	200	
Proposed 3				

Cumulative interference - 1 year

All wells pumping simultaneously at the rates specified in the above assumptions.

	Prod Well near OW-1	*Proposed 1*	*Proposed 2*	*Proposed 3*
Maximum Drawdown in well (ft)	271	263	263	
Available Drawdown*	425	425	425	

Interference effect between wells - 10 years

(Assumptions: Drawdown at each well due to pumping. Each of 3 wells at 433 gpm. All of which are approximately 75% efficient)

	Prod Well near OW-1	*Proposed 1*	*Proposed 2*	*Proposed 3*
Prod Well near OW-1	221	50	50	
Proposed 1	50	221	41	
Proposed 2	50	41	221	
Proposed 3				

Cumulative interference - 10 years

All wells pumping simultaneously at the rates specified in the above assumptions.

	Prod Well near OW-1	*Proposed 1*	*Proposed 2*	*Proposed 3*
Maximum Drawdown in well (ft)	321	312	312	
Available Drawdown*	425	425	425	

Notes:

*: Available drawdown assumes 185 ft bg static water level and 610 ft bg top of aquifer.

Gronlund, Eric

From: Robin Dykstra [robindykstra@iw.net]
Sent: Tuesday, May 20, 2008 4:11 PM
To: Gronlund, Eric
Subject: RE: Lincoln RWS's application for Dakota Aquifer

Good afternoon Mr. Gronlund;
By Board decision it was decided to proceed with the application of the water right with-in the Dakota Sandstone Aquifer. I am asking you to include LCRW time to address the Water Management Board on July 2-3 in relation to that water right request.
Thank you
Robin L. Dykstra, Manager
Lincoln County Rural Water
605-767-2966

From: Eric.Gronlund@state.sd.us [mailto:Eric.Gronlund@state.sd.us]
Sent: Tuesday, May 20, 2008 3:30 PM
To: lnelson@frieberglaw.com; robindykstra@iw.net
Subject: Lincoln RWS's application for Dakota Aquifer

This is the deferred application to appropriate 440 acre feet of water from 4 wells to be completed into the Dakota Aquifer. This application has been deferred since 1988. Lincoln RWS had consultants provide information to reassess the application including proposed well locations. The staff report and recommendation were sent via email to each of you after our conference call.

The reason for this email is to remind you of the time schedule if Lincoln RWS was to proceed to hearing at the July 2 - 3 Water Management Board meeting. In order to mail to the newspaper and get the notice sent out to the newspaper I will need to know if you want to proceed to hearing by May 28th.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 27, 2008

Kyle Cwach, Finance Officer
City of Canton
210 N Dakota Street
Canton SD 57013

Dear Mr. Cwach:

Please find enclosed the report, recommendation and public notice for a water permit application filed by Lincoln Rural Water System to complete wells into the Dakota Formation. This application has been on deferred status since 1988. At that time, the city of Canton petitioned to be part of the hearing process because the city's wells are also completed into the Dakota Formation.

Lincoln Rural Water System has provided the information necessary to proceed with the application. This notice schedules a July 2nd hearing at 11:00 AM before the Water Management Board in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The city is still a party to the proceeding.

Please let me know if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
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

May 27, 2008

Saddle Creek Farm
28628 472nd Avenue
Beresford SD 57004

Dear Saddle Creek Farm:

Please find enclosed the report, recommendation and public notice for a water permit application filed by Lincoln Rural Water System to complete wells into the Dakota Formation. This application has been on deferred status since 1988. At that time, the Wanda Sletten representing Saddle Creek Farm petitioned opposing the application due to concerns of potential impairment to the Farm's existing wells.

Lincoln Rural Water System has provided the information necessary to proceed with the application. This notice schedules a July 2nd hearing at 11:00 AM before the Water Management Board in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Saddle Creek Farm is still a party to the proceeding.

Please let me know if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
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

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO. 5156-3, Lincoln County Rural Water System

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5156-3, Lincoln County Rural Water System, c/o Robin Dykstra, PO Box 36, Harrisburg SD 57032.

The Chief Engineer is recommending APPROVAL of Application No. 5156-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

2. The wells authorized by Permit No. 5156-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

3. Water Permit No. 5156-3 authorizes a total annual diversion of 440 acre feet of water.

4. Lincoln County Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 23, 2008

WATER PERMIT APPLICATION NO. 5156-3
LINCOLN COUNTY RURAL WATER SYSTEM, INC.
MARCH 26, 2008

Water Permit Application No. 5156-3 proposes to appropriate 440 acre-feet annually at a maximum diversion rate of 3.0 cubic feet of water per second from four wells approximately 700 feed deep, to be completed into the Dakota Formation. The water is to be used for rural water system use.

On March 2, 1988, the Water Management Board deferred action on Application No. 5156-3 until the proposed well sites were determined.

The application has subsequently been supplemented with the proposed well locations identified. This application proposes to complete a well located near the center of the south quarter line of Section 31, a well near the center of the south quarter line of Section 32, a well near the center of the south quarter line of Section 33 and a well near the center of the south quarter line of Section 34, T99N-R49W.

AQUIFER: Dakota Formation
The Dakota Formation is Cretaceous aged bedrock aquifer that directly overlies the Sioux Quartzite and is normally overlain by the Granerous Shale. The Dakota Formation consisting of interbedded sand, sandstone, clay and sandy clay. There is a great deal of both lateral and vertical variability in the lithology of the formation suggesting it is the product of a fluvial depositional environment (Iles, 1982). The total thickness of the Dakota Formation is estimated to be approximately 300 feet thick at the well sites proposed by this application (Iles, 1982). The two test well logs submitted with this application identify the total thickness of the Dakota Formation as 233 feet and 253 feet respectively. The variable lithology and thickness of the aquifer result in somewhat unpredictable aquifer characteristics. Iles (1982) reports "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 variability of the formation makes it difficult to accurately predict potential well yields and/or the effects of pumping. The transmissivity of the Dakota aquifer at a test well constructed by the applicant estimated using the specific capacity (4.1 gpm/ft) of the well, is 8,200 gallons per day per foot. The Dakota Formation contains an estimated 4,297,900 acre-feet of recoverable water in storage in Lincoln County alone (Hedges and others, 1982). The aquifer is under confined conditions with a potentiometric surface gradient of north to south.

Recharge to the Dakota probably occurs as the result of a hydrologic connection between the Dakota and glacial aquifers (Lennox and Shindler aquifers) and the Sioux Quartzite to the north of this area. The three aquifers that are probable recharge sources have water that is generally inferior to the water quality of the Dakota Formation. Average annual recharge has not been quantified for the Dakota Formation. It should be noted that SDCL 46-6-3.1 allows for appropriations from the Dakota without regard to a recharge versus withdrawal balance in stating "An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the

greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems."

The Water Rights Program monitors 33 observation wells completed into the Dakota Formation in Lincoln County. Hydrographs for four of these wells are shown in Figures 1-4.

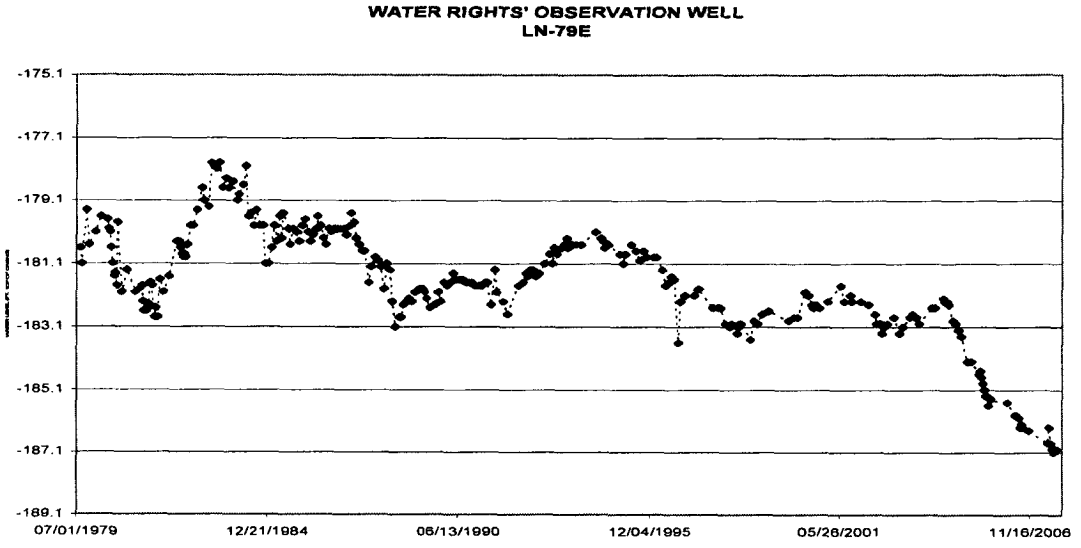


Figure 1. Hydrograph of Dakota Formation observation well located approximately three miles south of the well sites proposed by Water Permit Application No. 5156-3

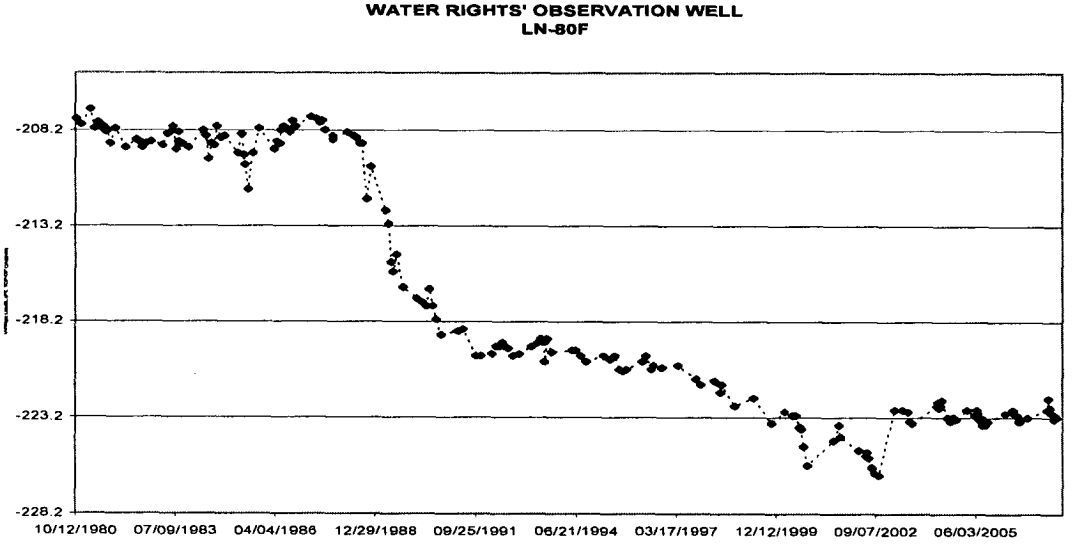


Figure 2. Hydrograph of Dakota Formation observation well located approximately three miles north of the well sites proposed by Water Permit Application No. 5156-3

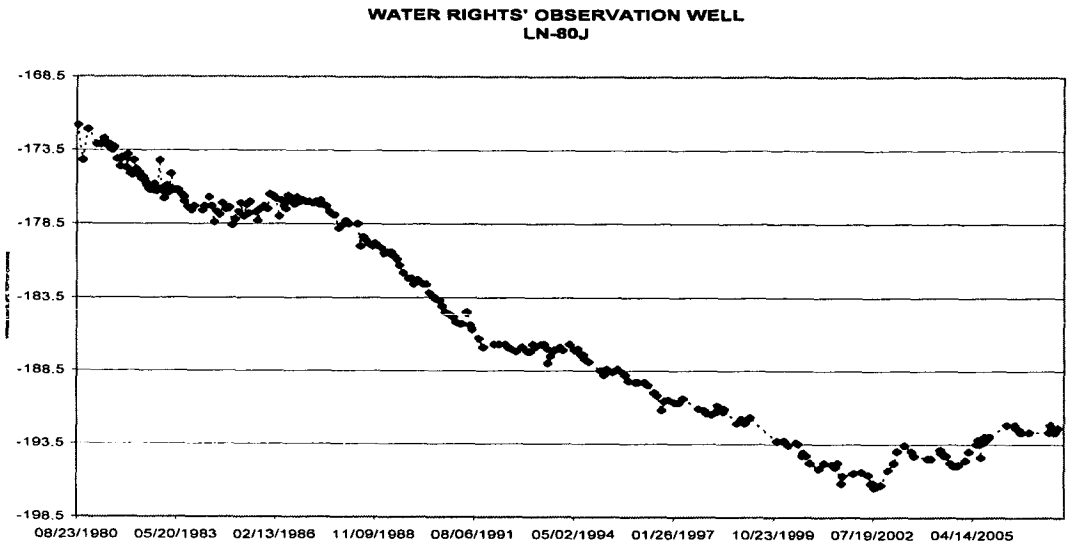


Figure 3. Hydrograph of Dakota Formation observation well located approximately three miles west of the well sites proposed by Water Permit Application No. 5156-3

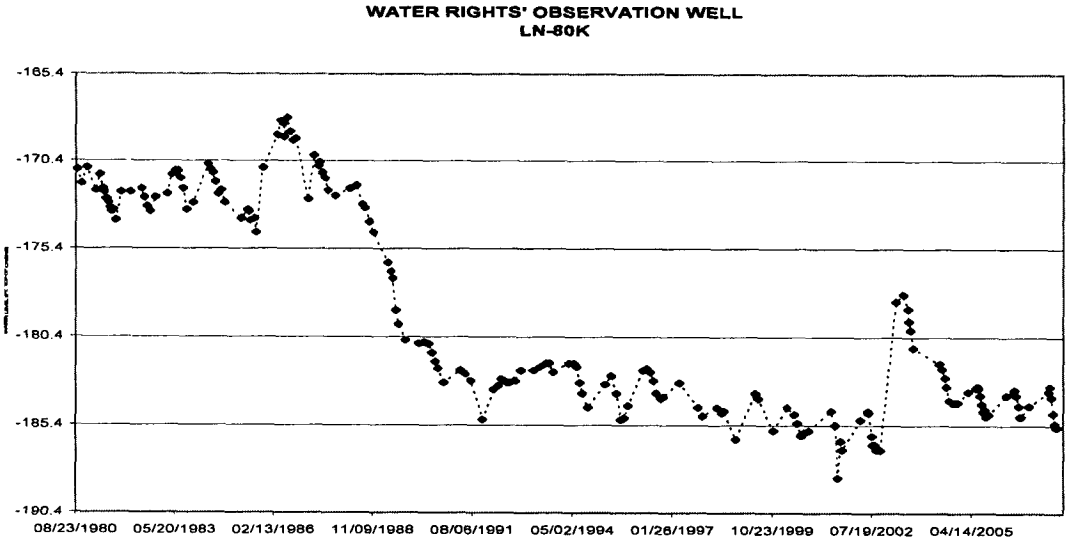


Figure 4. Hydrograph of Dakota Formation observation well located approximately three miles east of the well sites proposed by Water Permit Application No. 5156-3

The hydrographs show the aquifer fluctuates in response to withdrawals from the aquifer and that recharge is occurring. They suggest that the water levels may be stabilizing relative to withdrawals (i.e. the potentiometric surface is approaching equilibrium at the current rate of withdrawal).

REVIEW OF EXISTING WATER RIGHTS/PERMITS

Historically, appropriations from the Dakota Formation in Lincoln County have been contentious. Part of the reason this application was deferred was a reaction to earlier controversy. Time has shown the bases for the controversy were largely unfounded and

development of the Dakota Formation in Lincoln County has progressed in an orderly manner. There have been a number of uncontested water permit applications approved from the aquifer since 1988 and there has not been any well interference issues reported.

Water Rights/Permits and actions from the Dakota Formation in Lincoln County are shown below in table one.

PERMIT NO	NAME	STATUS	USE	CFS
5320-3	SOUTH LINCOLN RWS	DN	RWS	
1262C-3	CITY OF CANTON	FU	MUN	
5219-3	CITY OF CANTON	FU	MUN	
5101-3	CITY OF LENNOX	FU	MUN	
5101A-3	CITY OF LENNOX	FU	MUN	
5155-3	LINCOLN COUNTY RWS	FU	RWS	
4817-3	SOUTH LINCOLN CO RWS	FU	RWS	
1262A-3	CITY OF CANTON	LC	MUN	0.30
5216-3	CITY OF CANTON	LC	MUN	0.67
5217-3	CITY OF CANTON	LC	MUN	0.53
5218-3	CITY OF CANTON	LC	MUN	0.72
6499-3	CITY OF CANTON	LC	MUN	0.68
5326-3	CITY OF LENNOX	LC	MUN	0.62
5326-3	CITY OF LENNOX	LC	MUN	0.62
5753-3	CITY OF LENNOX	LC	MUN	0.36
4672-3	CLIFF/PHYLLIS ELCOCK	LC	COM	0.05
6406-3	HAVERHALS FEEDLOT INC	LC	COM	0.11
6416-3	HAVERHALS FEEDLOT INC	LC	COM	0.06
5647-3	SOUTH LINCOLN RWS	LC	RWS	1.20
6490-3	SOUTH LINCOLN RWS	LC	RWS	1.89
4982-3	TOWN OF FAIRVIEW	LC	MUN	0.09
4401-3	TOWN OF WORTHING	LC	MUN	0.17
6743-3	CITY OF CANTON	PE	MUN	0.83
6778-3	CITY OF LENNOX	PE	MUN	1.58
6575-3	DONALD & DAWN HOFFMAN	PE	IRR	0.33
6449-3	EASTERN FARMERS COOPERATIVE	PE	COM	0.22
6252-3	HAVERHALS FEEDLOT INC	PE	COM	0.17
6439-3	NORWAY DAKOTA	PE	COM	0.16
6300-3	SOUTH LINCOLN RWS	PE	RWS	1.00
5326A-3	CITY OF LENNOX	WI	MUN	0.00
5669-3	ICI SEED COMPANY	WI	IRR	0.23
DN= Denied, FU= Future Use, LC= License, PE= Permit, WI=Withdrawn				

Table 1. Water Rights/Permits and actions in Lincoln County SD

The location of the existing permits/rights and future use areas are shown in Figure 5.

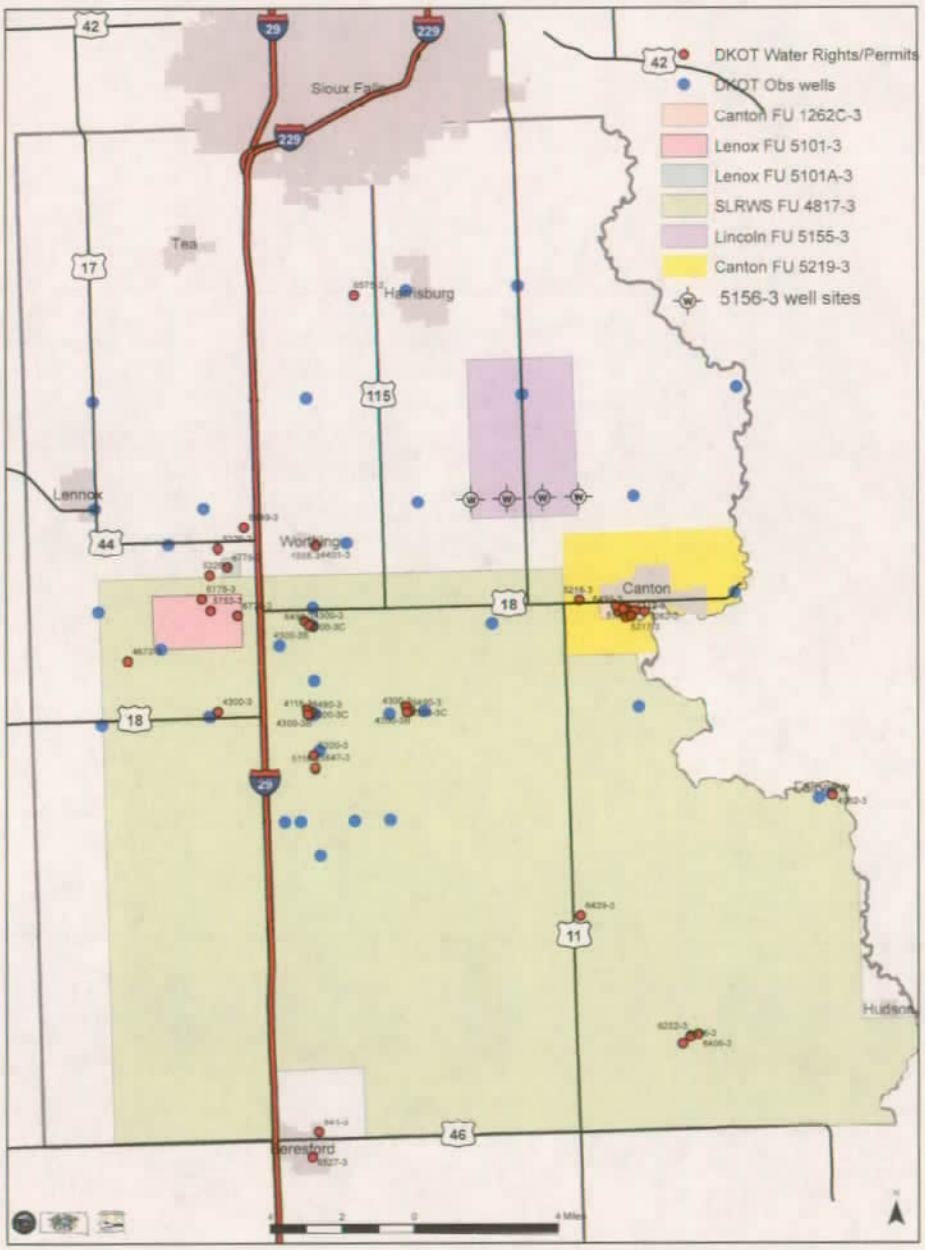


Figure 5. Location of Dakota Formation Water Permits/Rights and Future Use Permits in Lincoln County

Although the Dakota is a confined aquifer and drawdown caused by pumping the wells proposed by this application could extend over a fairly large area. Well interference should not be a problem due to the distance from existing wells (a minimum of three miles).

CONCLUSIONS:

1. The Water Management Board deferred this water permit application until the proposed well sites were determined.

2. The Water Management Board determined the Chief Engineer's revised recommendation for action on this water permit application should be readvertised.

3. The application has been amended to include proposed well sites.

4. The Dakota Formation is a viable aquifer in this area and water is available for this appropriation.

5. Well interference should not be a concern.

6. The diversion points proposed by this application are located within the area reserved for future use by Lincoln County Rural Water System. Denial of this application could limit Lincoln County Rural Water System's ability to develop their future use.

Ken Buhler
Natural Resources Engineering Specialist

approved by

James A. Goodman, P.E.
Natural Resources Engineering Director

REFERENCES:

Hedges, L.S., Burch, S.L, Iles, D.L., Barari, R.A., and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa: SD DENR-Geological Survey U.S. Army Corps of Engineers Contract DAWC 45-80-C-0185

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, Lhio, 43085

Water Rights Program, 2008a, "Unpublished Observation Well Records", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2008b, "Water Permit/Right Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 2008b, "Well Completion Report Files", South Dakota DENR-Water Rights Program, Joe Foss Building, Pierre, SD

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340 **ATTN: KAREN**
Invoice Number: 1133139

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 5 day of June 2008 ,

Thursday ,the 12 day of June 2008

_____ ,the ____ day of _____

_____ ,the ____ day of _____

_____ ,the ____ day of _____

_____ ,the ____ day of _____

_____ ,the ____ day of _____

and that $185.03 was charged for publishing the

Linda Schulte

Subscribed and sworn to before me 6/18/2008 .

Notary Public, South Dakota

My Commission expires December 22, 2009

JACQUELINE ZIMMERMAN
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

NOTICE OF DEFERRED APPLICATION NO. 5156-3 to Appropriate Water

Notice is given that Lincoln County Rural Water System, Inc. c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 filed an application for a water permit to appropriate 440 acre feet of water at a diversion rate of 3.0 cubic feet of water per second (cfs) from wells to be completed into the Dakota Aquifer approximately 700 feet deep) for rural water system use. On March 2, 1988, the Water Management Board deferred Application No. 5156-3 until well sites were specified. The well sites have been determined and test drilling conducted. The applicant proposes to appropriate 440 acre-feet of water annually at a diversion rate up to 3.0 cfs from four wells to be located near the center of the south quarter line of Section 31, near the center of the south quarter line of Section 32, near the center of the south quarter line of Section 33 and near the center of south quarter line Section 34; all in T99N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5156-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 23, 2008. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 11:00 A.M. on July 2, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 2, 2008 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 23, 2008.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 23, 2008, at the above Water Rights Program address to request copies of information pertaining to this application. In addition, please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing.

Since this application does not involve a monetary controversy in excess of $2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by June 23, 2008

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

1133139 June 5 & 12, 2008

RECEIVED

JUN 1 9 2008

WATER RIGHTS PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

SARAH LYNDE

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 Deferred App No. 5156-3 to Appropriate Water

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

June 5, 2008
June 12,2008

that the full amount of the fees charged for publishing the same to-wit: the sum of **$94.14** 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.

Sarah Lynde

Subscribed and sworn to before me this 12th **June, 2008.**

Jeff Ulmer 1/26/12

Notary Public, South Dakota

(Seal)

JEFF ULMER
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

NOTICE OF DEFERRED APPLICATION NO. 5156-3 to Appropriate Water

Notice is given that Lincoln County Rural Water System, Inc. c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 filed an application for a water permit to appropriate 440 acre feet of water at a diversion rate of 3.0 cubic feet of water per second (cfs) from wells to be completed into the Dakota Aquifer approximately 700 feet deep) for rural water system use. On March 2, 1988, the Water Management Board deferred Application No. 5156-3 until well sites were specified. The well sites have been determined and test drilling conducted. The applicant proposes to appropriate 440 acre-feet of water annually at a diversion rate up to 3.0 cfs from four wells to be located near the center of the south quarter line of Section 31, near the center of the south quarter line of Section 32, near the center of the south quarter line of Section 33 and near the center of south quarter line Section 34; all in T99N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5156-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 23, 2008. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 11:00 A.M. on July 2, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 2, 2008 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 23, 2008.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 23, 2008, at the above Water Rights Program address to request copies of information pertaining to this application. In addition, please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing.

Since this application does not involve a monetary controversy in excess of $2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by June 23, 2008

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3. 1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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

(6-5,12)

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 27, 2008

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 5156-3 to Appropriate Water to be published twice. Please publish the first notice on June 5, 2008 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 Inc., Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 (Ph # 605-743-2966).

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----------

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

No. 5156-3

Date_____

We are in receipt of your letter of May 27, 2008 enclosing Notice to Appropriate Water by Application No. 5156-3 which was first published in our issue of_____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

_____ _____
Name Newspaper

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 27, 2008

Sioux Valley News
PO Box 255
Canton SD 57013

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 5156-3 to Appropriate Water to be published twice. Please publish the first notice on June 5, 2008 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 Inc., Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 (Ph # 605-743-2966).

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----------

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

No. 5156-3

Date_____

We are in receipt of your letter of May 27, 2008 enclosing Notice to Appropriate Water by Application No. 5156-3 which was first published in our issue of_____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

_____ _____
Name Newspaper

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

May 27, 2008

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

Dear Mr. Dykstra:

Water Permit Application No. 5156-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publishers of the following papers:

Sioux Valley News
Canton SD PH: (605-764-2000)

Argus Leader
Sioux Falls SD PH: (605-331-2200)

You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Gordon Krause, DGR, PO Box 511, Rock Rapids, IA 51246
David Hume, LBG, 8 Pine Tree Drive, Suite 250, St. Paul MN 55112
Larry Nelson, Frieberg, Nelson & Ask, PO Box 38, Canton SD 57013

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

Instruction to Newspaper - Publish first Notice on June 5, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF DEFERRED APPLICATION NO. 5156-3 to Appropriate Water

Notice is given that Lincoln County Rural Water System, Inc. c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 filed an application for a water permit to appropriate 440 acre feet of water at a diversion rate of 3.0 cubic feet of water per second (cfs) from wells to be completed into the Dakota Aquifer approximately 700 feet deep) for rural water system use. On March 2, 1988, the Water Management Board deferred Application No. 5156-3 until well sites were specified. The well sites have been determined and test drilling conducted. The applicant proposes to appropriate 440 acre-feet of water annually at a diversion rate up to 3.0 cfs from four wells to be located near the center of the south quarter line of Section 31, near the center of the south quarter line of Section 32, near the center of the south quarter line of Section 33 and near the center of south quarter line Section 34; all in T99N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5156-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 23, 2008. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 11:00 A.M. on July 2, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave, Pierre SD 57501. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 2, 2008 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 23, 2008.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 23, 2008, at the above Water Rights Program address to request copies of information pertaining to this application. In addition, please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing.

Since this application does not involve a monetary controversy in excess of $2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by June 23, 2008

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3. 1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED
JUN 19 2008
WATER RIGHTS PROGRAM

PETERSON AND STUART

Attorneys at Law
103 N. Third Street
Beresford, SD 57004

Phillip O. Peterson
David A. Stuart*
*also licensed in Iowa

Telephone: (605) 763-5024
Fax: (605) 763-8034
E-mail address: poplaw@bmtc.net

June 18, 2008

Mr. Garland Erbele, Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Re: Water Permit Application No. 5156-3, Lincoln County Rural Water System

Dear Mr. Erbele:

This office has been retained by the City of Canton to submit a Petition in Opposition to the above Water Permit Application. A true and correct copy of the Petition in Opposition is enclosed pursuant to the administrative rules.

A copy has also been mailed to the Applicant. On behalf of the City of Canton, I am requesting an automatic delay for at least 20 days.

Please advise if you have any questions.

With best regards, I am

Yours very truly,

Phillip O. Peterson

POP:jak
enc.

RECEIVED
JUN 1 9 2008
WATER RIGHTS
PROGRAM

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Re: Water Permit Application No. 5156-3, Lincoln County Rural Water System

---

Petition of City of Canton in Opposition to Application

COMES NOW, the City of Canton and respectfully petitions the Department of Environment and Natural Resources to deny Water Permit Application No. 5156-3, submitted by Lincoln County Rural Water System and in support of said Petition states as follows:

1. The City of Canton is dependant upon the Dakota Aquifer for its water supply.

2. Lincoln County Rural Water System has adequate water supplies for its immediate and future needs.

3. There is projected to be a substantial growth in the population and water usage in the area covered by Permit No. 5156-3. The water supply in the Dakota Aquifer may not be sufficient to meet the need in the future with the wells contemplated by Permit No. 5156-3.

4. Lincoln County Rural Water System cannot show a need for the drilling of four wells and pumping of 3.0 cubic feet of water per second from the Dakota Aquifer.

5. The quality of the water from the Dakota Aquifer will likely diminish with the withdrawal of 3.0 cubic feet of water per second for an extended period of time. Recharge will likely occur from the Lennox and Shindler aquifers which contain inferior water.

6. Denial of the application for Permit No. 5156-3 would not limit Lincoln County Rural Water System's to develop its future use because of the availability of water from other sources.

Dated this 16th day of June, 2008.

CITY OF CANTON

By: _____
Mayor
210 N. Dakota St.
Canton, SD 57013

ATTEST:

_____
Finance Officer

RECEIVED
JUN 19 2008
WATER RIGHTS PROGRAM

PETERSON AND STUART

Attorneys at Law
103 N. Third Street
Beresford, SD 57004

Phillip O. Peterson
David A. Stuart*
*also licensed in Iowa

Telephone: (605) 763-5024
Fax: (605) 763-8034
E-mail address: poplaw@bmtc.net

June 18, 2008

Mr. Garland Erbele, Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

Re: Water Permit Application No. 5156-3, Lincoln County Rural Water System

Dear Mr. Erbele:

This office has been retained by South Lincoln Rural Water System to submit a Petition in Opposition to the above Water Permit Application. A true and correct copy of the Petition in Opposition is enclosed pursuant to the administrative rules.

A copy has also been mailed to the Applicant. Please note that South Lincoln Rural Water System has requested a minimum 20 day delay in the Petition.

Please advise if you have any questions.

With best regards, I am

Yours very truly,

Phil Peterson

Phillip O. Peterson

POP:jak
enc.

RECEIVED
JUN 19 2008
WATER RIGHTS
PROGRAM

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Re: Water Permit Application No. 5156-3, Lincoln County Rural Water System

---

Petition of South Lincoln Rural Water System in Opposition to Application

---

COMES NOW, South Lincoln Rural Water System and respectfully petitions the Department of Environment and Natural Resources to deny Water Permit Application No. 5156-3, submitted by Lincoln County Rural Water System and in support of said Petition states as follows:

1. South Lincoln Rural Water System is dependant upon the Dakota Aquifer for its water supply.

2. Lincoln County Rural Water System has adequate water supplies for its immediate and future needs. South Lincoln Rural Water System has sold water for daily usage and its future allocation of Lewis and Clark water to Lincoln County Rural Water System. In addition, Lincoln County Rural Water has not utilized its allocation of water from the Big Sioux Aquifer.

3. Lincoln County Rural Water System cannot show a need for the drilling of four wells and pumping of 3.0 cubic feet of water per second from the Dakota Aquifer.

4. There is projected to be a substantial growth in the population and water usage in the area covered by Permit No. 5156-3. The water supply in the Dakota Aquifer may not be sufficient to meet the need in the future with the wells contemplated by Permit No. 5156-3.

5. The quality of the water from the Dakota Aquifer will likely diminish with the withdrawal of 3.0 cubic feet of water per second for an extended period of time. Recharge will likely occur from the Lennox and Shindler aquifers which contain inferior water.

6. Denial of the application for Permit No. 5156-3 would not limit Lincoln County Rural Water System's to develop its future use because of the availability of water from other sources.

7. Lincoln County Rural Water System is attempting to accumulate water rights for the monetary value rather than the need for additional sources of water.

WHEREFORE, South Lincoln Rural Water System respectfully prays as follows:

1. That the Board grant a delay from the scheduled hearing date of July 2, 2008, in order that all parties might be properly prepared.

2. That Water Permit Application No. 5156-3 submitted by Lincoln County Rural Water System be denied.

Dated this 17th day of June, 2008.

SOUTH LINCOLN RURAL WATER SYSTEM

By: Donald Sweiter
Chairman
28647 472nd Avenue
Beresford, SD 57004

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 23, 2008

NOTICE

TO: Robyn Dykstra, Manager
Lincoln Rural Water System, Inc.
PO Box 36
Harrisburg SD 57032

Larry Nelson
Frieberg, Nelson & Ask
PO Box 38
Canton SD 57013

Phillip O. Peterson
Peterson and Stuart
103 N. Third Street
Beresford SD 57004

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Automatic Delay of Hearing for Water Permit Application No. 5156-3, Lincoln Rural Water System, Inc.

Mr. Phillip Peterson, submitted petitions in opposition to Water Permit Application No. 5156-3 on behalf of the city of Canton and South Lincoln Rural Water System. These petitions are in response to the June 5 and 12, 2008 notice published in the Argus Leader and Sioux Valley News. The petitions were accompanied by a formal request for an automatic delay of the July 2, 2008 hearing before the Water Management Board. Therefore, the hearing on Application No. 5156-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on July 2, 2008.

The hearing to consider Application No. 5156-3 will be scheduled for the next Water Management Board meeting tentative set for this October. Future notice will be provided to parties of the time, date and location of the meeting after the Board finalizes the October meeting date.

Please contact Eric Gronlund, Water Rights Program at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on June 23, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 23, 2008, regarding automatic delay of hearing for Water Right Permit Application No. 5156-3, Lincoln Rural Water System, addressed as stated below :

Robyn Dykstra, Manager
Lincoln Rural Water System, Inc.
PO Box 36
Harrisburg SD 57032

Larry Nelson
Frieberg, Nelson & Ask
PO Box 38
Canton SD 57013

Phillip O. Peterson
Peterson and Stuart
103 N. Third Street
Beresford SD 57004

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501

Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of June, 2008.

Karen Schlaak
Notary Public
My Commission expires April 1, 2013

SEAL KAREN SCHLAAK NOTARY PUBLIC State of South Dakota SEAL

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 25, 2008

NOTICE

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

Jeffrey A. Cole
Zimmer, Duncan & Cole
PO Box 550
Parker SD 57053

Phillip O. Peterson
Peterson and Stuart
103 N. Third Street
Beresford SD 57004

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Automatic Delay of Hearing for Water Permit Application No. 5156-3, Lincoln Rural Water System, Inc.

This notice replaces the June 23, 2008 notice which identified Lincoln Rural Water System's counsel in this matter as Larry Nelson. Mr. Jeffrey Cole is representing the applicant for the purpose of this water permit application.

Mr. Phillip Peterson, submitted petitions in opposition to Water Permit Application No. 5156-3 on behalf of the city of Canton and South Lincoln Rural Water System. These petitions are in response to the June 5 and 12, 2008 notice published in the Argus Leader and Sioux Valley News. The petitions were accompanied by a formal request for an automatic delay of the July 2, 2008 hearing before the Water Management Board. Therefore, the hearing on Application No. 5156-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on July 2, 2008.

The hearing to consider Application No. 5156-3 will be scheduled for the next Water Management Board meeting tentative set for this October. Future notice will be provided to parties of the time, date and location of the meeting after the Board finalizes the October meeting date.

Please contact Eric Gronlund, Water Rights Program at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on June 25, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 25, 2008 regarding automatic delay of hearing for Water Permit Application No. 5156-3, Lincoln Rural Water System, addressed as stated below:

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

Jeffrey A Cole
Zimmer, Duncan & Cole
PO Box 550
Parker SD 57053

Phillip O. Peterson
Peterson & Stuart
103 N. Third St
Beresford SD 57004

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Mickelson Building, 1302 E Hwy 14, Suite 1, Pierre SD 57501-8501

Gail Jacobson
Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of June, 2008.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013

STATE OF SOUTH DAKOTA

OFFICE OF ATTORNEY GENERAL
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
TTY (605) 773-6585
www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

RECEIVED
JUL 18 2008
WATER RIGHTS PROGRAM

July 17, 2008

Larry A. Nelson
Attorney at Law
P.O. Box 38
Canton, SD 57013-0038

Re: Lincoln Rural Water System

Dear Larry:

This letter is to follow up on my earlier request regarding the pending matter before the South Dakota Water Management Board concerning Lincoln Rural Water System. As I indicated, I will not be able to represent the Chief Engineer during the South Dakota Water Management Board meeting now scheduled for October 2-3. I will be in trial until sometime in late October. I am inquiring whether you would be agreeable to delay hearing in the Lincoln Rural Water System matter until the December Board Meeting, which is now scheduled for December 10-11. Thank you in advance for your consideration.

Sincerely,

Diane Best

Diane Best
Assistant Attorney General

DB:js
cc: Eric Gronlund, DENR

Attorney General
JUL 21 2008

FRIEBERG, NELSON & ASK, L.L.P.

ATTORNEYS AT LAW
206 E. 5th STREET
MAILING ADDRESS:
P.O. Box 38
CANTON, SOUTH DAKOTA 57013-0038
TELEPHONE: (605) 987-2686
TELECOPIER: (605) 987-5779

AUGUST FRIEBERG (1863-1932)
ROSCOE A. FRIEBERG (1903-1982)
BLAINE O. RUDOLPH (Retired)

ROBERT B. FRIEBERG
THOMAS H. FRIEBERG
LARRY A. NELSON
BRENDA M. ASK (SD & IA)

OFFICES ALSO LOCATED AT:
115 NORTH THIRD
BERESFORD, SD 57004
(605) 763-2107

208 SOUTH MAIN
LENNOX, SD 57039
(605) 647-5152

July 18, 2008

Diane Best
Office of Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501

Re: Lincoln County Rural Water System, Inc.

Dear Diane:

Thank you for your letter of July 17, 2008. I have forwarded this on to Jeff Cole who is the attorney handling this for Lincoln County Rural Water. I have asked that he get back to you regarding this matter sometime within the next 10 days.

Sincerely,

FRIEBERG, NELSON & ASK, LLP

By

LARRY A. NELSON

LAN:mf
CC: Jeff Cole
Robin Dykstra

ZIMMER, DUNCAN AND COLE, L.L.P.

Dennis L. Duncan
Jeffrey A. Cole
Drew C. Duncan

Of Counsel: John H. Zimmer

5000 S. Broadband Lane, Suite 107
Sioux Falls, SD 57108
Telephone 605-361-9840
Telecopier 605-271-7872

E-Mail: jcole@zdclaw.com

Parker Office:
P.O. Box 550
120 N. Main Street
Parker, SD 57053

Telephone 605-297-4446
Telecopier 605-297-4488

Please respond to the Sioux Falls office.

July 21, 2008

Sent Via Fax – (605) 773-4106 and
US First Class Mail

Diane Best
Asst. Attorney General
Office of Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501

RE: Lincoln County Rural Water System

Dear Diane:

This letter is in response to your letter to Larry Nelson of July 17, 2008. Please be advised, as Larry told you, that I will be representing Lincoln County Rural Water in this matter.

In response to your inquiry, Lincoln County Rural Water has authorized me to tell you that it will agree to delay the hearing until the December board meeting, which is now scheduled for December 10 -11, 2008. Please let me know if you need any further clarification on this issue.

Thank you.

Sincerely,

JEFF COLE

JC/djp
cc: Robin Dykstra via email only

STATE OF SOUTH DAKOTA

OFFICE OF ATTORNEY GENERAL
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
TTY (605) 773-6585
www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

RECEIVED
JUL 28 2008
WATER RIGHTS PROGRAM

July 24, 2008

Philip O. Peterson
Peterson & Stuart
103 N. Third Street
Beresford, SD 57004

Re: **Lincoln Rural Water System**

Dear Mr. Peterson:

I represent the Chief Engineer for the Water Rights Program. It is my understanding you will be representing the City of Canton and South Lincoln RWS before the South Dakota Water Management Board in the upcoming case concerning Lincoln Rural Water System.

I will not be able to represent the Chief Engineer during the South Dakota Water Management Board meeting now scheduled for October 2-3. I will be in trial until sometime in late October on another matter. I am inquiring whether you would be agreeable to delay hearing in the Lincoln Rural Water System matter until the December Board Meeting, which is now scheduled for December 10-11.

Thank you in advance for your consideration.

Sincerely,

Diane Best

Diane Best
Assistant Attorney General

DB:jkp

✓ cc Eric Gronlund, DENR

Gronlund, Eric

From: Jeff Cole [jcole@zdclaw.com]
Sent: Wednesday, July 30, 2008 9:56 AM
To: Gronlund, Eric
Cc: Robin Dykstra
Subject: Lincoln County Rural Water Permit Application hearing

Eric,

I am representing Lincoln County Rural Water in this matter. I talked to Dianne Best on Monday and we agreed to move the application hearing to the December meeting. Please let me know if you need any additional information and or input from us. I ask that you please copy me on any correspondence or e-mails to Lincoln County Rural Water. Thank you.

Jeff Cole
Zimmer, Duncan and Cole, L.L.P.

Parker Office:	Sioux Falls Office:
P.O. Box 550	5000 S. Broadband Lane, Suite 107
Parker, SD 57053-0550	Sioux Falls, SD 57108
Phone: (605) 297-4446	Phone: (605) 361-9840
FAX: (605) 297-4488	FAX: (605) 271-7872

Email: jcole@zdclaw.com

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STATE OF SOUTH DAKOTA

OFFICE OF ATTORNEY GENERAL
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
TTY (605) 773-6585
www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

RECEIVED
AUG - 5 2008
WATER RIGHTS PROGRAM

August 5, 2008

Jeff A. Cole
Attorney at Law
5000 S. Broadband Ln., Ste. 107
Sioux Falls, SD 57108

Phillip O. Peterson
Attorney at Law
103 N. Third St.
Beresford, SD 57004

Re: *Lincoln Rural Water System*

Gentlemen:

I previously asked you to stipulate to delay the hearing in the Lincoln Rural Water System matter until December 10-11. Enclosed for your signature is a proposed Stipulation in this matter. Mr. Peterson, if you find this Stipulation to be acceptable, please sign it and forward it to Mr. Cole. Mr. Cole, please send the signed Stipulation back to me, and I will see that it is filed with the South Dakota Water Rights Program. Based on Water Rights Program procedure, it is my understanding that a stipulation signed by all parties will automatically delay the matter until the requested date. Thank you in advance for your consideration.

The Board's regularly scheduled meeting is set for December 10-11. The Chief Engineer's staff schedules a number of hearings during those dates. Accordingly, I would suggest that we leave the Stipulation general enough to allow him to set the time for hearing. I would expect, however, that it is likely to be scheduled the afternoon of December 10.

Sincerely,

Diane Best

Diane Best
Assistant Attorney General

DB/dh
Enclosure
cc/enc Eric Gronlund

STATE OF SOUTH DAKOTA

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT APPLICATION No. 5156-3, LINCOLN RURAL WATER SYSTEM, INC.	)))	STIPULATION

COME NOW, Applicant Lincoln Rural Water System, Inc. (through counsel Jeff Cole), the South Dakota Water Rights Program and its Chief Engineer (through counsel Diane Best), and Intervenors City of Canton and South Lincoln Rural Water System (through counsel Phillip O. Peterson), and hereby stipulate that hearing in the above-referenced matter be delayed until the South Dakota Water Management Board's regularly scheduled December meeting to be held on December 10-11, 2008, at a time to be set by the Chief Engineer.

Dated this 5th day of August, 2008.

Diane Best

Diane Best
Assistant Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501
(605) 773-3215

Dated this _____ day of August, 2008.

_____
Jeff Cole
Attorney at Law
5000 S. Broadband Ln., Ste. 107
Sioux Falls, SD 57108
(605) 361-9840

Dated this _____ day of August, 2008.

_____
Phillip O. Peterson
Attorney at Law
103 N. Third St.
Beresford, SD 57004
(605) 763-5024

pld804_db(dh)

STATE OF SOUTH DAKOTA

OFFICE OF ATTORNEY GENERAL
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
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www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

RECEIVED
AUG 25 2008
WATER RIGHTS PROGRAM

August 22, 2008

Garland Erbele, Chief Engineer
DENR Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 87801

RE: *In the Matter of Water Permit Application No. 5156-3*
Lincoln Rural Water System, Inc.

Dear Garland:

Enclosed is the original Stipulation for delay in the above referenced matter. Please file this document in the agency file. Also, by copy of this letter, I am advising the parties that you will be setting the time for hearing during the December 10-11 meeting.

Sincerely,

Diane Best

Diane Best
Assistant Attorney General

DB:jkp

Enclosure

cc: Jeff Cole
Phillip O. Peterson

RECEIVED
AUG 2 5 2008
WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT APPLICATION No. 5156-3, LINCOLN RURAL WATER SYSTEM, INC.	)))	STIPULATION

COME NOW, Applicant Lincoln Rural Water System, Inc. (through counsel Jeff Cole), the South Dakota Water Rights Program and its Chief Engineer (through counsel Diane Best), and Intervenors City of Canton and South Lincoln Rural Water System (through counsel Phillip O. Peterson), and hereby stipulate that hearing in the above-referenced matter be delayed until the South Dakota Water Management Board's regularly scheduled December meeting to be held on December 10-11, 2008, at a time to be set by the Chief Engineer.

Dated this 5th day of August, 2008.

Diane Best

Diane Best
Assistant Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501
(605) 773-3215

Dated this 7th day of August, 2008.

Jeff Cole

Jeff Cole
Attorney at Law
5000 S. Broadband Ln., Ste. 107
Sioux Falls, SD 57108
(605) 361-9840

Dated this 6th day of August, 2008.

Phillip O. Peterson

Phillip O. Peterson
Attorney at Law
103 N. Third St.
Beresford, SD 57004
(605) 763-5024

pld804_db(dh)

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 22, 2008

NOTICE

TO: Jeff A. Cole
Attorney at Law
5000 S. Broadband Ln, Suite 107
Sioux Falls SD 57108

Phillip O. Peterson
Attorney at Law
103 N. Third Street
Beresford SD 57004

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Scheduling of Hearing on Water Permit Application No. 5156-3, Lincoln Rural Water System, Inc.

Petitions in opposition to Lincoln Rural Water System's Water Permit Application No. 5156-3 were filed by Phillip Peterson, counsel for South Lincoln Rural Water System and the city of Canton. The July 2, 2008 scheduled hearing before the Water Management Board was postponed by Mr. Phillip's request filed pursuant to SDCL 46-2A-5. Parties further stipulated to delay the hearing until the Water Management Board's December meeting. This notice schedules a hearing before the Water Management Board to consider this application.

Application No. 5156-3 is for a water permit to appropriate 440 acre feet of water at a diversion rate of 3.0 cubic feet of water per second (cfs) from wells to be completed into the Dakota Aquifer approximately 700 feet deep) for rural water system use. On March 2, 1988, the Water Management Board deferred Application No. 5156-3 until well sites were specified. The well sites have been determined and test drilling conducted. The applicant proposes to appropriate 440 acre-feet of water annually at a diversion rate up to 3.0 cfs from four wells to be located near the center of the south quarter line of Section 31, near the center of the south quarter line of Section 32, near the center of the south quarter line of Section 33 and near the center of south quarter line Section 34; all in T99N-R49W.

The Water Management Board will conduct a hearing to consider Application No. 5156-3 at 2:30 PM on Tuesday, December 9, 2008 at the Pierre Chamber of Commerce, 800 West Dakota Avenue, Pierre SD. The hearing may continue on the morning of December 10, 2008 if necessary to complete the testimony. Parties should plan accordingly. Future notice will be provided to all parties if there are changes to the hearing time. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5156-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application based on the evidence presented at the public hearing. This evidentiary hearing is each parties opportunity to present testimony regarding this application.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Enclosed is a copy of the report, recommendation and petitions in the matter of Water Permit Application No. 5156-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

The application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352. In addition, please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing.

c: Diane Best, Assistant Attorney General
Robin Dykstra, Manager Lincoln Rural Water System, Inc., PO Box 36, Harrisburg SD 57032

NOTE: Since this matter does not involve a monetary controversy in excess of $2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by November 28, 2008.

CERTIFICATION

I hereby certify that on October 22, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 22, 2008, regarding hearing for Water Right Permit Application No. 5156-3, as addressed below and on the attached parties of record list:

Jeff A. Cole
Attorney at Law
5000 S. Broadband Ln, Suite 107
Sioux Falls SD 57108

Phillip O. Peterson
Attorney at Law
103 N. Third Street
Beresford SD 57004

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

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501

Gail Jacobson

Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 23rd day of October 2008.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013

SEAL KAREN SCHLAAK NOTARY PUBLIC State of South Dakota SEAL

Attorney General

DEC - 8 2008

309645

12-9-08
Recd
Water
Rights

PETERSON AND STUART

Attorneys at Law
103 N. Third Street
Beresford, SD 57004

Phillip O. Peterson
David A. Stuart*
*also licensed in Iowa

Telephone: (605) 763-5024
Fax: (605) 763-8034
E-mail address: poplaw@bmtc.net

December 4, 2008

Ms. Diane Best
Assistant Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501

Re: In the Matter of Water Permit Application No. 5156-3

Dear Diane:

As we discussed by telephone, Lincoln County Rural Water System, Inc., South Lincoln Rural Water System, Inc, and the City of Canton have reached an amicable settlement of the Petitions in Opposition to the Application No. 5156-3. Enclosed herewith is a true and correct copy of the Stipulation and Agreement executed by all parties. (2 signature pages) Consequently, I believe that the hearing scheduled for December 9th can be cancelled.

It is my understanding that you will contact me if the Department of Environment and Natural Resources has any concerns regarding the agreement. Also, please let me know if a telephonic appearance before the Board would be appropriate.

Thank you for your continuing consideration in this matter.

With best regards, I am

Yours very truly,

Phil Peterson

Phillip O. Peterson

POP:jao
enc.
cc: Jeff Cole
City of Canton

STIPULATION AND AGREEMENT

Lincoln County Rural Water System, Inc., 201 Railroad Ave., Harrisburg, SD; South Lincoln Rural Water System, Inc., 28647 472nd St., Beresford, SD, and the City of Canton, 210 N. Dakota, Canton, South Dakota, a South Dakota Municipality, agree and stipulate as follows:

WHEREAS, Lincoln County Rural Water System, Inc. filed Water Permit Application No. 5156-3 with the South Dakota Department of Environment and Natural Resources; and

WHEREAS, South Lincoln Rural Water System, Inc. and the City of Canton, South Dakota, filed Petitions in Opposition to the Application; and

WHEREAS, a hearing has been scheduled by the SD Department of Environment and Natural Resources on December 9, 2008; and

WHEREAS, the parties hereto have reached an amicable settlement of the issues raised in the Petitions in Opposition to the Application; now, therefore, it is hereby stipulated and agreed as follows:

1. In the event of an operating agreement, take over, sale, or merger of Lincoln County Rural Water System, Inc. by the City of Sioux Falls, South Dakota; South Lincoln Rural Water System and the City of Canton, South Dakota shall be granted a right-of-first-refusal to purchase the water rights to the area covered by Permit No. 5156-3 and any improvements made thereon by Lincoln County Rural Water System, Inc.

2. The purchase price for the water rights and improvements shall be the depreciated value of any functional wells and treatment facility. Depreciation shall be

defined as thirty year, straight-line depreciation.

3. It is further agreed by Lincoln County Rural Water System, Inc. that no applications shall be submitted to the SD Department of Environment and Natural Resources to increase the geographical size of the water right of said Lincoln County Rural Water System, Inc. in the Dakota Sandstone Aquifer.

4. In consideration of the foregoing, South Lincoln Rural Water System, Inc. and the City of Canton, South Dakota agree to withdraw the objections to Water Permit Application No. 5156-3 and endorse the Water Permit Application No. 5156-3.

Dated this 3rd day of DECEMBER, 2008.

LINCOLN COUNTY RURAL WATER SYSTEM, INC.

By: _____
Its President

SOUTH LINCOLN RURAL WATER SYSTEM, INC.

By: _____
Its President

CITY OF CANTON, SOUTH DAKOTA

By: _____
Its Mayor

defined as thirty year, straight-line depreciation.

3. It is further agreed by Lincoln County Rural Water System, Inc. that no applications shall be submitted to the SD Department of Environment and Natural Resources to increase the geographical size of the water right of said Lincoln County Rural Water System, Inc. in the Dakota Sandstone Aquifer.

4. In consideration of the foregoing, South Lincoln Rural Water System, Inc. and the City of Canton, South Dakota agree to withdraw the objections to Water Permit Application No. 5156-3 and endorse the Water Permit Application No. 5156-3.

Dated this 3rd day of December, 2008.

LINCOLN COUNTY RURAL WATER SYSTEM, INC.

By:_____
Its President

SOUTH LINCOLN RURAL WATER SYSTEM, INC.

By: Ronald Sumter
Its President

CITY OF CANTON, SOUTH DAKOTA

By: Dave Hunter
Its Mayor

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FEB 27 2009
WATER RIGHTS
PROGRAM

City of Canton

"Gateway to South Dakota"

210 N. Dakota
Canton, SD 57013
www.cityofcantonsd.com

(605) 987-2881
FAX (605) 987-2972
E-Mail: cantonsd@iw.net

February 25th, 2009

Garland Erbele
Department of Environment and Natural Resources
Division of Environmental Services
Foss Building
253 East Capitol Avenue
Pierre, SD 57501-3183

Dear Mr. Erbele,

It is my understanding that South Dakota Water Permit NO. 5156-3 has been approved by the Water Management Board and is awaiting your approval and signature. As you are aware, the City of Canton, along with South Lincoln Rural Water withdrew their opposition to this water rights action prior to the hearing that was held December 9, 2008.

Due to misunderstandings or lack of information between the parties concerned, and the attorney who represented us in this action, I am requesting that you delay your approval and signature on South Dakota Water Permit NO. 5156-3.

It is my hope that the misunderstandings and lack of information will be rectified in the near future, but until that time, as aforementioned, I am requesting that you delay granting final approval.

Please feel free to contact me at City Hall at 605.987.2881 with any questions you may have.

Thank your consideration.

Very sincerely yours,

Bruce Braaten, Mayor
City of Canton

cc: South Lincoln Rural Water

Phil Peterson

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 2, 2009

Bruce Braaten, Mayor
City of Canton
210 N. Dakota
Canton SD 57013

Honorable Mayor Braaten:

The city of Canton requested that DENR delay the issuance of Water Permit No. 5156-3 held by Lincoln Rural Water System. This permit appropriates 440 acre feet of water at a diversion rate of 3.0 cubic feet of water per second from four wells to be completed into the Dakota Aquifer.

DENR does not have discretion to delay issuance of the water permit approved by the Water Management Board on December 9, 2008. The permit has been drafted and gone through the standard staff review in preparation for signature by the Chief Engineer. It is my responsibility as Chief Engineer to sign and issue the permit to Lincoln RWS to reflect the Board's decision.

Your letter states that there was a misunderstanding or lack of information between parties. However, Lincoln RWS, South Lincoln RWS and the city entered into a formal stipulation and agreement prior to the Board's consideration in which the city withdrew their objection and endorsed approval of the water permit. At the time of hearing, this agreement was presented to the Board and they approved the permit. This approval is the Board's final decision.

If you have any questions regarding the water permitting process, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele

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

SOUTH DAKOTA
WATER PERMIT NO. 5156-3

Date of first receipt of application October 15, 1987.
Date of deferred by Water Management Board March 2, 1988.

The Water Management Board approved Water Permit No. 5156-3 on December 9, 2008 for Lincoln County Rural Water System, Inc., c/o Robin Dykstra, Manager, PO Box 36, Harrisburg SD 57032 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5156-3 appropriates 440 acre feet of water at a diversion rate of 3.0 cubic feet of water per second from four wells to be completed into the Dakota Aquifer (approximately 700 feet deep). The four wells will be located near the center of the south quarter line of Section 31, near the center of the south quarter line of Section 32, near the center of the south quarter line of Section 33 and near the center of south quarter line Section 34; all in T99N-R49W.

2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.

3. The water is to be used during the following described annual period: January 1 – December 31.

4. The date from which applicant may claim right is October 15, 1987.

5. One-fifth of the construction is to be completed on or before June 9, 2011.

6. All construction is to be completed on or before December 9, 2013.

7. Water is to be put to beneficial use on or before December 9, 2017.

8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

2. The wells authorized by Permit No. 5156-3-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

3. Water Permit No. 5156-3 authorizes a total annual diversion of 440 acre feet of water

4. Lincoln County Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 0 5 2009
date

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAR 0 5 2009

Lincoln County Rural Water System Inc
c/o Robin Dykstra Manager
PO Box 36
Harrisburg SD 57032

Dear Mr. Dykstra:

Enclosed is Water Permit No. 5156-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele

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

enclosures

5156-3

Quality on Tap

PO Box 155
Canton, SD 57013

Phone: 605372-4211
Toll Free: 866891-7148
Fax: 605372-4214
Email: slrw@svtv.com

South Lincoln Rural Water

RECEIVED
MAR 25 2009
WATER RIGHTS PROGRAM

March 23, 2009

South Dakota DENR
Attn: Garland Erbele
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Mr. Erbele,

Enclosed please find a signed agreement between Lincoln County Rural Water System, South Lincoln Rural Water System and the City of Canton. Please keep this original Stipulation and Agreement on file in your office.

If you have any questions, please call John Sievers at 605-372-4211.

Sincerely,

Cindy Kuiper

Cindy Kuiper
Office Manager
South Lincoln Rural Water System, Inc.

CK

Enclosures

STIPULATION AND AGREEMENT

Lincoln County Rural Water System, Inc., 201 Railroad Ave., Harrisburg, SD; South Lincoln Rural Water System, Inc., 28647 472nd St., Beresford, SD, and the City of Canton, 210 N. Dakota, Canton, South Dakota, a South Dakota Municipality, agree and stipulate as follows:

WHEREAS, Lincoln County Rural Water System, Inc. filed Water Permit Application No. 5156-3 with the South Dakota Department of Environment and Natural Resources; and

WHEREAS, South Lincoln Rural Water System, Inc. and the City of Canton, South Dakota, filed Petitions in Opposition to the Application; and

WHEREAS, a hearing has been scheduled by the SD Department of Environment and Natural Resources on December 9, 2008; and

WHEREAS, the parties hereto have reached an amicable settlement of the issues raised in the Petitions in Opposition to the Application; now, therefore, it is hereby stipulated and agreed as follows:

1. In the event of an operating agreement, take over, sale, or merger of Lincoln County Rural Water System, Inc. by the City of Sioux Falls, South Dakota/or like entity; South Lincoln Rural Water System and the City of Canton, South Dakota shall be granted a right-of-first-refusal to purchase the water rights to the area covered by Permit No. 5156-3 and any improvements made thereon by Lincoln County Rural Water System, Inc.

2. The purchase price for the water rights and improvements shall be the depreciated value of any functional wells and treatment facility. Depreciation shall be

defined as thirty year, straight-line depreciation.

3. It is further agreed by Lincoln County Rural Water System, Inc. that no applications shall be submitted to the SD Department of Environment and Natural Resources to increase the geographical size of the water right of said Lincoln County Rural Water System, Inc. in the Dakota Sandstone Aquifer.

4. In consideration of the foregoing, South Lincoln Rural Water System, Inc. and the City of Canton, South Dakota agree to withdraw the objections to Water Permit Application No. 5156-3 and endorse the Water Permit Application No. 5156-3.

Dated this 12th day of March, 2009.

LINCOLN COUNTY RURAL WATER SYSTEM, INC.

By: _____
Its President

SOUTH LINCOLN RURAL WATER SYSTEM, INC.

By: _____
Its President

CITY OF CANTON, SOUTH DAKOTA

By: _____
Its Mayor