

Considered: _____

WATER PERMIT NO. 5209-3

HAP No. same 983-5236

Name of Applicant Kingbrook Rural Water System

Post Office Address Drawer 299, Arlington, S.D. 57212

Amount of Water Claimed 2.8 cfs Total Acres none

Source of Water Supply ground water, ~50' deep

Water to be used for Rural Water System County Kingsbury, Miner, Lake, Clark, Hamlin

About 3 miles N-NW of DeSmet, SD

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Aug. 15, 1988 Fee \$60⁰⁰ Remarks This is an application for future use.

Corrected Application Received _____ Period of Annual Use continuously

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

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point (1) SW¹/₄ SW¹/₄, Sect. 10,
(2) NE¹/₄, Sect. 8, and (3) sect. 6 all in T111N, R56W

Land to be Irrigated none

	6	5	4	3	2
	7	8	9	10	11
	10	17	16	15	14

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well ~50' REMARKS This is a future use application.

Type of Map sat'd thickness PREPARED BY Gary Patton Reviewed and the Number assigned on Aug. 16, 1988 BY Susan A. Cowan

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

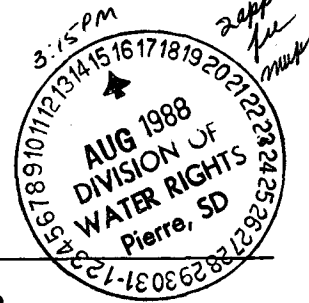
No. <u>5209-3</u>	Hydrologic Unit <u>10170103</u>
Map No. <u>same</u>	Basin <u>Vermillion R</u>
Newspaper <u>see file</u>	

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. _____



1. Name of Applicant Kingbrook Rural Water System Phone No. (605) 983-5636
Post Office Address Drawer 299 Arlington State South Dakota 57212
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s) 2.8 2027 acre-feet

3. Source of water supply FOUR WELLS groundwater

4. Location of point of diversion SW 1/4 of SW 1/4 Sec. 10; NE 1/4 Sec. 8; Sec. 6, all in T111N, R56W.

County Kingsbury

5. Counties where water will be used Minnehaha, McCook, Moody Kingsbury, Miner, Lake, Clark, Hamlin, Brookings.

6. Annual period during which water is to be used continuously January 1 - December 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)

Future growth in water system demands, including potential municipal and rural users.

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

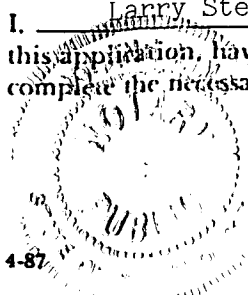
STATE OF SOUTH DAKOTA)
County of Kingsbury) ss

I, Larry Sterling 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 Larry Sterling

Subscribed and sworn to before me this 12th day of August 19 88

Jolene King
Notary Public



**SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 5209-3**

Date of first receipt of application August 15, 1988.

The Water Management Board approved Future Use Water Permit Application No. 5209-3 on March 1, 1989 for Kingbrook Rural Water System, Drawer 299, Arlington SD 57212 subject to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 5209-3 appropriates for future use 1100 acre-feet of water annually from ground water (Vermillion East Fork Aquifer) approximately 50 feet deep. The area for development of future water use is located in the SW 1/4 SW 1/4 section 10; NE 1/4 section 8; section 6; all in T111N-R56W. This permit does not authorize construction of works or application of water to beneficial use.
2. The water reserved for future use is for rural water system use by the Kingbrook Rural Water System.
3. The date from which applicant may claim right is August 15, 1988.

QUALIFICATIONS

1. That Future Use Permit No. 5209-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from the Vermillion East Fork aquifer. Wells will be approximately 50 feet deep.
4. Approval of the Permit reserves 1100 acre feet annually.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 20" Depth 50'
- b) Casing Type Black steel Diameter 12" Thickness 0.375"
- c) Screen Type Stainless steel Diameter 12" Thickness 3/16"
- d) Gravel Pack Thickness 4" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
 On applicants property None On property owned by others 660'

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 _____

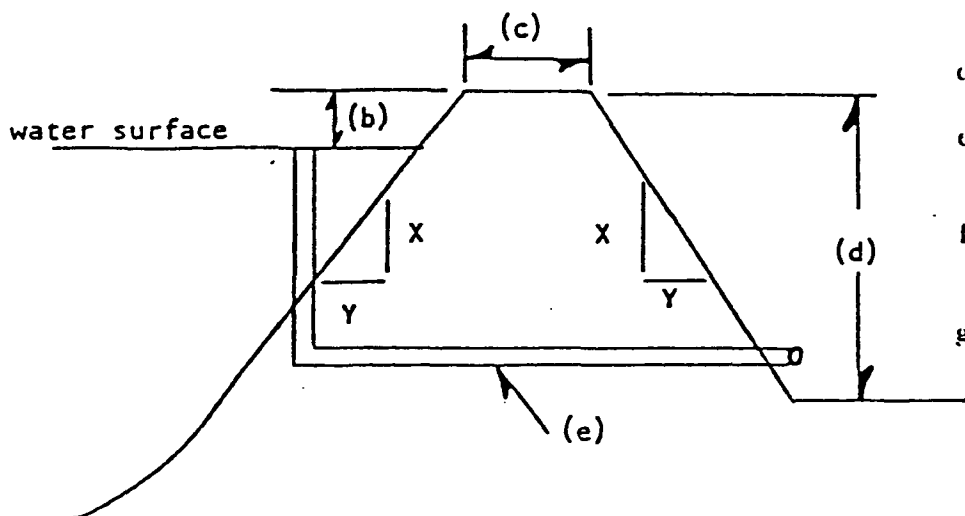
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411356

Pierre, August 16, 19 88

RECEIVED OF Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212

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

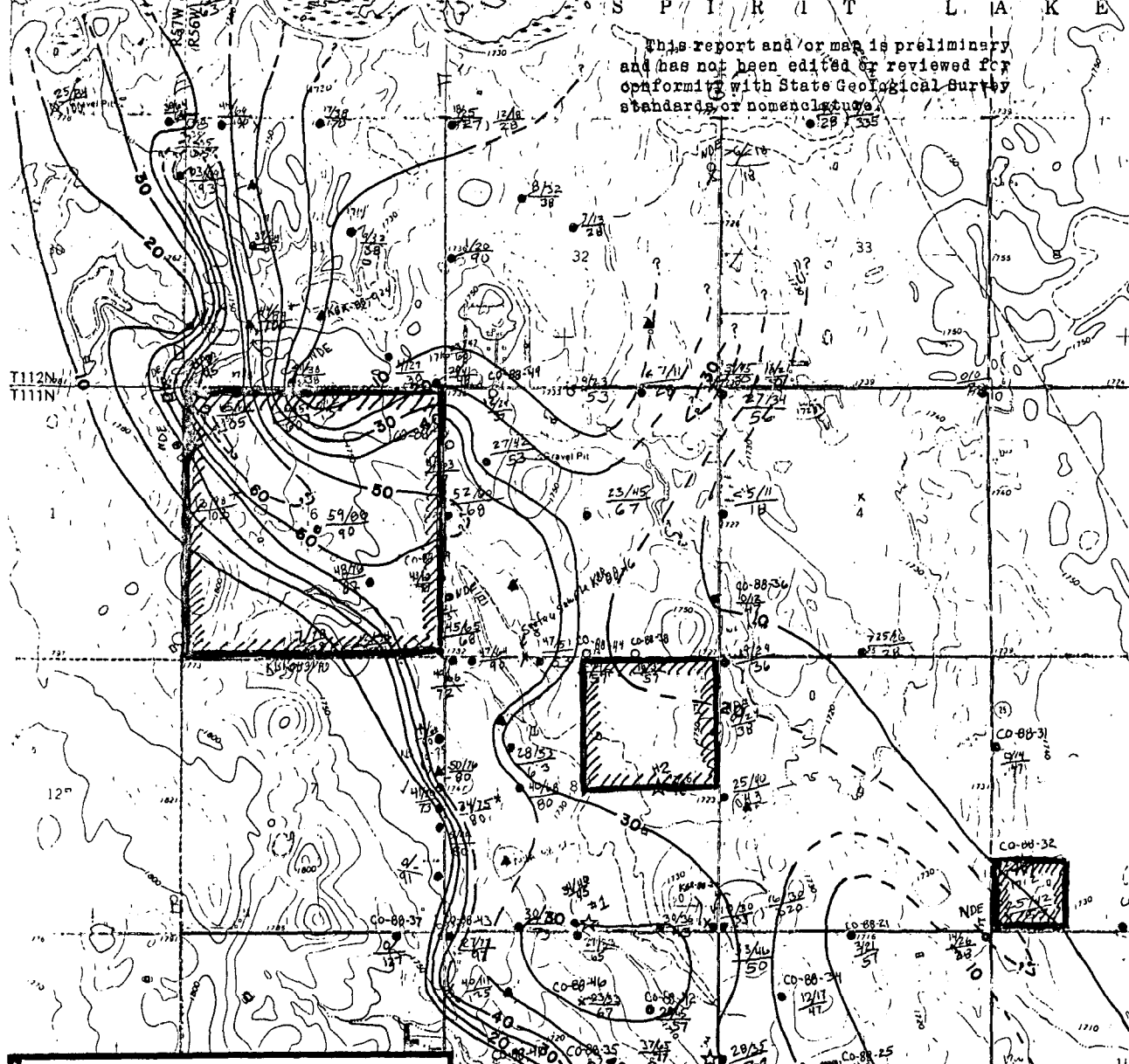
Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		60 00
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting 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	60 00

By John Hatch
Chief Engineer

JOHN HATCH

(ms)

This report and/or map is preliminary and has not been edited or reviewed for conformity with State Geological Survey standards or nomenclature.



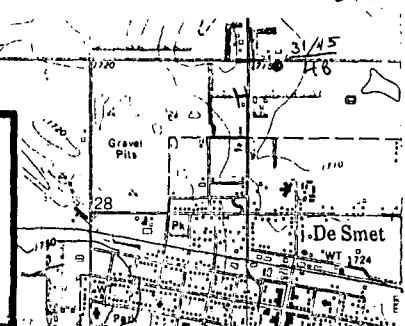
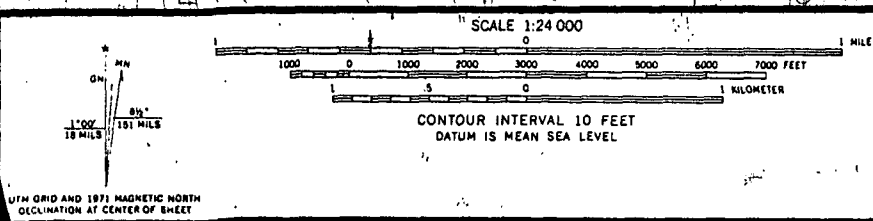
SATURATED THICKNESS MAP OF THE VERMILION EAST FORK AQUIFER IN THE SPIRIT LAKE - DE SMET AREA.

- well
- test hole
- ▲ irrigation well
- ★ Kingbrook RWS production well
- 43/60 ← saturated thickness of sand and gravel
depth to base of sand and gravel
- 68 ← total depth of test hole or well
- * indicates composite saturated thickness
- NDE not deep enough, hole may not have completely penetrated sand and gravel unit
- 10- contour of saturated thickness in feet, dashed where approximate, ? in areas of limited data

CO-88-24 test hole and water analysis codes, respectively
KBR-88-24

Exact well locations to be verified with additional drilling and test pumping.

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 the document.
Registration No. 3612 Date 8/10/88
By Stan Ralston



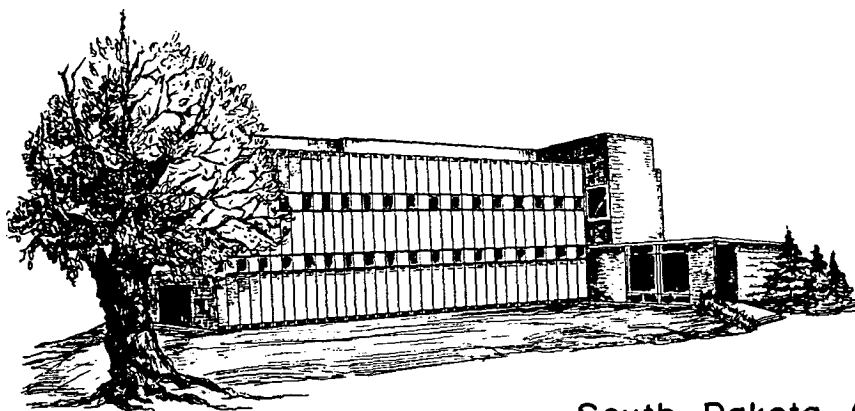
5209-3



Major Aquifers in Kingsbury County, South Dakota

by Louis J. Hamilton
United States Geological Survey

Prepared in cooperation with
the South Dakota Geological Survey,
Kingsbury County, and the
East Dakota Water Development District.



South Dakota Geological Survey
Vermillion, South Dakota
1988

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VERMILLION, SOUTH DAKOTA 57069
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DEPARTMENT OF WATER AND NATURAL RESOURCES
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GEOLOGICAL SURVEY
Merlin J. Tipton, State Geologist

Information Pamphlet No. 41

MAJOR AQUIFERS IN KINGSBURY COUNTY, SOUTH DAKOTA

by

Louis J. Hamilton

United States Geological Survey
United States Department of the Interior

Prepared in cooperation with the
South Dakota Geological Survey,
Kingsbury County, and the
East Dakota Water Development District

Science Center
University of South Dakota
Vermillion, South Dakota

1988

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DEFINITIONS OF TERMS

(Approved by the South Dakota Geological Survey)

Aquifer.--A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Basement rock.--A general term for granite, quartzite, and other dense, impermeable rocks that are considered to be the base of the hydrologic system.

Bedrock.--A general term for the rock, usually consolidated, that underlies soil, sand, clay, or other unconsolidated material. In Kingsbury County the uppermost bedrock is shale or chalk.

Confined aquifer.--An aquifer containing water under pressure significantly higher than atmospheric. Its upper limit is the bottom of a bed that has a hydraulic conductivity distinctly lower than that of the material in which the confined water occurs.

Dissolved solids.--The sum of all dissolved material in water, expressed as the weight (milligrams) of solute per unit volume (liter) of water.

Glacial aquifer.--As used in this report, an aquifer consisting mainly of unconsolidated sand and gravel deposited as outwash from a glacier.

Glacial outwash.--Stratified, unconsolidated rock material (usually sand and gravel) that has been washed, sorted, and deposited by water from melting glacial ice.

Hardness.--A physical-chemical characteristic of water, caused mainly by calcium and magnesium, that is recognized by reduced lathering ability of soap and formation of scale in boilers and pipes. Hardness is expressed as an equivalent concentration of calcium carbonate and is classified by the U.S. Geological Survey as follows:

DESCRIPTION	MILLIGRAMS PER LITER	GRAINS PER GALLON
Soft	0- 60	0- 3.4
Moderately hard	61-120	3.5- 7.0
Hard	121-180	7.1-10.5
Very hard	More than 180	More than 10.5

Milligram per liter (mg/L).--A unit expressing the concentration of chemical constituents in solution as mass (milligrams) of

solute per unit volume (liter) of water. One milligram per liter is approximately equal to one part per million.

Properly constructed well.--A well constructed to transmit the maximum amount of water from an aquifer without excessive drawdown of water level at the well. Such a well usually is installed with a well screen or perforated casing and gravel pack opposite the aquifer. It also is developed in such a manner as to remove drilling mud and other fine-grained material from the aquifer adjacent to the well screen or perforations.

Saline water.--As used in this report, water that contains more than 1,000 mg/L of dissolved solids. Much water in Kingsbury County aquifers is slightly saline, with concentrations of dissolved solids less than 3,000 mg/L.

Till.--An unsorted, unstratified mixture of clay, silt, sand, gravel, and boulders deposited by a glacier.

CONVERSION FACTORS

The inch-pound units used in this report may be converted to metric (International System) units by the following conversion factors:

MULTIPLY INCH-POUND UNIT	BY	TO OBTAIN METRIC UNIT
acre-foot	1233	cubic meter
foot (ft)	0.3048	meter
gallons per minute (gal/min)	0.06309	liter per second
mile (mi)	1.609	kilometer
square mile (mi ²)	2.590	square kilometer

ABSTRACT

Four major glacial aquifers and two major bedrock aquifers underlie the 858-square-mile area of Kingsbury County, east-central South Dakota. Glacial aquifers of outwash sand and gravel lie at depths ranging from land surface to about 600 feet. Sandstone bedrock aquifers lie at depths of 320 to 1,300 feet below land surface. The reported yields of wells in glacial aquifers range from 2 to 1,000 gallons per minute. Yields for bedrock aquifers are estimated to range from 2 to 100 gallons per minute.

Water from glacial aquifers generally is very hard, hardness concentrations being larger than 180 milligrams per liter and as much as 1,800 milligrams per liter as calcium carbonate. The water is fresh to slightly saline (dissolved solids exceed 1,000 milligrams per liter). Water from bedrock aquifers is slightly saline and soft to very hard. Hardness concentrations range from 2 to 200 milligrams per liter as calcium carbonate. Water from many of the aquifers is marginal to unsuitable for use in irrigation, depending on drainage, because of large concentrations of dissolved solids, especially sodium.

INTRODUCTION

This information pamphlet is one of a series of reports on water-resources studies of South Dakota counties. It is designed to acquaint the reader with the general distribution, quantity, and quality of ground water available from the major aquifers in Kingsbury County. Information in this pamphlet is based on well data (fig. 1) collected by the U.S. Geological Survey and the South Dakota Geological Survey from 1982 to 1986.

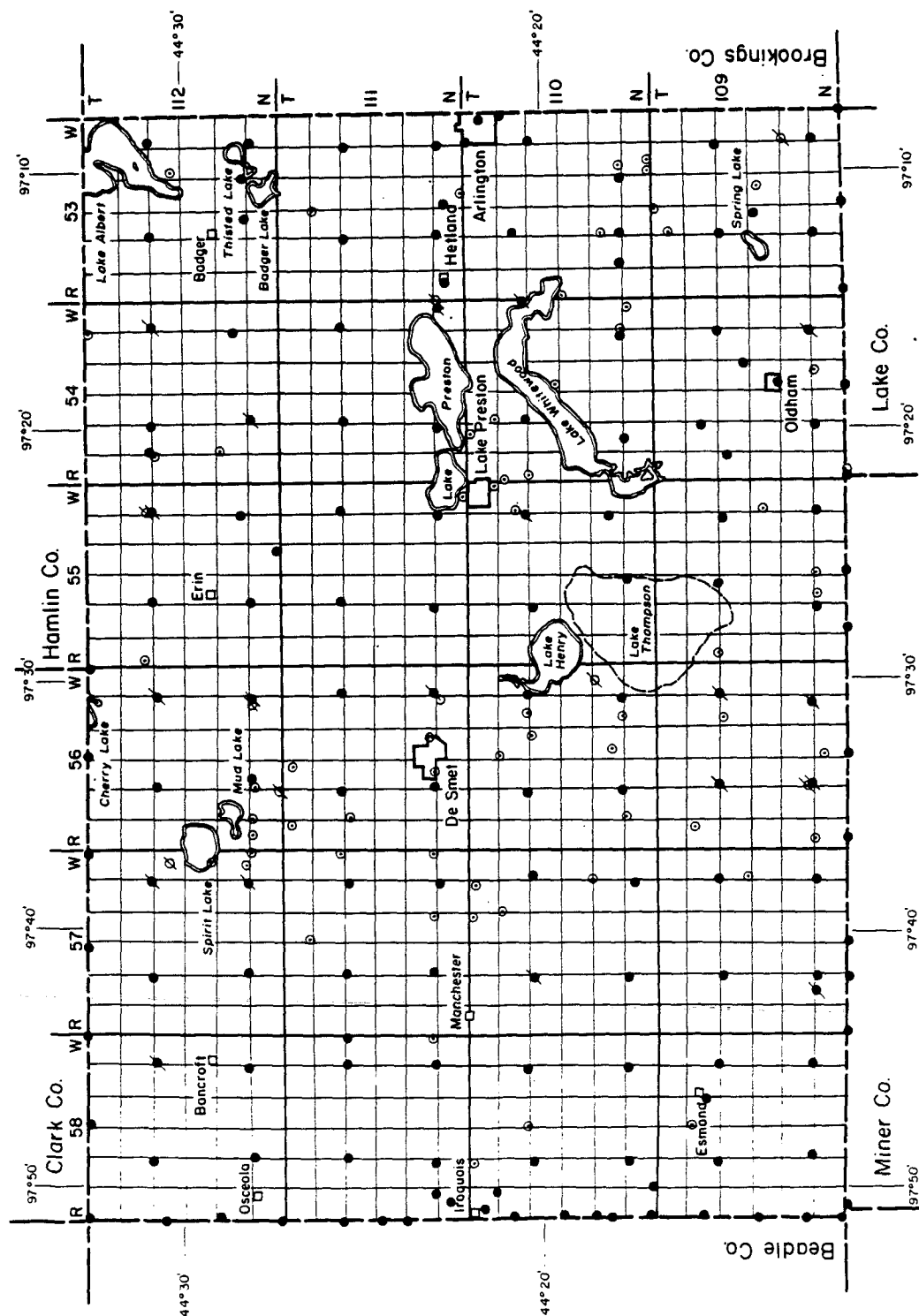
Copies of this publication and other county reports may be obtained from the South Dakota Geological Survey as they become available. Persons wishing additional information about the hydrology and geology may contact the U.S. Geological Survey in Huron, South Dakota, or the South Dakota Geological Survey in Vermillion, South Dakota.

GLACIAL AQUIFERS

Four major glacial aquifers underlie more than one-half of the 858-mi² area of Kingsbury County in east-central South Dakota (table 1). The aquifers, in order of increasing depth, are named Vermillion East Fork, Ramona, Howard, and Altamont. The aquifers are composed of water-yielding sand and gravel deposits that are as much as 75 ft thick.

The sand and gravel aquifers were deposited as glacial outwash from melting of a thick continental ice sheet that covered the

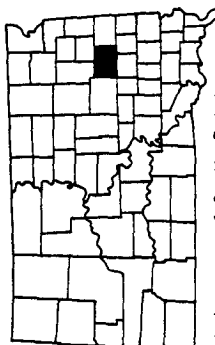
Figure 1. Location of test holes and wells for which geologic, electric or driller logs are available.



6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

Sectionalized township

0 1 2 3 4 5 6 7 8 9 10 Mi.



Index map of South Dakota showing location of Kingsbury Co.

Explanation

- Test hole or well drilled into bedrock. ● Observation well drilled into bedrock.
- ⊙ Test hole or well not drilled into bedrock. ∅ Observation well not drilled into bedrock.

Table 1.--Summary of hydrologic characteristics of the major aquifers

Aquifer name	Areal extent (square miles)	Maximum thickness (feet)	Average thickness (feet)	Range in depth to top of aquifer (feet below land surface)	Range of water level (feet below or above (+) land surface)	Estimated amount of water in storage (acre-feet)	Range of reported and estimated well yields (gallons per minute)	Suitable for irrigation
GLACIAL AQUIFERS								
Vermillion East Fork	94	70	25	0-120	0-74	300,000	100-1,000	Yes.
Ramona	250	52	20	21-279	30-140	640,000	2-500	Marginal to unsuitable.
Howard	485	75	25	140-420	30-200	1,500,000	10-1,000	Marginal.
Altamont	75	$\frac{1}{54}$	25	446-588	40-220	130,000	10-1,000	No.
BEDROCK AQUIFERS								
Codell	858	170	80	320-900	100-340	8,800,000	2-100	No.
Dakota	840	500	300	770-1,300	10-360	32,000,000	2-100	No.

$\frac{1}{54}$ Composite thickness of two units.

area. Commonly, a layer of sand and gravel was deposited in front of the advancing ice sheet and then covered by 50 to 150 ft of relatively impermeable glacial till. Later, as the ice sheet melted and receded, another layer of sand and gravel could be deposited on top of the till. This sequence was repeated several times. Consequently, the buried glacial aquifers are composed of one or more layers of sand and gravel that can be covered by a maximum of about 600 ft of till and overlying aquifers. Aquifer thickness shown in figures 2-5 of this report are cumulative thicknesses of all sand and gravel layers that compose the aquifer. The thickness also can include a few feet of unsaturated sand and gravel that lies above the water table in the unconfined aquifer.

Vermillion East Fork Aquifer

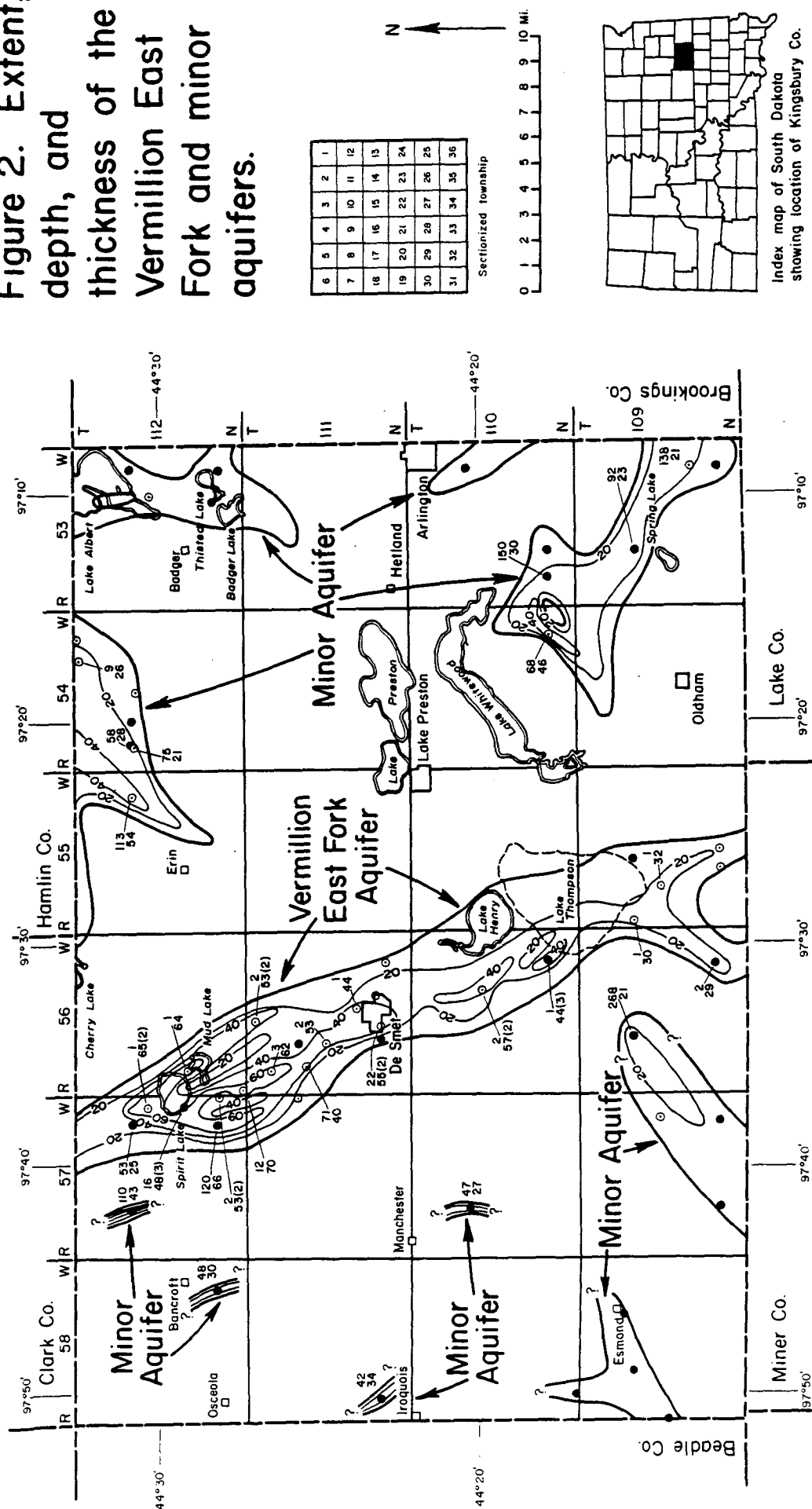
The Vermillion East Fork aquifer underlies an area of 94 mi² in Kingsbury County. Depths to the top of the aquifer range from land surface to 120 ft. The aquifer stores an estimated 300,000 acre-ft of water (table 1). The thickness of sand and gravel that compose the aquifer averages 25 ft but exceeds 40 ft between the city of De Smet and Spirit Lake (fig. 2). Near Spirit Lake the aquifer extends to depths below 50 ft and is composed of three units that locally are hydraulically connected to each other and to Spirit Lake. Reported yields from wells in the aquifer (table 1) are as much as 1,000 gal/min in areas where the saturated thickness of sand and gravel exceeds 20 ft. Yields may be much less due to (1) a large percent of clay or fine sand in the aquifer, (2) partial dewatering of the aquifer by intensive pumping, and/or (3) the discontinuous nature of the aquifer where it is composed of thin layers. Water in the aquifer is unconfined except for some confined units near Spirit Lake and at De Smet that are overlain by till deposits. Water levels in wells range from land surface in wetlands to 74 ft below land surface under hills.

Water from the aquifer is fresh to slightly saline (see "saline" in Definition of Terms) and is a calcium bicarbonate type. Concentrations of dissolved solids range from 500 to 2,700 mg/L. Hardness of the water ranges from 100 to 1,700 mg/L. Generally the water is suitable for use in irrigation because it has relatively small concentrations of dissolved solids. However, water with concentrations of dissolved solids larger than about 1,800 mg/L would be unsuitable for irrigating clayey, poorly permeable soil.

Minor Aquifers

Several minor aquifers are found at depths ranging from 9 to 268 ft below land surface (fig. 2). Minor aquifers in the eastern one-half of the county, westward extensions of the Big Sioux aquifer, locally have thicknesses greater than 20 ft. These sites

Figure 2. Extent, depth, and thickness of the Vermillion East Fork and minor aquifers.



● 44(3) Well or test hole drilled into bedrock--Numbers are for holes that penetrate more than 20 feet of aquifer. Upper number is depth, in feet, to sand and gravel. Lower number is thickness, in feet, of sand and gravel, including the unsaturated zone. Number in parenthesis is number of aquifer units where greater than one.

Explanation

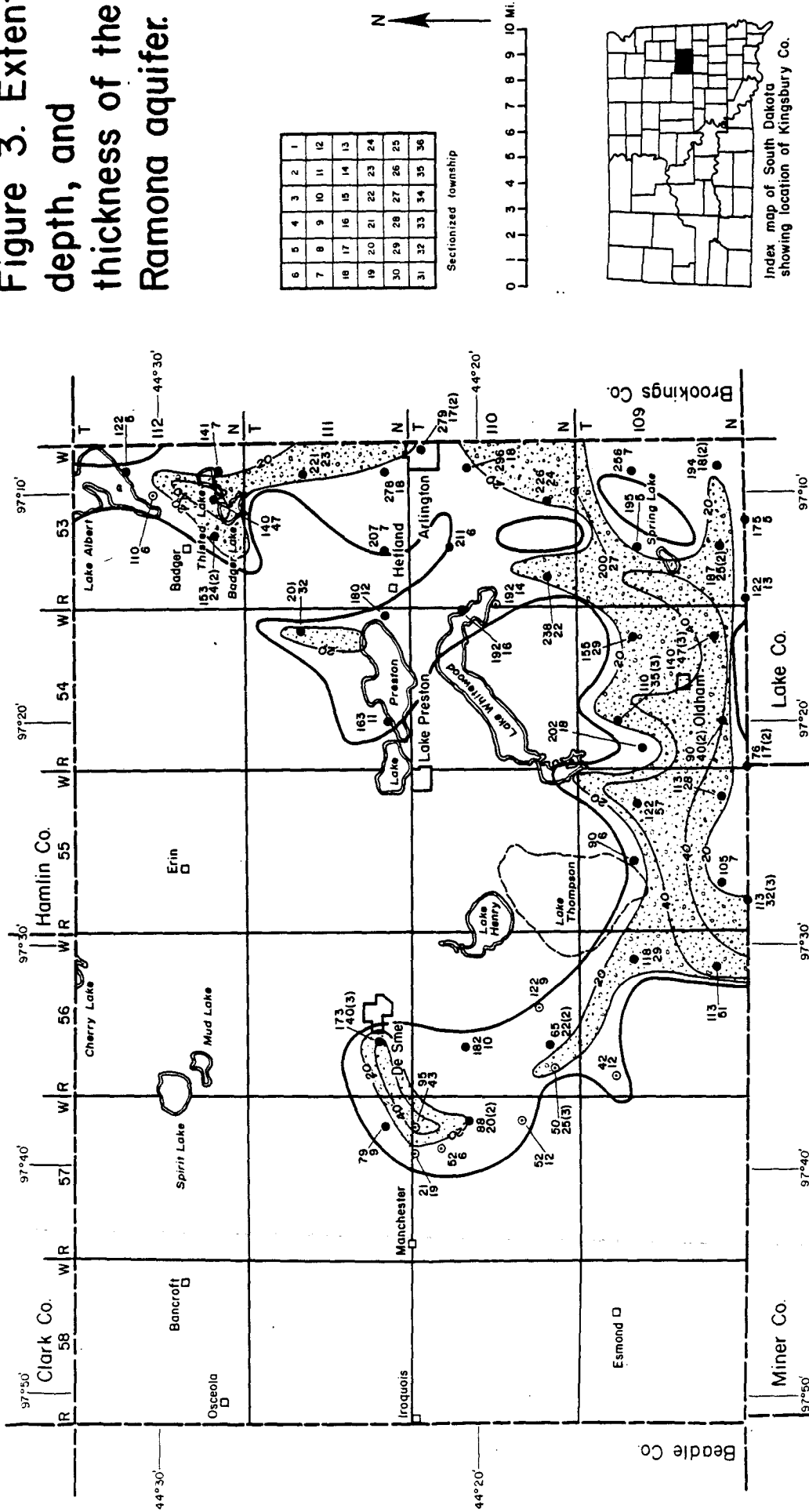
— Line of equal thickness of sand and gravel. (Interval = 20 feet.)

○ 32 Well or test hole not drilled into bedrock.

— Aquifer boundary

—?— Aquifer boundary inferred

Figure 3. Extent, depth, and thickness of the Ramona aquifer.



Explanation

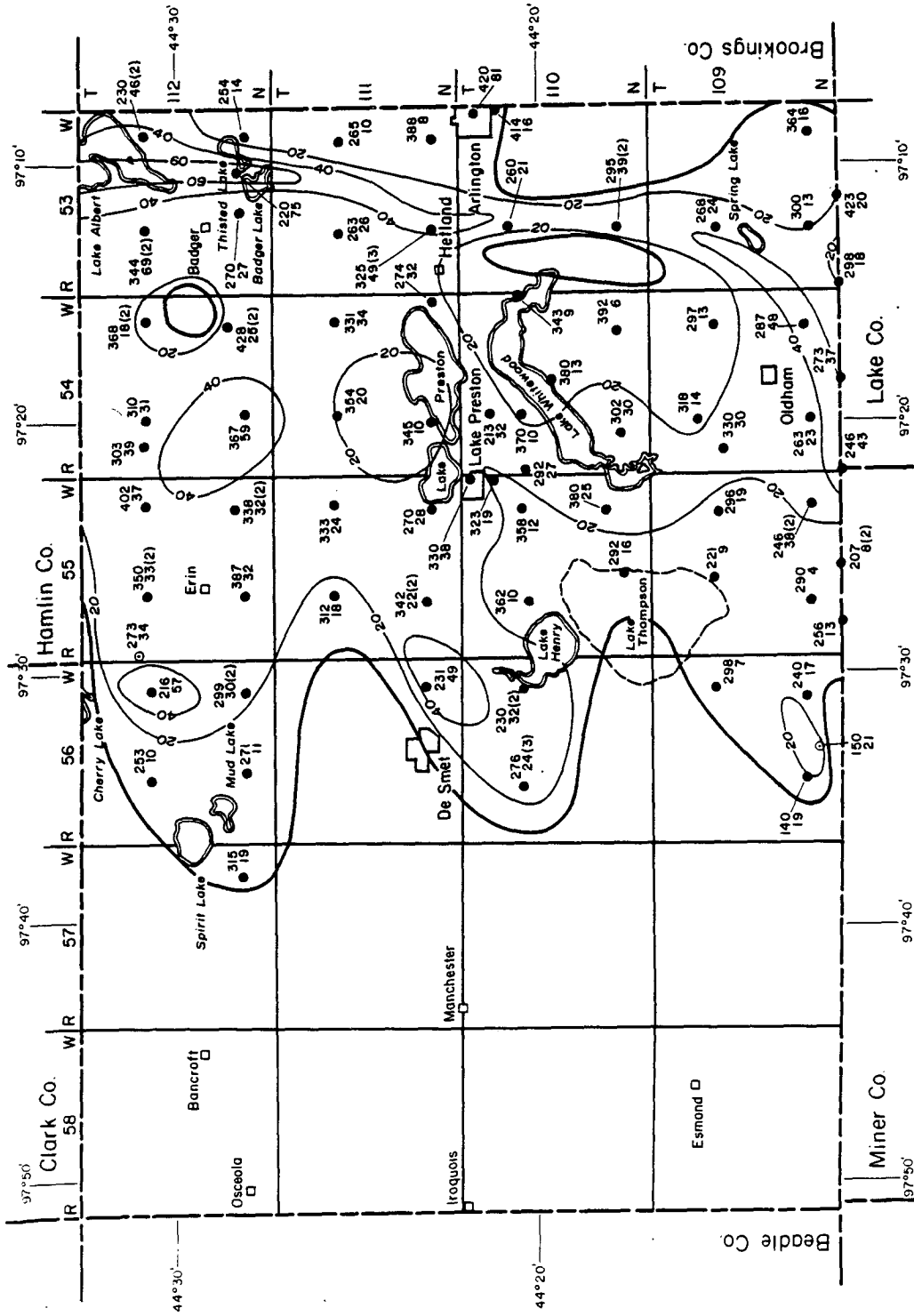
Area of high probability of finding an aquifer unit at least 20 feet thick.

Line of equal thickness of saturated sand and gravel. (Interval = 20 feet.)

- Well or test hole--Upper number is depth to saturated sand and gravel aquifer, in feet. Lower number is thickness of saturated sand and gravel, in feet.
- Open circle indicates well or test hole not drilled into bedrock; thus, aquifer thickness may be greater than shown. Number in parenthesis is number of aquifer units where greater than one.

— Aquifer boundary

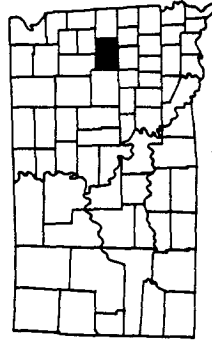
Figure 4. Extent, depth, and thickness of the Howard aquifer.



6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

Sectioned township

0 1 2 3 4 5 6 7 8 9 10 Mi.



Index map of South Dakota showing location of Kingsbury Co.

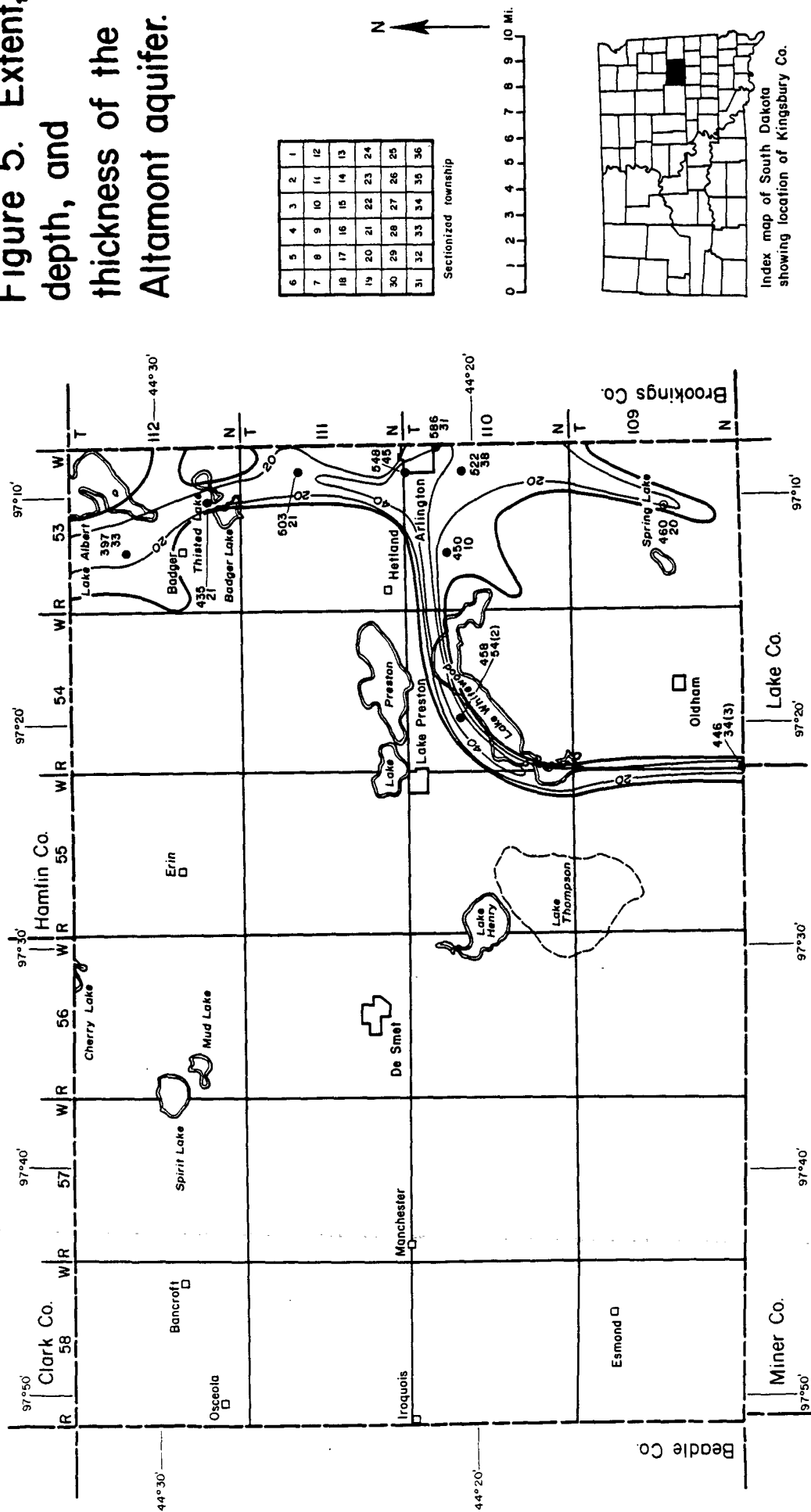
Explanation

40—Line of equal thickness of saturated sand and gravel. (Interval = 20 feet.)

● 325 Well or test hole—Upper number is depth to saturated sand and gravel aquifer, in feet. Lower number is thickness of saturated sand and gravel, in feet. Number in parenthesis is number of aquifer units where greater than one.

— Aquifer boundary

Figure 5. Extent, depth, and thickness of the Altamont aquifer.



- Explanation**
- 458 54(2) Well or test hole -- Upper number is depth to saturated sand and gravel aquifer, in feet. Lower number is thickness of saturated sand and gravel, in feet.
 - 460 20 Open circle indicates well or test hole not drilled into bedrock; thus, aquifer thickness may be greater than shown. Number in parenthesis is number of aquifer units where greater than one.
 - Line of equal thickness of saturated sand and gravel. (Interval = 20 feet.)
 - Aquifer boundary

of greater thickness probably are not very extensive, widths being less than a few hundred feet. Minor aquifers have not been tested to determine if they can supply water to large-capacity wells.

Ramona Aquifer

The Ramona aquifer underlies an area of 250 mi² in the southern and eastern half of the county. Depths from land surface to the top of the aquifer range from 21 ft 3 mi east of Manchester to 296 ft near Arlington (fig. 3). The aquifer sand and gravel averages 20 ft in thickness and has a cumulative thickness that exceeds 40 ft in several areas. Maximum yields of properly constructed wells may reach 500 gal/min in areas where the thickness of sand and gravel exceeds 20 ft. Yields from wells in most of the aquifer should be lower than 500 gal/min because the aquifer generally is thin and contains poorly permeable, fine, silty sand. Water in the aquifer is confined under till but water levels are not high enough for wells to flow. Water levels in wells range from 30 ft below land surface in Range 57 West to 140 ft below land surface in Range 53 West.

Water from the aquifer is slightly saline and is a calcium sulfate type. Concentrations of dissolved solids range from 1,700 to 2,600 mg/L. Hardness of the water ranges from 600 to 1,800 mg/L. Much of the water is marginal to unsuitable for use in irrigation because of relatively large concentrations of dissolved solids.

Howard Aquifer

The Howard aquifer underlies an area of 485 mi² in the eastern part of the county. Depths from land surface to the top of the aquifer range from 140 ft 6 mi southwest of Lake Thompson to 430 ft in the east at Arlington (fig. 4). The aquifer sand and gravel averages 25 ft in thickness but is more than 60 ft thick locally in the northeastern corner of the county. Maximum yields of properly constructed wells may be as much as 1,000 gal/min in areas where the aquifer thickness exceeds 20 ft, and the aquifer consists mostly of coarse sand and gravel. The Howard aquifer is confined beneath till, and water levels in wells range from 30 ft below land surface in the west to 200 ft in the east.

Water from the aquifer is slightly saline and is a calcium sulfate type. Concentrations of dissolved solids range from 1,800 to 2,800 mg/L. Hardness of the water ranges from 600 to 1,800 mg/L. Much of the water is marginal to unsuitable for use in irrigation depending on soil-drainage conditions. Water with concentrations of dissolved solids large than about 1,800 mg/L would be unsuitable for irrigating clayey, poorly permeable soil.

Altamont Aquifer

The Altamont aquifer underlies an area of 75 mi² along narrow bands that are 1 to 3 mi wide. Depths from land surface to the top of the aquifer range from 446 ft a few miles west of the city of Oldham to 588 ft at the city of Arlington (fig. 5). The aquifer sand and gravel averages about 25 ft in thickness and has a maximum thickness of 54 ft (composed of two separate layers) near Lake Whitewood.

Maximum yields of properly constructed wells may be as large as 1,000 gal/min where the aquifer thickness exceeds 20 ft and the aquifer consists mostly of coarse sand and gravel. A yield of 224 gal/min is obtained with a 30 horsepower submersible pump from the old municipal well at Arlington. This 617-ft well has 22 ft of 10-inch screen in 31 ft of very coarse sand and gravel. Drawdown of the water level is 11 ft below the static level of 220 ft below land surface. Much larger yields can be obtained at Arlington with greater drawdown by installing wells and pumps of larger capacity. Well yields would be less than 100 gal/min along the narrow reaches of the aquifer west of Arlington because the aquifer there is mostly poorly permeable, fine, silty sand. The Altamont aquifer is confined and aquifer water levels range from about 40 ft below land surface 4 mi north of Arlington to 220 ft below land surface at Arlington.

Few wells have been completed in the aquifer because of its limited extent, the large depths required for wells, and the availability of shallower aquifers. Water from 2 wells in the aquifer is slightly saline and is a sodium sulfate type. Concentrations of dissolved solids for the two wells were about 2,100 mg/L, and hardnesses of the water were 80 to 400 mg/L. The water probably is unsuitable for use in irrigation because of its large concentrations of sodium.

BEDROCK AQUIFERS

Two bedrock aquifers, which are named the Codell and Dakota aquifers, underlie most of the county. Depths from land surface to the top of the aquifers range from 320 ft in the west to as much as 1,300 ft in the east and north-central areas. Both the Codell and Dakota aquifers consist mostly of fine-grained, cemented sandstone. Well yields generally are much less than from glacial aquifers because the sandstone is less permeable than the sand and gravel of glacial aquifers.

Codell Aquifer

The Codell aquifer underlies most of the county at depths ranging from 320 ft below land surface in the west to 900 ft below land surface in the east. The thickness of the aquifer averages about 80 ft but is greater than 100 ft in the Iroquois

and Lake Preston areas. Yields of wells are estimated to range from 2 to 20 gal/min. Larger yields of as much as 100 gal/min could be obtained where the aquifer is thicker than 80 ft and contains medium-grained sand. The aquifer is confined beneath 200 to 300 ft of relatively impermeable shale. Water levels in wells range from about 100 ft below land surface in the west to 340 ft below land surface in eastern Kingsbury County.

Water from the aquifer is slightly saline and is a sodium sulfate type. Concentrations of dissolved solids range from 1,700 to 2,100 mg/L. Hardness of the water ranges from 50 to 200 mg/L. The water is unsuitable for irrigation because of its large concentration of sodium.

Dakota Aquifer

The Dakota aquifer underlies most of the county at depths ranging from 770 ft below land surface in the west to 1,300 ft below land surface in the north-central part of the county. The aquifer is absent locally in the southeastern part of the county. The Dakota averages 300 ft in thickness but may be as much as 500 ft thick in the northern part of the county. The aquifer is underlain by basement rock that yields little or no water to wells. Yields of wells in the Dakota aquifer are estimated to range from 2 to 100 gal/min. The aquifer is confined by and separated from the overlying Codell by 200 ft of shale. Water levels in wells are estimated to range from 10 ft below land surface in the west to 360 ft below land surface in the eastern part of the county.

Water from the aquifer is slightly saline and is a sodium sulfate type. Concentrations of dissolved solids range from 2,100 to 2,300 mg/L. Hardness of the water ranges from 2 to 40 mg/L. The water is unsuitable for irrigation because of its large concentration of sodium. Fluoride concentrations also exceed the recommended limit of 1.5 mg/L for drinking water set by the U.S. Environmental Protection Agency.

LOCATING SITES FOR LARGE-CAPACITY WELLS IN GLACIAL AQUIFERS

The best possibilities for obtaining wells in glacial aquifers capable of supplying more than 500 gal/min are in the areas where the aquifers are more than 20 ft thick. Before wells are constructed, test holes commonly are drilled to determine the thickness of the aquifer and to provide samples for determining the grain size of the aquifer material. Grain-size information helps in the selection of the proper slot size and length of screen to be used in the construction of a well. Controlled pumping of the well for at least a day indicates the yield of the aquifer at that locality and provides a representative water sample for chemical analysis. Measurement of the drawdown and

recovery of water level in the pumping well and in an observation well provides information that is useful for estimating the yield of a well during longer pumping periods. If the well is to be used for irrigation, knowledge of the type of soil, subsoil, and topography also are important in selecting the most suitable irrigation system. Increased ground-water development, especially near lakes and in stream valleys, may lower lake levels and decrease streamflow.

REPORT ON APPLICATION NOS. 5208-3 AND 5209-3
KINGBROOK RURAL WATER SYSTEM
August 25, 1988

Application No. 5208-3 is to appropriate 1.4 cfs from 2 wells approximately 50 feet deep to be located in the SW 1/4 of Section 16; NE 1/4 of Section 17; all in T111N, R56W in Kingsbury County. The water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the Cities of Howard and Oldham to the distribution system of Kingbrook Rural Water System.

Application No. 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water. The area reserved for future use is to be located in the SW 1/4 SW 1/4 of Section 10; NE 1/4 of Section 8; and all of Section 6; all in T111N, R56W in Kingsbury County. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Aquifer - Vermillion East Fork (VEF)

The Vermillion East Fork (VEF) is a Pliocene outwash (sand and gravel) aquifer generally under water table conditions. The aquifer underlies 94 square miles and averages about 25 feet in saturated thickness in Kingsbury County (Hamilton, 1988). The aquifer contains approximately 300,000 acre feet of water in storage. The aquifer is in hydraulic connection with Spirit Lake, Lake Henry and Lake Thompson. The SDGS (Hedges, 1983) has calculated an average rate of recharge of about 4 in/yr which would equate to 20,000 acre feet per year of recharge. Irrigation pumping records (Irrigation Reports, 1988) indicate an annual water use around 1000 acre feet per year with a high of about 2000 acre feet per year in 1979 and 1980. The lowest pumping year was 1986 with 657 acre feet.

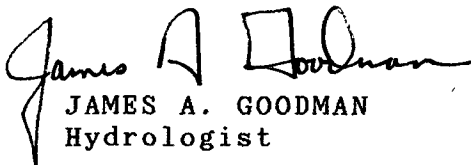
The Division of Water Rights monitors 9 observation wells in the VEF Aquifer in Kingsbury County. Records for four of these wells, KG-77C, KG-83A, KG-77D and KG-77E are included with this report. The hydrographs for these wells show a good correlation with wet and dry years. Water levels in this area reached the highest ever in 1986 because of unusually wet weather and in fact the water levels are still above normal. The effects of pumping high capacity wells are not evident from looking at the hydrographs. Pumping from an aquifer under water table conditions such as this area will not produce significant drawdowns very far from the production wells.

Review of Existing Water Permits

There are 25 existing irrigation permits from the VEF Aquifer in Kingsbury County. Also the City of DeSmet has 3 permits from this aquifer. Most of the permits are in the area between Spirit Lake and DeSmet. Well spacing has not been a problem in this area; however, 660 feet or more spacing between wells is a good idea. Most irrigation wells will be at least 1/4 mile from the rural water system wells.

Conclusions

1. Water is available from the VEF Aquifer.
2. Because the aquifer is under water table conditions; drawdowns are not expected to be significant; however, a minimum of 660 feet of spacing should be maintained if possible.
3. Estimates of recharge are much greater than reported usage; however, the aquifer is developed primarily between Spirit Lake and DeSmet. Probably less than one half of the available annual recharge would be available in the developed portion of the aquifer. The observation well hydrographs indicate the aquifer is easily sustaining the present development in the area.
4. The wells must be constructed in accordance with SD Well Construction Rules.


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Bibliography

- Hamilton, L. J., 1988, Major Aquifers in Kingsbury County, South Dakota, Information Pamphlet No. 41, DWNr, SDGS, Vermillion SD.
- Hedges, L. S., 1983, Task 7: Ground Water Recharge, For US Army Corps of Engineers, DWNr, SDGS, Vermillion SD.
- Irrigation Reports, 1988, Irrigation Reports for Years 1979 Through 1987, DWNr, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

OBSERVATION WELL WATER LEVELS

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OBSERVATION WELL WATER LEVELS

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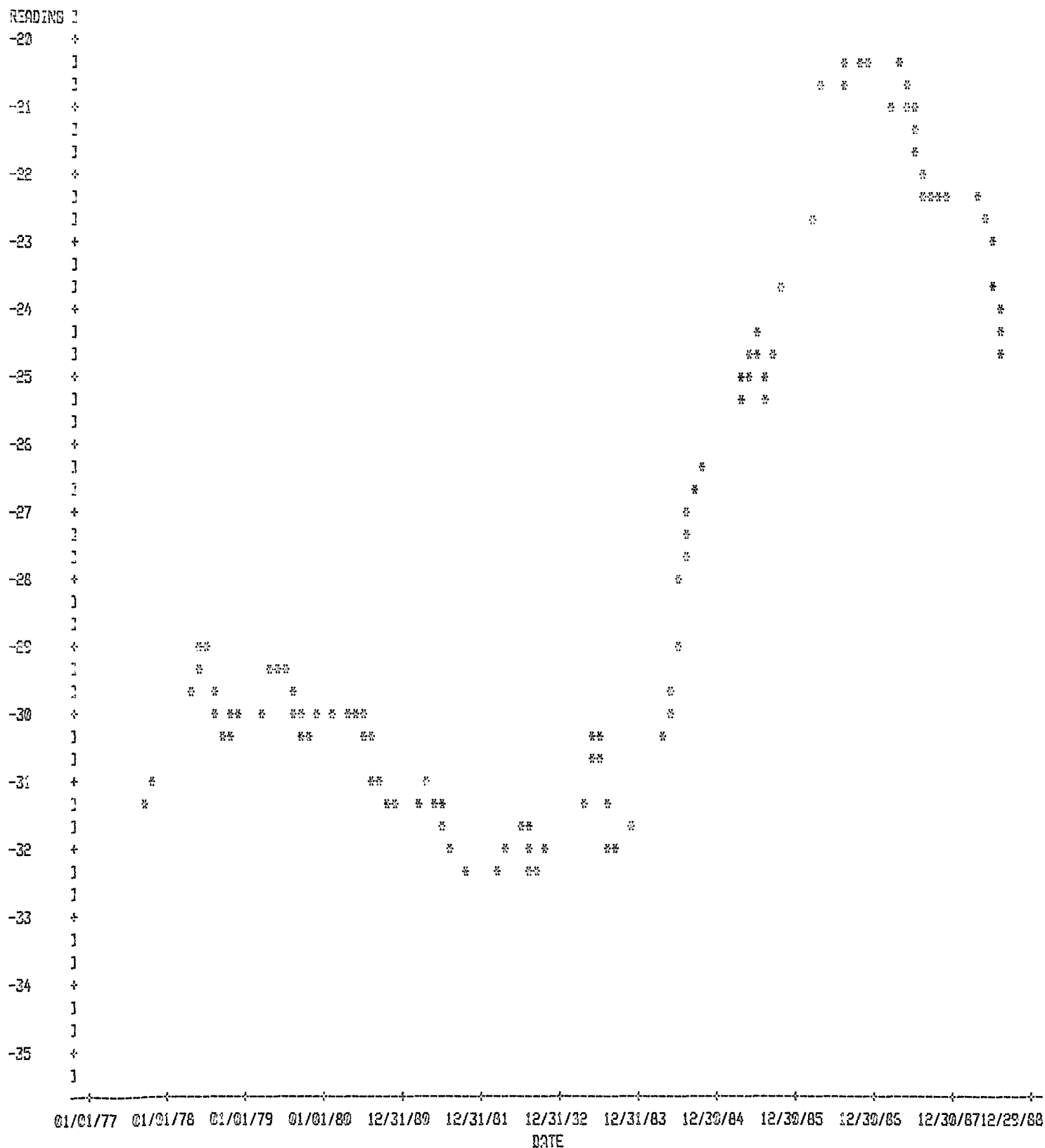
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OBSERVATION WELL WATER LEVELS

16:10 THURSDAY, AUGUST 25, 1988 2

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KG-77E	111N-56W-22B00C	08/12/83	-8.1
KG-77E	111N-56W-22B01C	08/25/83	-8.4
KG-77E	111N-56W-22B35C	11/09/83	-7.9
KG-77E	111N-56W-22B03C	04/12/84	-5.6
KG-77E	111N-56W-22B06C	05/15/84	-5.3
KG-77E	111N-56W-22B39C	05/29/84	-5.4
KG-77E	111N-56W-22B88C	06/12/84	-5.7
KG-77E	111N-56W-22B89C	06/26/84	-4.4
KG-77E	111N-56W-22B89C	07/10/84	-5.3
KG-77E	111N-56W-22B89C	07/24/84	-5.8
KG-77E	111N-56W-22B89C	08/07/84	-4.8
KG-77E	111N-56W-22B89C	08/21/84	-5.5
KG-77E	111N-56W-22B89C	09/15/84	-5.3
KG-77E	111N-56W-22B89C	10/24/84	-5.1
KG-77E	111N-56W-22B30C	04/02/85	-5.2
KG-77E	111N-56W-22B82C	04/24/85	-3.1
KG-77E	111N-56W-22B89C	05/21/85	-5.0
KG-77E	111N-56W-22B89C	05/04/85	-5.9
KG-77E	111N-56W-22B89C	06/17/85	-6.2
KG-77E	111N-56W-22B39C	07/02/85	-5.3
KG-77E	111N-56W-22B89C	07/16/85	-6.7
KG-77E	111N-56W-22B39C	07/31/85	-5.5
KG-77E	111N-56W-22B89C	08/12/85	-5.3
KG-77E	111N-56W-22B39C	08/26/85	-5.2
KG-77E	111N-56W-22B89C	09/17/85	-5.0
KG-77E	111N-56W-22B89C	10/16/85	-5.5
KG-77E	111N-56W-22B89C	03/26/86	-3.8
KG-77E	111N-56W-22B39C	04/29/86	-3.9
KG-77E	111N-56W-22B89C	05/09/86	-4.5
KG-77E	111N-56W-22B89C	05/23/86	-4.6
KG-77E	111N-56W-22B39C	07/08/86	-5.0
KG-77E	111N-56W-22B39C	07/22/86	-5.3
KG-77E	111N-56W-22B39C	07/29/86	-4.7
KG-77E	111N-56W-22B89C	08/07/86	-5.2
KG-77E	111N-56W-22B89C	08/15/86	-5.5
KG-77E	111N-56W-22B39C	10/01/86	-5.1
KG-77E	111N-56W-22B89C	11/18/86	-5.6
KG-77E	111N-56W-22B39C	03/05/87	-5.4
KG-77E	111N-56W-22B89C	04/22/87	-5.4
KG-77E	111N-56W-22B89C	05/20/87	-5.2
KG-77E	111N-56W-22B39C	06/04/87	-6.3
KG-77E	111N-56W-22B89C	06/18/87	-6.7
KG-77E	111N-56W-22B89C	07/02/87	-7.0
KG-77E	111N-56W-22B89C	07/15/87	-5.2
KG-77E	111N-56W-22B39C	07/29/87	-5.3

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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15:10 THURSDAY, AUGUST 25, 1983 3

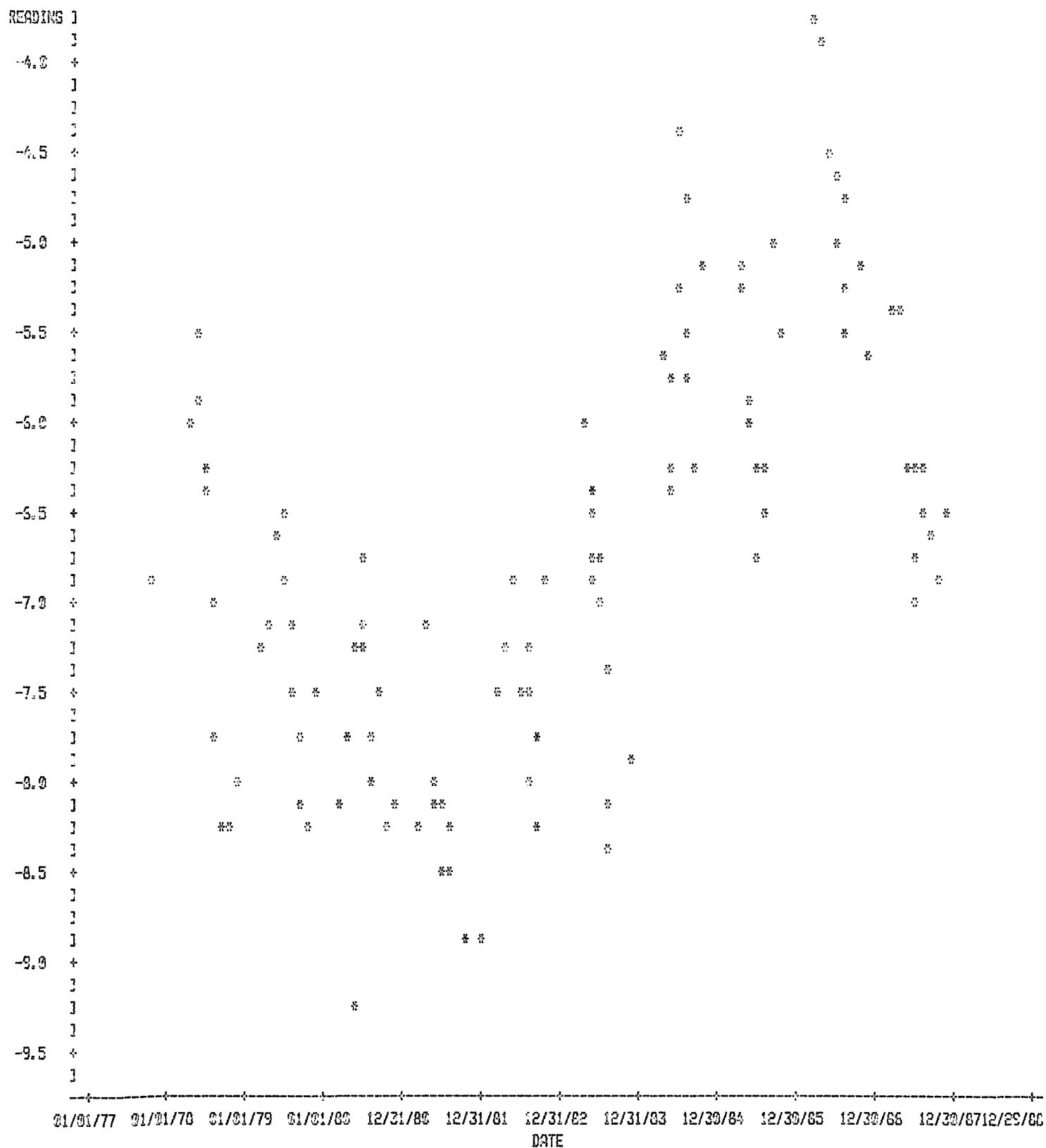
KG-77E	111N-56W-22888C	08/13/87	-5.5
KG-77E	111N-56W-22888C	08/27/87	-5.6
KG-77E	111N-56W-22888C	10/07/87	-5.9
KG-77E	111N-56W-22888C	11/16/87	-5.5

N= 114

OBSERVATION WELL WATER LEVELS
CBS_WELL=KG-77E

15:10 THURSDAY, AUGUST 25, 1988 4

PLOT OF READING#DATE SYMBOL USED IS *



NOTE: 7 OBS HIDDEN

0250009 - END OF DATA SET

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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16:12 THURSDAY, AUGUST 25, 1988 1

KG-83A	112N-56W-320000 2	11/02/57	-5.9
KG-83A	112N-56W-320000 2	03/10/58	-6.1
KG-83A	112N-56W-320000 2	05/25/58	-6.1
KG-83A	112N-56W-320000 2	11/13/58	-7.4
KG-83A	112N-56W-320000 2	03/12/59	-7.4
KG-83A	112N-56W-320000 2	07/17/59	-7.5
KG-83A	112N-56W-320000 2	11/17/59	-3.1
KG-83A	112N-56W-320000 2	05/03/60	-5.8
KG-83A	112N-56W-320000 2	10/27/60	-7.3
KG-83A	112N-56W-320000 2	03/03/61	-7.1
KG-83A	112N-56W-320000 2	07/21/61	-7.4
KG-83A	112N-56W-320000 2	11/01/61	-7.0
KG-83A	112N-56W-320000 2	04/12/62	-5.5
KG-83A	112N-56W-320000 2	07/10/62	-2.3
KG-83A	112N-56W-320000 2	10/29/62	-4.8
KG-83A	112N-56W-320000 2	03/07/63	-5.9
KG-83A	112N-56W-320000 2	07/16/63	-4.8
KG-83A	112N-56W-320000 2	11/15/63	-6.3
KG-83A	112N-56W-320000 2	05/25/64	-7.0
KG-83A	112N-56W-320000 2	07/07/64	-7.0
KG-83A	112N-56W-320000 2	12/16/64	-5.7
KG-83A	112N-56W-320000 2	04/15/65	-7.7
KG-83A	112N-56W-320000 2	11/23/65	-6.7
KG-83A	112N-56W-320000 2	05/31/66	-7.1
KG-83A	112N-56W-320000 2	07/25/66	-6.3
KG-83A	112N-56W-320000 2	03/21/67	-7.0
KG-83A	112N-56W-320000 2	07/10/67	-7.3
KG-83A	112N-56W-320000 2	11/22/67	-5.2
KG-83A	112N-56W-320000 2	03/05/68	-5.4
KG-83A	112N-56W-320000 2	07/02/68	-8.4
KG-83A	112N-56W-320000 2	10/29/68	-0.5
KG-83A	112N-56W-320000 2	04/16/69	-5.4
KG-83A	112N-56W-320000 2	08/14/69	-7.0
KG-83A	112N-56W-320000 2	10/31/69	-7.6
KG-83A	112N-56W-320000 2	04/01/70	-7.8
KG-83A	112N-56W-320000 2	07/02/70	-7.2
KG-83A	112N-56W-320000 2	11/24/70	-8.0
KG-83A	112N-56W-320000 2	03/26/71	-8.0
KG-83A	112N-56W-320000 2	07/07/71	-7.0
KG-83A	112N-56W-320000 2	11/05/71	-5.2
KG-83A	112N-56W-320000 2	04/04/72	-7.4
KG-83A	112N-56W-320000 2	07/17/72	-4.7
KG-83A	112N-56W-320000 2	11/20/72	-5.3
KG-83A	112N-56W-320000 2	05/01/73	-4.5
KG-83A	112N-56W-320000 2	07/09/73	-5.7
KG-83A	112N-56W-320000 2	11/27/73	-7.2
KG-83A	112N-56W-320000 2	04/15/74	-5.9
KG-83A	112N-56W-320000 2	07/08/74	-7.2
KG-83A	112N-56W-320000 2	11/01/74	-8.0
KG-83A	112N-56W-320000 2	05/13/75	-7.1
KG-83A	112N-56W-320000 2	07/09/75	-9.4
KG-83A	112N-56W-320000 2	11/10/75	-8.2
KG-83A	112N-56W-320000 2	05/04/76	-8.1
KG-83A	112N-56W-320000 2	08/02/76	-8.8
KG-83A	112N-56W-320000 2	11/29/76	-9.3

OBSERVATION WELL WATER LEVELS

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OBS_WELL	LOCATION	DATE	READING
KG-03A	112N-56W-320000 2	04/22/77	-0.2
KG-03A	112N-56W-320000 2	10/08/77	-8.5
KG-03A	112N-56W-320000 2	11/07/77	-8.6
KG-03A	112N-56W-320000 2	05/03/78	-5.3
KG-03A	112N-56W-320000 2	05/31/78	-5.2
KG-03A	112N-56W-320000 2	05/13/78	-5.3
KG-03A	112N-56W-320000 2	05/27/78	-4.6
KG-03A	112N-56W-320000 2	07/11/78	-5.1
KG-03A	112N-56W-320000 2	08/01/78	-5.7
KG-03A	112N-56W-320000 2	08/22/78	-5.2
KG-03A	112N-56W-320000 2	09/12/78	-6.4
KG-03A	112N-56W-320000 2	10/02/78	-6.2
KG-03A	112N-56W-320000 2	10/24/78	-6.8
KG-03A	112N-56W-320000 2	11/27/78	-7.0
KG-03A	112N-56W-320000 2	03/21/79	-6.9
KG-03A	112N-56W-320000 2	05/22/79	-5.9
KG-03A	112N-56W-320000 2	06/05/79	-5.9
KG-03A	112N-56W-320000 2	06/27/79	-6.0
KG-03A	112N-56W-320000 2	07/11/79	-6.2
KG-03A	112N-56W-320000 2	07/24/79	-6.4
KG-03A	112N-56W-320000 2	08/08/79	-6.5
KG-03A	112N-56W-320000 2	08/22/79	-6.6
KG-03A	112N-56W-320000 2	09/05/79	-5.7
KG-03A	112N-56W-320000 2	09/26/79	-6.9
KG-03A	112N-56W-320000 2	10/17/79	-7.1
KG-03A	112N-56W-320000 2	12/13/79	-7.4
KG-03A	112N-56W-320000 2	02/13/80	-7.9
KG-03A	112N-56W-320000 2	04/02/80	-7.3
KG-03A	112N-56W-320000 2	05/19/80	-7.9
KG-03A	112N-56W-320000 2	06/02/80	-6.9
KG-03A	112N-56W-320000 2	06/18/80	-7.6
KG-03A	112N-56W-320000 2	07/02/80	-7.8
KG-03A	112N-56W-320000 2	07/16/80	-7.9
KG-03A	112N-56W-320000 2	07/30/80	-8.0
KG-03A	112N-56W-320000 2	08/13/80	-8.1
KG-03A	112N-56W-320000 2	08/28/80	-8.1
KG-03A	112N-56W-320000 2	10/23/80	-8.6
KG-03A	112N-56W-320000 2	12/09/80	-8.7
KG-03A	112N-56W-320000 2	03/09/81	-9.1
KG-03A	112N-56W-320000 2	04/13/81	-9.0
KG-03A	112N-56W-320000 2	05/02/81	-9.2
KG-03A	112N-56W-320000 2	05/12/81	-9.2
KG-03A	112N-56W-320000 2	05/27/81	-9.3
KG-03A	112N-56W-320000 2	07/10/81	-9.4
KG-03A	112N-56W-320000 2	07/25/81	-9.4
KG-03A	112N-56W-320000 2	08/08/81	-9.5
KG-03A	112N-56W-320000 2	10/22/81	-9.8
KG-03A	112N-56W-320000 2	12/28/81	-10.0
KG-03A	112N-56W-320000 2	03/31/82	-9.7
KG-03A	112N-56W-320000 2	04/28/82	-9.6
KG-03A	112N-56W-320000 2	07/08/82	-9.0
KG-03A	112N-56W-320000 2	07/21/82	-9.1
KG-03A	112N-56W-320000 2	08/04/82	-8.9
KG-03A	112N-56W-320000 2	08/18/82	-8.9
KG-03A	112N-56W-320000 2	08/31/82	-8.9

OBS_WELL	OBSERVATION WELL LOCATION	WATER LEVELS DATE	READING
KG-83A	112N-56W-320000	2 09/21/82	-8.9
KG-83A	112N-56W-320000	2 10/20/82	-8.6
KG-83A	112N-56W-320000	2 04/05/83	-8.2
KG-83A	112N-56W-320000	2 05/11/83	-7.3
KG-83A	112N-56W-320000	2 05/24/83	-7.2
KG-83A	112N-56W-320000	2 05/02/83	-7.2
KG-83A	112N-56W-320000	2 05/07/83	-7.3
KG-83A	112N-56W-320000	2 05/21/83	-7.2
KG-83A	112N-56W-320000	2 07/07/83	-7.6
KG-83A	112N-56W-320000	2 07/21/83	-7.6
KG-83A	112N-56W-320000	2 08/12/83	-7.8
KG-83A	112N-56W-320000	2 08/25/83	-7.9
KG-83A	112N-56W-320000	2 09/13/83	-8.1
KG-83A	112N-56W-320000	2 11/08/83	-8.4
KG-83A	112N-56W-320000	2 04/12/84	-7.1
KG-83A	112N-56W-320000	2 05/15/84	-6.6
KG-83A	112N-56W-320000	2 05/29/84	-6.5
KG-83A	112N-56W-320000	2 05/12/84	-6.0
KG-83A	112N-56W-320000	2 05/26/84	-4.0
KG-83A	112N-56W-320000	2 07/10/84	-3.7
KG-83A	112N-56W-320000	2 07/24/84	-4.5
KG-83A	112N-56W-320000	2 08/07/84	-2.6
KG-83A	112N-56W-320000	2 08/21/84	-3.0
KG-83A	112N-56W-320000	2 09/11/84	-2.5
KG-83A	112N-56W-320000	2 10/24/84	-2.7
KG-83A	112N-56W-320000	2 04/02/85	-2.9
KG-83A	112N-56W-320000	2 04/24/85	-2.7
KG-83A	112N-56W-320000	2 05/21/85	-2.3
KG-83A	112N-56W-320000	2 05/04/85	-3.2
KG-83A	112N-56W-320000	2 05/17/85	-2.7
KG-83A	112N-56W-320000	2 07/02/85	-4.0
KG-83A	112N-56W-320000	2 07/16/85	-4.5
KG-83A	112N-56W-320000	2 07/31/85	-4.6
KG-83A	112N-56W-320000	2 08/13/85	-3.8
KG-83A	112N-56W-320000	2 09/29/85	-3.9
KG-83A	112N-56W-320000	2 09/17/85	-2.0
KG-83A	112N-56W-320000	2 10/16/85	-2.3
KG-83A	112N-56W-320000	2 03/26/86	-2.3
KG-83A	112N-56W-320000	2 05/09/86	-2.5
KG-83A	112N-56W-320000	2 05/23/86	-2.7
KG-83A	112N-56W-320000	2 07/03/86	-2.1
KG-83A	112N-56W-320000	2 07/22/86	-3.3
KG-83A	112N-56W-320000	2 07/29/86	-2.9
KG-83A	112N-56W-320000	2 08/07/86	-2.9
KG-83A	112N-56W-320000	2 08/19/86	-3.1
KG-83A	112N-56W-320000	2 10/01/86	-2.5
KG-83A	112N-56W-320000	2 11/18/86	-3.0
KG-83A	112N-56W-320000	2 03/09/87	-3.5
KG-83A	112N-56W-320000	2 04/22/87	-2.5
KG-83A	112N-56W-320000	2 05/20/87	-3.6
KG-83A	112N-56W-320000	2 06/04/87	-4.0
KG-83A	112N-56W-320000	2 05/18/87	-4.6
KG-83A	112N-56W-320000	2 07/02/87	-4.9
KG-83A	112N-56W-320000	2 07/15/87	-4.0
KG-83A	112N-56W-320000	2 07/29/87	-4.3

16:12 THURSDAY, AUGUST 25, 1988 4

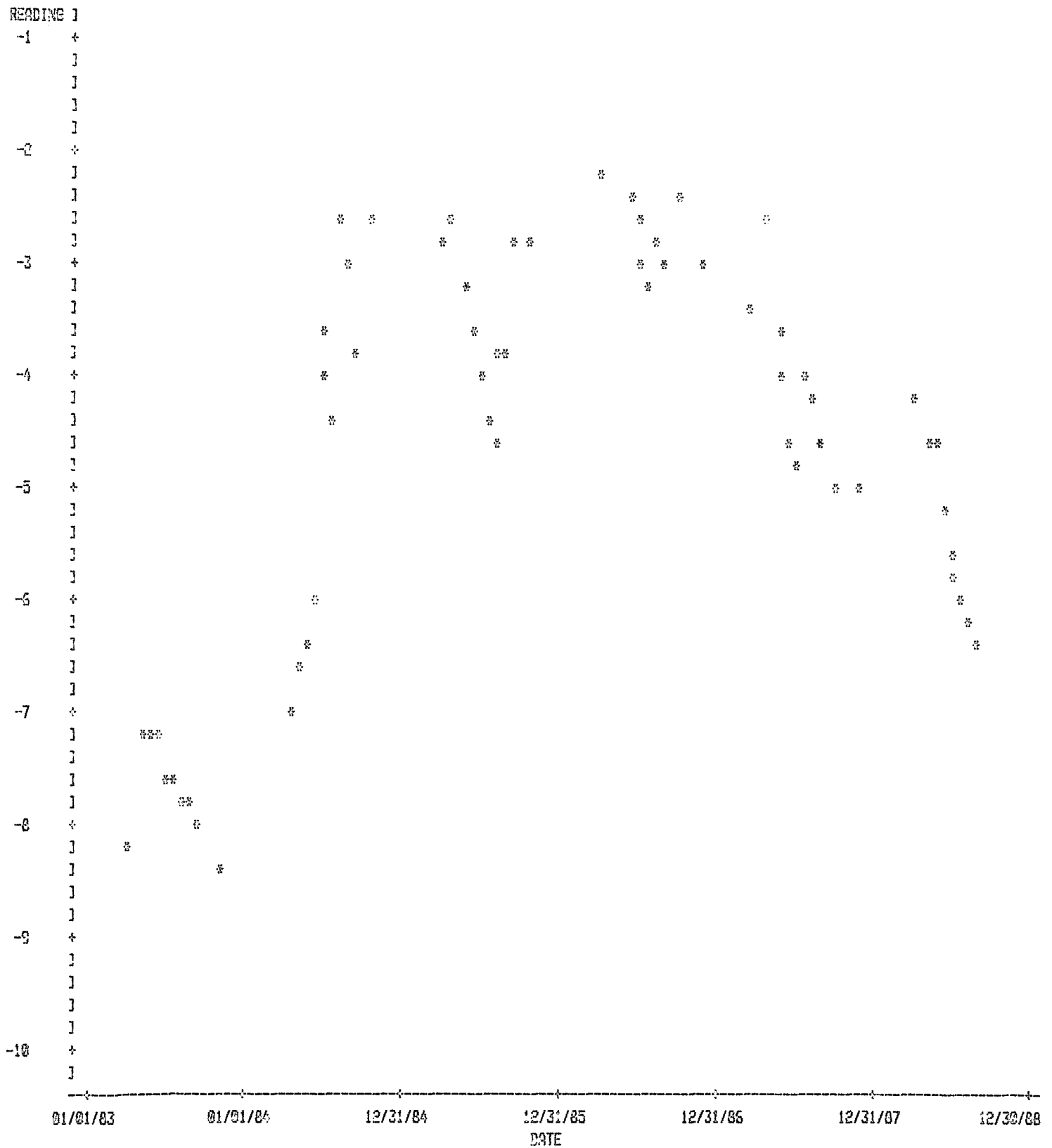
OBSERVATION WELL WATER LEVELS			
OBS_WELL	LOCATION	DATE	READING
KG-83A	112N-56W-320000 2	08/13/87	-4.2
KG-83A	112N-56W-320000 2	08/27/87	-4.5
KG-83A	112N-56W-320000 2	10/07/87	-5.1
KG-83A	112N-56W-320000 2	11/15/87	-5.0
KG-83A	112N-56W-320000 2	04/05/88	-4.2
KG-83A	112N-56W-320000 2	05/12/88	-4.7
KG-83A	112N-56W-320000 2	05/24/88	-4.6
KG-83A	112N-56W-320000 2	05/29/88	-5.3
KG-83A	112N-56W-320000 2	05/23/88	-5.7
KG-83A	112N-56W-320000 2	07/06/88	-5.0
KG-83A	112N-56W-320000 2	07/20/88	-5.0
KG-83A	112N-56W-320000 2	08/04/88	-6.2
KG-83A	112N-56W-320000 2	08/19/88	-6.5

N= 17C

OBSERVATION WELL WATER LEVELS
OBS_WELL=KG-83A

15:12 THURSDAY, AUGUST 25, 1988 5

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 112 OBS HAD MISSING VALUES OR WERE OUT OF RANGE 5 OBS HIDDEN

U050003 - END OF DATA SET

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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15:10 THURSDAY, AUGUST 25, 1980 1

KG-77D	111N-55W-17B9CC	09/29/77	-43.5
KG-77D	111N-55W-17B9CC	11/07/77	-43.1
KG-77D	111N-55W-17B9CC	05/03/78	-45.6
KG-77D	111N-55W-17B9CC	05/31/78	-45.3
KG-77D	111N-55W-17B9CC	06/13/78	-45.9
KG-77D	111N-55W-17B9CC	06/27/78	-45.3
KG-77D	111N-55W-17B9CC	07/11/78	-45.9
KG-77D	111N-55W-17B9CC	03/01/78	-45.9
KG-77D	111N-55W-17B9CC	06/22/78	-47.4
KG-77D	111N-55W-17B9CC	09/12/78	-48.5
KG-77D	111N-55W-17B9CC	10/02/78	-48.3
KG-77D	111N-55W-17B9CC	10/24/78	-48.2
KG-77D	111N-55W-17B9CC	11/28/78	-48.9
KG-77D	111N-55W-17B9CC	03/21/79	-48.2
KG-77D	111N-55W-17B9CC	05/01/79	-47.6
KG-77D	111N-55W-17B9CC	05/23/79	-47.4
KG-77D	111N-55W-17B9CC	06/05/79	-47.4
KG-77D	111N-55W-17B9CC	06/27/79	-47.1
KG-77D	111N-55W-17B9CC	07/11/79	-47.6
KG-77D	111N-55W-17B9CC	07/25/79	-48.1
KG-77D	111N-55W-17B9CC	08/09/79	-48.5
KG-77D	111N-55W-17B9CC	08/22/79	-48.5
KG-77D	111N-55W-17B9CC	09/05/79	-48.8
KG-77D	111N-55W-17B9CC	09/25/79	-48.8
KG-77D	111N-55W-17B9CC	10/10/79	-48.5
KG-77D	111N-55W-17B9CC	12/13/79	-48.4
KG-77D	111N-55W-17B9CC	02/13/80	-48.6
KG-77D	111N-55W-17B9CC	04/02/80	-48.5
KG-77D	111N-55W-17B9CC	05/19/80	-48.8
KG-77D	111N-55W-17B9CC	05/02/80	-49.0
KG-77D	111N-55W-17B9CC	05/18/80	-48.7
KG-77D	111N-55W-17B9CC	07/02/80	-48.7
KG-77D	111N-55W-17B9CC	07/16/80	-49.0
KG-77D	111N-55W-17B9CC	07/30/80	-50.0
KG-77D	111N-55W-17B9CC	08/13/80	-50.5
KG-77D	111N-55W-17B9CC	09/28/80	-51.0
KG-77D	111N-55W-17B9CC	10/23/80	-52.3
KG-77D	111N-55W-17B9CC	12/05/80	-50.0
KG-77D	111N-55W-17B9CC	03/03/81	-49.6
KG-77D	111N-55W-17B9CC	04/13/81	-49.7
KG-77D	111N-55W-17B9CC	05/02/81	-50.2
KG-77D	111N-55W-17B9CC	05/12/81	-49.9
KG-77D	111N-55W-17B9CC	05/27/81	-50.0
KG-77D	111N-55W-17B9CC	07/10/81	-51.5
KG-77D	111N-55W-17B9CC	07/25/81	-51.8
KG-77D	111N-55W-17B9CC	08/08/81	-51.7
KG-77D	111N-55W-17B9CC	10/22/81	-51.9
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KG-77D	111N-55W-17B9CC	03/31/82	-51.2
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KG-77D	111N-55W-17B9CC	07/21/82	-50.7
KG-77D	111N-55W-17B9CC	08/04/82	-51.7
KG-77D	111N-55W-17B9CC	08/18/82	-52.4
KG-77D	111N-55W-17B9CC	08/31/82	-52.6

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
----------	----------	------	---------

15:10 THURSDAY, AUGUST 25, 1983 2

KG-77D	111N-56W-17B8CC	09/21/82	-51.2
KG-77D	111N-56W-17B8CC	10/20/82	-51.4
KG-77D	111N-56W-17B8CC	04/05/83	-49.6
KG-77D	111N-56W-17B8CC	05/11/83	-48.3
KG-77D	111N-56W-17B8CC	05/24/83	-48.6
KG-77D	111N-56W-17B8CC	05/32/83	-48.3
KG-77D	111N-56W-17B8CC	05/07/83	-48.6
KG-77D	111N-56W-17B8CC	05/21/83	-48.5
KG-77D	111N-56W-17B8CC	07/07/83	-48.4
KG-77D	111N-56W-17B8CC	07/21/83	-48.3
KG-77D	111N-56W-17B8CC	08/12/83	-48.9
KG-77D	111N-56W-17B8CC	08/25/83	-49.5
KG-77D	111N-56W-17B8CC	09/13/83	-49.5
KG-77D	111N-56W-17B8CC	11/09/83	-49.4
KG-77D	111N-56W-17B8CC	04/12/84	-47.6
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KG-77D	111N-56W-17B8CC	06/26/84	-45.6
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KG-77D	111N-56W-17B8CC	07/24/84	-45.4
KG-77D	111N-56W-17B8CC	08/07/84	-45.1
KG-77D	111N-56W-17B8CC	08/21/84	-44.5
KG-77D	111N-56W-17B8CC	09/12/84	-44.7
KG-77D	111N-56W-17B8CC	10/24/84	-44.1
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KG-77D	111N-56W-17B8CC	04/24/85	-43.6
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KG-77D	111N-56W-17B8CC	05/17/85	-42.6
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KG-77D	111N-56W-17B8CC	07/08/85	-40.9
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KG-77D	111N-56W-17B8CC	07/29/85	-41.5
KG-77D	111N-56W-17B8CC	08/07/86	-41.4
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KG-77D	111N-56W-17B8CC	10/01/86	-41.9
KG-77D	111N-56W-17B8CC	11/10/86	-42.3
KG-77D	111N-56W-17B8CC	03/09/87	-43.3
KG-77D	111N-56W-17B8CC	04/22/87	-42.9
KG-77D	111N-56W-17B8CC	05/20/87	-43.8
KG-77D	111N-56W-17B8CC	05/04/87	-43.8
KG-77D	111N-56W-17B8CC	05/10/87	-44.3
KG-77D	111N-56W-17B8CC	07/02/87	-45.1
KG-77D	111N-56W-17B8CC	07/15/87	-44.6
KG-77D	111N-56W-17B8CC	07/29/87	-43.2
KG-77D	111N-56W-17B8CC	09/13/87	-45.5

OBSERVATION WELL WATER LEVELS			
OBS_WELL	LOCATION	DATE	READING
KG-77D	111N-56W-17B8CC	08/27/87	-45.2
KG-77D	111N-56W-17B8CC	10/07/87	-45.0
KG-77D	111N-56W-17B8CC	11/16/87	-45.3

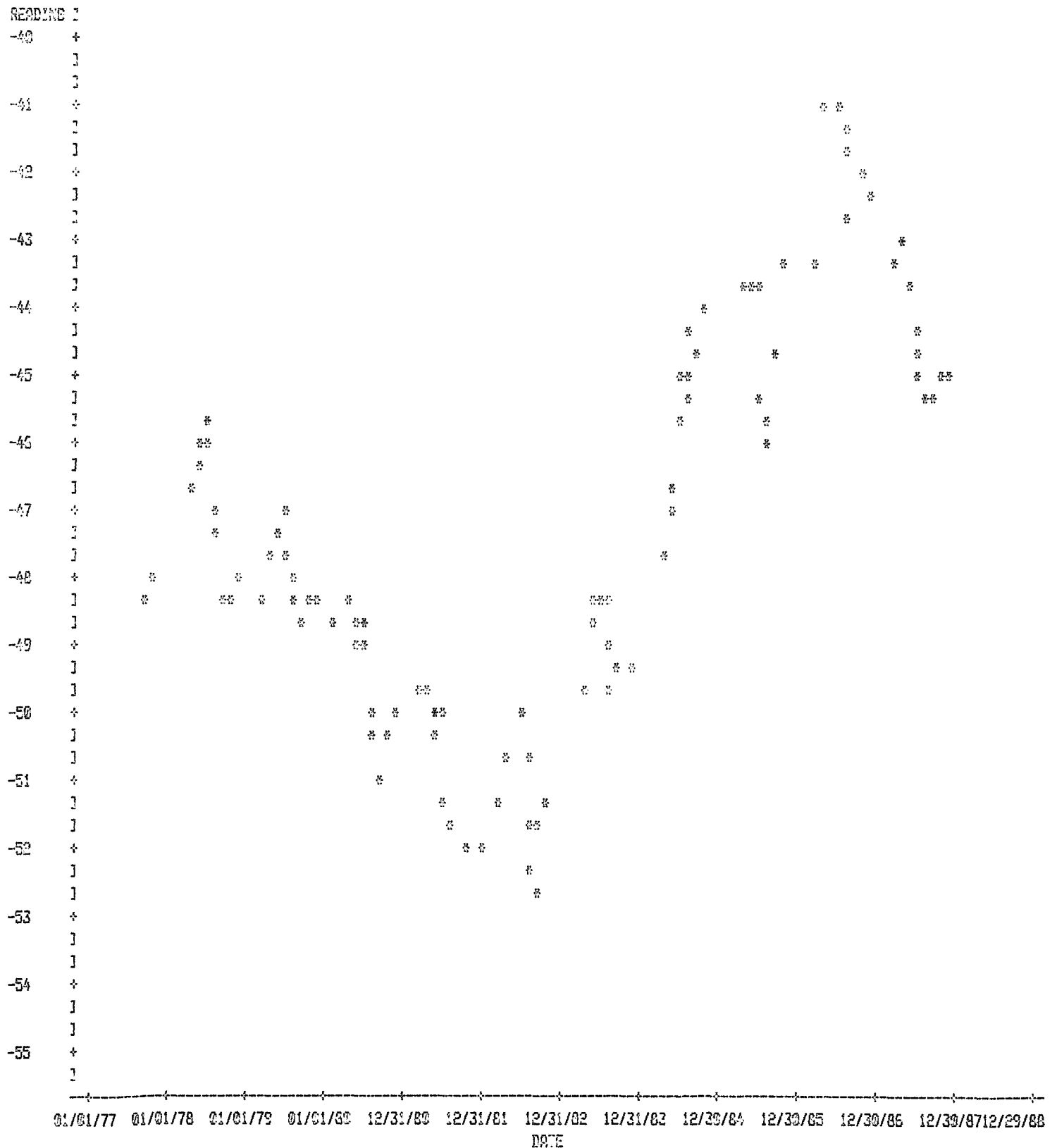
16:10 THURSDAY, AUGUST 25, 1988 3

N= 113

OBSERVATION WELL WATER LEVELS
OBS_WELL=KG-77D

15:10 THURSDAY, AUGUST 25, 1988 4

PLOT OF READING#DATE SYMBOL USED IS *



NOTE: 17 OBS HIDDEN

UCS0009 - END OF DATA SET

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5209-3, Kingbrook Rural Water System

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. 5209-3, Kingbrook Rural Water System, Drawer 299, Arlington SD.

The Chief Engineer is recommending APPROVAL of Future Use Application No. 5209-3 because 1) there is reasonable probability that there is unappropriated water available for appropriation, 2) that the quantity of water reserved will be needed by the Kingbrook Rural Water System, 3) the proposed use will be a beneficial use and 4) in the public interest with the following qualifications:

1. That Future Use Permit No. 5209-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from the Vermillion East Fork aquifer. Wells will be approximately 50 feet deep.
4. Approval of this permit reserves 2027 acre feet annually.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
August 30, 1988

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 5209-3, Kingbrook Rural Water System

Pursuant to SDCL 46-2A-2, the following is the REVISED recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit Application No. 5209-3, Kingbrook Rural Water System, Drawer 299, Arlington SD.

The Chief Engineer is recommending APPROVAL of Future Use Application No. 5209-3 because 1) there is reasonable probability that there is unappropriated water available for appropriation, 2) that the quantity of water reserved will be needed by the Kingbrook Rural Water System, 3) the proposed use will be a beneficial use and 4) in the public interest with the following qualifications:

1. That Future Use Permit No. 5209-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from the Vermillion East Fork aquifer. Wells will be approximately 50 feet deep.
4. Approval of this permit reserves 1100 acre feet annually.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
November 7, 1988

NOTE: Future Use Application No. 5209-3 as submitted by the Kingbrook Rural Water System was for 2.8 cubic feet per second (cfs). The maximum annual acre-feet represented by 2.8 cfs of pumping is 2027 acre-feet annually.

Assuming maximum annual pumping will equal 60% of 2027, expected actual pumping would be about 1200 acre-feet annually. The Kingbrook Rural Water System has advised that reservation of 1100 acre-feet per year should provide enough water for future needs.



Department of Water & Natural Resources

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

August 31, 1988

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

Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Sterling:

Your Application Nos. 5208-3 and 5209-3 for permits to appropriate water and appropriate water for future use have 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 following papers:

Argus Leader, Sioux Falls SD
DeSmet News, DeSmet SD
Moody Co. Enterprise, Flandreau SD
Miner Co. Pioneer, Howard SD
Estelline Journal, Estelline SD

Madison Daily Leader, Madison SD
Salem Special, Salem SD
Clark Co. Courier, Clark SD
Volga Tribune, Volga SD

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

Be sure to contact the above newspapers to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

August 31, 1988

Madison Daily Leader
Box 348
Madison SD 57042

Dear Sir:

Enclosed is a Notice of Hearings on Application Nos. 5208-3 and 5209-3 to be published twice. Please publish the first notice on or before September 7, 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 Larry Sterling, Kingbrook Rural Water System, Drawer 299, Arlington SD 57212.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before _____ with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5208-3 and 5209-3 to Appropriate Water

Notice is given that the Kingbrook Rural Water System, Drawer 299, Arlington SD 57212 has filed Application Nos. 5208-3 and 5209-3 for water permits. Application No. 5208-3 is to appropriate 1.4 cubic feet of water per second from 2 wells (Vermillion East Fork Aquifer) 50 feet deep to be located in the SW1/4 section 16; NE1/4 section 17; all in T111N-R56W. Water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the Cities of Howard and Oldham to the distribution system of the Kingbrook rural water system.

Application No. 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water (Vermillion East Fork Aquifer) approximately 50 feet deep. The area reserved for future water use is to be located in the SW1/4SW1/4 section 10; NE1/4 section 8; section 6; all in T111N-R56W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on October 5, 1988 at 10:00 am. 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 these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

These applications are made pursuant to 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.

PROOF OF PUBLICATION

Wed., Sept. ~~8~~ 14

STATE OF SOUTH DAKOTA)
County Lake) ss.

I, Deanna Bergheim hereby

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

Water was taken from the Madison Daily 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 Madison

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

Wednesday Sept. 7, 1988

Wednesday Sept. 14, 1988

Deanna Bergheim
(Signature)

Secretary
(Title)

9-14-88
(Date Signed)



Cost of Printing: 45.18
98 Lines @ .2561 80% aft
Publication

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

These applications are made pursuant to 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.

NOTICE OF HEARINGS
ON APPLICATION NOS. 5208-3 AND
5209-3 TO APPROPRIATE WATER

Notice is given that the Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed Application Nos. 5208-3 and 5209-3 for water permits. Application No. 5208-3 is to appropriate 1.4 cubic feet of water per second from 2 wells (Vermillion East Fork Aquifer) 50 feet deep to be located in the SW $\frac{1}{4}$ section 16; NE $\frac{1}{4}$ section 17; all in T111N-R56W. Water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the Cities of Howard and Oldham to the distribution system of the Kingbrook rural water system.

Application No. 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water (Vermillion East Fork Aquifer) approximately 50 feet deep. The area reserved for future water use is to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ section 10; NE $\frac{1}{4}$ section 8; section 6; all in T111N-R56W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD, on October 5, 1988, at 10:00 a.m. 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 these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Kingsbury) ss.

I, Dale Blegen
 certify that the attached printed Notice was taken
 from the De Smet News

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

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

September 7, 1988
September 14, 1988



Dale Blegen
 (Signature)

Publishe
 (Title)

Sept. 20, 1988
 (Date Signed)

Cost of Printing: 47.49

NOTICE OF HEARINGS
 on Application Nos. 5208-3 and 5209-3
 to Appropriate Water

Notice is given that the Kingbrook Rural Water System, Drawer 299, Arlington SD 57212 has filed Application Nos. 5208-3 and 5209-3 for water permits. Application No. 5208-3 is to appropriate 1.4 cubic feet of water per second from 2 wells [Vermillion East Fork Aquifer] 50 feet deep to be located in the SW 1/4 section 16; NE 1/4 section 17; all in T111N-R56W. Water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the Cities of Howard and Oldham to the distribution system of the Kingbrook rural water system.

Application No. 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water [Vermillion East Fork Aquifer] approximately 50 feet deep. The area reserved for future water use is to be located in the SW1/4SW1/4 section 10; NE1/4 section 8; section 6; all in T111N-R56W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD on October 5, 1988 at 10:00 a.m. 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 these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition

with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 [605 773-3352]".

The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

These applications are made pursuant to 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, 46-21-15; 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.

9-7-2wc-9-14

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McCook) ss.

I, Jerry Hollingsworth hereby

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

Water was taken from the Salem Special

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 Salem of _____

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

Sept. 8, 1988

Sept. 15, 1988

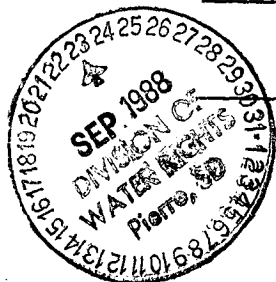
Jerry Hollingsworth
(Signature)

Publisher

(Title)

Sept. 21, 1988

(Date Signed)



Cost of Printing: _____

First Insertion--\$27.59

Second Insertion--- 22.07

Total 49.66

Public Notice

NOTICE OF HEARINGS
on Application Nos. 5208-3
and 5209-3

to Appropriate Water

Notice is given that the Kingbrook Rural Water System, Drawer 299, Arlington, S.D., 57212 has filed Application Nos. 5208-3 and 5209-3 for water permits. Application No. 5208-3 is to appropriate 1.4 cubic feet of water per second from 2 wells (Vermillion East Fork Aquifer) 50 feet deep to be located in the SW 1/4 section 16; NE 1/4 section 17; all in T111N-R56W. Water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the Cities of Howard and Oldham to the distribution system of the Kingbrook rural water system.

Application No. 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water (Vermillion East Fork Aquifer) approximately 50 feet deep. The area reserved for future water use is to be located in the SW1/4SW1/4 section 10; NE 1/4 section 8; section 6; all in T111N-R56W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-4, the Chief Engineer of the Water Rights Division recommends Approval of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, S.D. on October 5, 1988, at 10:00 a.m. 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 these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is: "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S.D., 57501 (605 773-3352)". The petition may be informal and include a public hearing request.

petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to

SALEM SPECIAL
Thursday, September 8, 1988
PAGE 4

the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

These applications are made pursuant to 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.

9/8, 9/15

No. 5208-3 + 5209-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Moody) ss.

I, Angela Nibbelink hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Moody County Enterprise

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 Flandreau

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

Sept. 7, 1988

Sept. 14, 1988

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

Sept. 14, 1988
(Date Signed)

Cost of Printing: \$43.66

NOTICE OF HEARINGS

On Application Nos. 5208-3 and 5209-3
To Appropriate Water

Notice is given that the Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed Application Nos. 5208-3 and 5209-3 for water permits. Application No. 5208-3 is to appropriate 1.4 cubic feet of water per second from 2 wells (Vermillion East Fork Aquifer) 50 feet deep to be located in the SW¼ section 16; NE¼ section 17; all in T111N-R56W. Water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the Cities of Howard and Oldham to the distribution system of the Kingbrook rural water system.

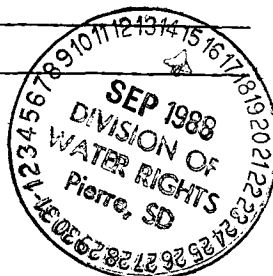
Application No. 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water (Vermillion East Fork Aquifer) approximately 50 feet deep. The area reserved for future water use is to be located in the SW¼SW¼ section 10; NE¼ section 8; section 6; all in T111N-R56W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre SD on October 5, 1988 at 10 a.m. 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 these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.



These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

These applications are made pursuant to 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.

(Sept. 7 & 14, 1988)

No. 5208-3+5209-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Miner) ss.

I, Carrie N. Mungel hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Miner County Pioneer

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

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

Sept 8 1988

Sept. 15 1988

Carrie N. Mungel
(Signature)

Secretary
(Title)

Sept. 15, 1988
(Date Signed)



Cost of Printing: \$ 50.63

Thursday, Sept. 15, 1988/MINER COUNTY PIONEER

NOTICE OF HEARINGS on Applications Nos. 5208-3 and 5209-3 to Appropriate Water

Notice is given that the Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed Application Nos. 5208-3 and 5209-3 for water permits. Application No. 5208-3 is to appropriate 1.2 cubic feet of water per second from 2 wells (Vermillion East Fork Aquifer) 50 feet deep to be located in the SW 1/4 section 16; NE 1/4 section 17, all in T111N-R56W. Water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the Cities of Howard and Oldham to the distribution system of the Kingbrook rural water system.

Application No. 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water (Vermillion East Fork Aquifer) approximately 50 feet deep. The area reserved for future water use is to be located in the SW 1/4 SW 1/4 section 10; NE 1/4 section 8; section 6; all in T111N-R56W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD on October 5, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualification, 3) defer or 4) deny these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for delay must be received by September 23, 1988.

These applications are made pursuant to 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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
Clark) ss.
County _____)

I, David Moritz hereby

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

Water was taken from the Clark County Courier

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

State South Dakota of _____

County of Clark at _____
that the said notice was published in said n
two dates:

September 7, 1988

September 14, 1988

David Moritz
(Signature)

Owner
(Title)

9-14-88
(Date Signer)

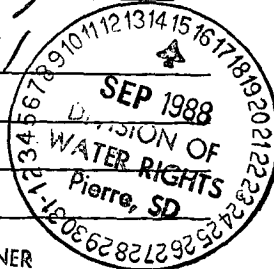
Subscribed and sworn to before me
September, 1988.

Janeen W. Binger

Cost of Printing: \$44.71

108 lines 2 times

JEANEEN W. BINGER
Notary Public, South Dakota
Clark County
My Commission Expires 7/9/1996



beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on October 5, 1988 at 10:00 a.m. 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 these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of hearing will also be automatically stayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

These applications are made, pursuant to SDCL 46-1-1 thru 46-1-12, ~~46-1-12~~ thru 46-1-15; 46-2-3.1, ~~46-2-11~~, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 3-2A-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. 9-7-21

No. 5208-3 and 5209-3

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:

Wed., September 7, 1988

Wed., September 14, 1988

M. Devish
(Signature)

Controller
(Title)

9/14/88
(Date Signed)

Cost of Printing: \$99.83

NOTICE OF HEARINGS
On Application Nos. 5208-3 and
5209-3 to Appropriate Water

Notice is given that the Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 has filed Application Nos. 5208-3 and 5209-3 for water permits. Application No. 5208-3 is to appropriate 1.4 cubic feet of water per second from 2 wells (Vermillion East Fork Aquifer) 50 feet deep to be located in the SW1/4 section 16; NE1/4 section 17; all in T111N-R56W. Water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the Cities of Howard and Oldham to the distribution system of the Kingbrook rural water system.

Application No. 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water (Vermillion East Fork Aquifer) approximately 50 feet deep. The area reserved for future water use is to be located in the SW1/4SW1/4 section 10; NE1/4 section 8; section 6; all in T111N-R56W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD on October 5, 1988 at 10:00 am. 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 these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

These applications are made pursuant to 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.



No. 5208-3/5209-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

Mary A. Björke hereby

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

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

City of Volga

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

September 8, 1988

September 15, 1988

Mary A. Björke
(Signature)

Bookkeeper
(Title)

Sept. 16, 1988
(Date Signed)

Cost of Printing: \$ 56.36

117 lines @ - 43.94

No. 3157-T, 2x, Sept. 8, 15
NOTICE OF HEARINGS
on Application Nos. 5208-3
and 5209-3 to
Appropriate Water

Notice is given that the Kingbrook Rural Water System, Drawer 299, Arlington, S.D., 57212, has filed Application Nos. 5208-3 and 5209-3 for water permits. Application No. 5208-3 is to appropriate 1.4 cubic feet of water per second from 2 wells (Vermilion East Fork Aquifer) 50 feet deep to be located in the SW1/4 section 16; NE1/4 section 17; all in T111N-R56W. Water is to be used to supply the Kingbrook Rural Water System. This application also proposes to connect the cities of Howard and Oldham to the distribution system of the Kingbrook rural water system.

Application 5209-3 is to appropriate for future use 2027 acre-feet of water annually from ground water (Vermilion East Fork Aquifer) approximately 50 feet deep. The area reserved for future water use is to be located in the SW1/4SW1/4 section 10; NE1/4 section 8; section 6; all in T111N-R56W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Future Use Application No. 5209-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water and 4) it is in the public interest.

These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, S.D., on October 5, 1988 at 10:00 a.m. 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 these applications based on the facts presented at the public hearings.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S.D. 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

These applications are made pursuant to 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.

No. 5208-3/5209-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

I, Mary A. Bjerke hereby

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

Water was taken from the Estelline Journal

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 Estelline

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

September 8, 1988

September 15, 1988

Mary A. Bjerke
(Signature)

Bookkeeping
(Title)

Sept. 16 1988
(Date Signed)

Cost of Printing: \$ 51.36

117 lines @ 43.9¢

No. 3157-J, 2x, Sept. 8, 15
NOTICE OF HEARINGS
on Application Nos. 5208-3
and 5209-3 to
Appropriate Water

Notice is given that the Kingbrook
Rural Water System, Drawer 299,
Arlington, S.D., 57212, has filed
Application Nos. 5208-3 and 5209-3
for water permits. Application No.
5208-3 is to appropriate 1.4 cubic

feet of water per second from 2 wells
(Vermillion East Fork Aquifer) 50 feet
deep to be located in the SW1/4
section 16; NE1/4 section 17; all in
T111N-R56W. Water is to be used to
supply the Kingbrook Rural Water
System. This application also pro-
poses to connect the cities of How-
ard and Oldham to the distribution
system of the Kingbrook rural water
system.

Application 5209-3 is to appropri-
ate for future use 207 acre-feet of
water annually from ground water
(Vermillion East Fork Aquifer) ap-
proximately 50 feet deep. The area
reserved for future water use is to be
located in the SW1/4SW1/4 section
10; NE1/4 section 8; section 6; all in
T111N-R56W. The water is to be
reserved for the purpose of providing
future water supplies to the rural
water system. This application does
not authorize construction of works
or application of water to beneficial
use.

Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water Rights
Division recommends APPROVAL
of Application No. 5208-3 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.

Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water Rights
Division recommends APPROVAL
of Future Use Application No. 5209-
3 because 1) unappropriated water
is available, 2) the quantity of water
reserved will be needed, 3) will be a
beneficial use of water and 4) it is in
the public interest.

These applications will be consid-
ered by the Water Management
Board in Room 216, Joe Foss Build-
ing, 523 E. Capitol, Pierre, S.D., on
October 5, 1988 at 10:00 a.m. The

Chief Engineer's recommendation
not final or binding upon the Board.

The Board is authorized to 1) a
prove, 2) approve with qualification
3) defer or 4) deny these applications
based on the facts presented at the
public hearings.

Any interested person that inten-
to participate in a hearing before the
Board by presenting evidence
cross-examining witnesses accord-
ing to SDCL 1-26, must file a writ-
ten petition with BOTH the applicant and
Chief Engineer by September 2
1988. The Chief Engineer's address
"Water Rights Division, Foss Build-
ing, 523 E. Capitol, Pierre, S.D. 57501
(605-773-3352)". The petition may be
informal, but must include a statement
describing the petitioner's interest in
an application, the petitioner's rea-
sons for opposing or supporting the
application and the signature and
mailing address of the petitioner or
legal counsel if legal counsel is ob-
tained. The applicant need not file a
petition. Contact the Water Rights
Division to request information on
these applications or to assure ac-
cess to the hearing by the hand-
capped.

These hearings are adversar-
proceedings. Any person filing a peti-
tion and/or the applicant have the right
to be represented by a lawyer. 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. The time of
a hearing will also be automatically
delayed for at least twenty days upon
written request to the Chief Engineer
from the applicant or a petitioner. The
request for a delay must be received
by September 23, 1988.

These applications are made pur-
suant to 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-
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.

SOUTH Dakota Department of
Water & Natural Resources

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

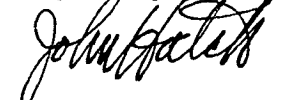
September 6, 1988

Larry Sterling, Manager
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Sterling:

Would you provide us with the annual use figures since Kingbrook started pumping the well field north of DeSmet? We have recommended approval of your future use water permit application for 2027 acre feet annually; however, it may be necessary to justify this amount.

Very truly yours,



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

KINGBROOK

RURAL WATER SYSTEM



Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

September 14, 1988

John Hatch, Chief Engineer
Water Rights Division
Dept. of Water/Natural Resources
Joe Foss Building
Pierre, SD 57501-3181



Dear Mr. Hatch:

Below are the annual use figures for the well field north of De Smet.

We can not find any records for 1982. If you have any questions, please contact me at our office.

1980 - 82,989,000
1981 - 72,451,000
1982 -
1983 - 44,412,000
1984 - 63,208,000
1985 - 92,253,000
1986 - 85,602,000
1987 - 92,928,000
1988 to current - 77,500,000

Sincerely,

Morris Elcock, jlk

Morris R. Elcock
Manager

MRE/jlk

R. R. 1, Box 97
De Smet, SD 57231
September 17, 1988



Water Management Board
Room 216, Joe Foss Building
523 E. Capitol
Pierre, SD 57501

Dear Sirs/Madams:

This letter is regarding the request by Kingbrook Rural Water System for water permits No. 5208-3 and 5209-3.

I am a livestock and grain producer in the proposed area and rent irrigation in and around the affected area. I have operated irrigation in Section 5-111-56 since 1975 and in Section 32-112-56 since 1977. I also rent pasture land in Section 9-111-56 and on the NE¼ Section 8-111-56.

This area has been subject to South Dakota's many changing weather patterns. First comes to mind the drought of the 1970's with its climax in 1976 in which no crops were grown. The area was devastated economically. Livestock was shipped from the area and virtually no production was received. This brought about the surge in development of irrigation in the area. This development has been cautious but steady giving the area a steady and stable supply of grains and feed stuffs. This also has led to installation of a terminal elevator which added values to corn for all producers in the area.

With the advent of the declining prices and hard times of the 1980's, development has stopped. Also, the area experienced a "100 year" flood which culminated in 1986. Yet, once again, the drought of 1988 has brought all back to reality.

During all these changing times, irrigation has provided stability for producers in the area.

I oppose the granting of these applications for the following reasons:

1. Because of the "100 year" flood, water levels are at unprecedented highs. With return to normal weather patterns, we can only guess as to the stability of the water supply. Present usage is on a short time basis allowing adequate recharge. However, present permitted usage has never been tested under true drought conditions. Continual full use of pumping capabilities could lead to outlying aquifer depletion causing unnecessary shortages to domestic, commercial and other municipal users, especially those on the west side of the aquifer who have no other source available.

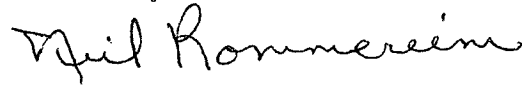
2. Recent awareness of water quality has led to many findings, results which we are only beginning to understand. The proposed sights on Section 6 and Section 8 are near a commercial feedlot and irrigation. No one knows what contamination problems could arise when water is withdrawn at high rates for prolonged periods of time, problems which producers and users do not now experience and should not be subjected to.
3. Law specifies that this permit can be granted even though no apparent need is projected. Also, it can be granted even though the owner of the property does not desire it. Granting the permit does three things: 1) It leaves the landowner with a severely reduced land value. Without the opportunity for further development, the property is tied to a very limited production potential. 2) It effectively stops further development of additional irrigation which hurts economic growth of the area. 3) It provides a monopoly of water distribution which stops competition which might someday wish to provide a like service.
4. South Dakota Codified Law 46-1-6-.4 provides for precedence of water use. Water rights granted before June 30, 1978 are determined by the date of the permit. A rather complicated formula exists to provide use privilege thereafter. Most of the permits now in existence are before the 1978 change. If depletion should occur, it would lead to complicated and prolonged problems. No one wants the responsibility associated with deprivation of water for any particular user.

Granting these permits does not necessarily follow water use guidelines because:

1. Unappropriated water is available under present conditions. Uncertainty of quantity and quality persist. No one knows what will really happen when prolonged pumping occurs.
2. No true reliable need has been demonstrated for the quantity of water requested. If no need exists, why grant a permit? Present permits can be affected if depletion occurs in outlying areas. Reliability of supply is essential to other users also. No true data is available as to depletion at accelerated user rates.
3. Most of all, granting a monopolizing permit does not serve the public interest. Once pumping begins, the resource is lost to the local people. No local economic gain can be realized after the resource is piped from the area. Furthermore, after installation, no new jobs will be provided to local people to replace the resource.

It is because of the these reasons I urge the Water Management Board to deny the permits in question.

Sincerely,

A handwritten signature in cursive script that reads "Neil Rommereim". The signature is written in dark ink and is positioned above the printed name.

Neil Rommereim

NR:lr

cc: Kingbrook Rural Water System

copy



DeSmet, South Dakota

September 18, 1988

The DeSmet News

DeSmet, South Dakota 57231

Dear Mr. Editor:

In regard to Kingbrook Rural Water Application to appropriate water from several different locations north of DeSmet: (DeSmet News, Sept/ 14, 1988, Page 8).

1- Our first concern is with irrigation. If drought continues, can Kingborrk shut down all the irrigators if, by expanding, Howard, for example, needs water from this aquifer?

2- For the landowner, what happens to the value of irrigable land if water rights are lost -- possibly without his knowledge? Is there any compensation?

3- Can the city of DeSmet stand some drop in their water supply if dry weather continues? Also, if water is shipped out of this aquifer to another community, DeSmet area has lost the potential for more economic development.

September 23, 1988 is the final date one can support or oppose action on these applications. After that date, that right is lost, as we understand it.

We think many will agree that anything of this magnitude deserves some publicity more than fine print at the back of the newspaper. Public awareness is a must, or some lanowners might lose their water rights without even being aware of it.

Are we right?

For these reasons, we have requested a delay in approval of these applications.

Sincerely,

Mary Lois Ogren
Marvin Ogren
Mary Lois Ogren
Marvin Ogren

MO/mo



Defmet, South Dakota
September 18, 1988

Chief Engineer, Water Rights Division
Foss Building
523 East Capitol
Pierre, South Dakota 57501

Kingbrook Rural Water
Drawer 299
Arlington, South Dakota 57212

In regard to Applications numbered 5208-3 and 5209-3 by
Kingbrook Rural Water, Arlington, South Dakota.

This is a petition for delay on action pertaining to above.

Our interest is irrigation:

Marvin Ogren, Owner NW 1/4 31-112-56. Permit #2697-3 (Ogren #1)
Mary Lois Ogren, Owner, NE 1/4 31-112-57. Permit #4282-3. (Ogren #2)
Permit # 4282-3 Is in the name of Marvin Ogren.

Reason for opposition: Fear of being shut down at some time in the future.
Also, concern that the people affected are unaware and do not know.

Mary Lois and Marvin Ogren
RR1, Box 111
Defmet, South Dakota

Please read the attached letter.

Box 256
De Smet, SD 57231
September 20, 1988



Water Management Board
Room 216, Joe Foss Building
523 E. Capitol
Pierre, SD 57501

Dear Sir:

I am writing in regard to the application to appropriate water to the Kingbrook Rural Water System in permit number 5209-3.

I am the owner of the land in the NE $\frac{1}{4}$ Section 8-111-56. I also own adjacent land in Section 9 and Section 5.

Several concerns come to mind for me in granting this permit:

1. These properties are the only source of income that I enjoy. Granting this permit would forever stop irrigation development which could occur on this land. Therefore, it would keep the land at marginal productivity.
2. Continual pumping of water from this area could deplete a newly constructed well in Section 9. This summer we were forced to abandon a well in the southwest corner of the NW $\frac{1}{4}$ Section 9 and had to dig a new well in the northwest corner of that quarter far away from present development. This could also affect development plans for my other property in the SE $\frac{1}{4}$ Section 5-111-56.
3. I also have concerns about the amount of water requested. Pumping this much water could leave neighbors and friends in outlying areas without water for their needs.
4. In a recent conversation with the Kingbrook Rural Water Manager, I was told that the purpose of the permit was to secure water for unspecified hopeful needs. I was told that in the near future there was no need for it. This places an unnecessary burden on my freedom to do as I wish with my land.

Kingbrook Rural Water System for me has not been a good neighbor. I was not personally notified of their request to get a permit on my land.

Sincerely,

Esther S Stubbe

Esther Stubbe

cc: Kingbrook Rural Water System



Dear sirs,

In regard to Applications Numbered 5208-3 and 5209-3 by Kingbrook Rural Water, Arlington, South Dakota.

We are strongly opposed to allowing Kingbrook to secure water rights to the large extent published in the DeSmet News (Kingsbury County) dated Sept. 14, 1988 without more publicity and a public hearing at the local level. Not everyone has time to read all the fine print in the paper every week, and it looks as if some landowners could lose their water rights without even being aware of it.

Having spent ten years and thousands of dollars paying for an irrigation system to stabilize our farming operation, we feel we have a crucial interest in what happens to water in this aquifer.

It is our belief that existing wells have priority by law, but laws are easily changed by special interest groups, and we see no guarantee that we won't be shut down if it should remain dry and Kingbrook should need this aquifer to supply Howard, for example.

These applications are too big, involve too many, to be railroaded through in a week or two without all the people affected being informed and made aware of the consequences. One land-owner/irrigator lives in Alaska, another in Watertown. Do they know?

Also, Perhaps the Kingbrook people should talk to some of the local owners who have always lived here and have dug these irrigation wells, to ask how deep and how wide this aquifer really is. Their test wells may not be telling them the whole truth -- our first well fissled after three days.

Having carried drinking water in a cream can for many years, no one appreciates Rural Water more and we do. We are not against Rural Water, as such.

However, we believe anything of this magnitude deserves some publicity other than the fine print at the back of the newspaper. We would like time to conduct a local public meeting, make sure the people are warned and allow some discussion. The people should know!!

For these reasons, we request a delay in the proceedings.

Sincerely,

Mary Lois Ogren
Mary Lois Ogren

Marvin Ogren
Marvin Ogren

Sept 21, 1988

Chief Engineer
Water Rights Division
For Building
523 E. Capitol
Pierre, S.D. 57501



Re: Kingbrook Rural Water System
Application to appropriate water
5209-3

My concern in this matter is as a
County Commissioner of Kingsbury County
representing Spirit Lake and Mc Smet
Townships and Mc Smet City.

Several residents of these areas have
contacted me expressing grave
concerns over this application.
I believe they must have a hearing
and more information before this
application is granted.

I would respectfully request that
the twenty days delay be imposed,
and I would like to reserve the
right to testify.

Sincerely

William J. Cronkite

WILLIAM J. CRONKITE
BOX 305
MC SMET, SD 57231



Department of Water & Natural Resources

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

September 23, 1988

NOTICE

TO: Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212
and Parties of Record (see attached lists)

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

SUBJECT: Automatic Continuance of Hearing on Water Permit
Application No. 5208-3 and Future Use Permit
Application No. 5209-3

A petition opposing Application Nos. 5208-3 and 5209-3 has been received from Mary Lois and Marvin Ogren. A petition has also been received from William J Cronkhite. The petitions both request an automatic delay of the hearing (copies enclosed). Therefore, the hearing is automatically delayed pursuant to SDCI 46-2A-4 and 46-2A-5 and will NOT be held on October 5, 1988.

The Water Management Board will now consider Application Nos. 5208-3 and 5209-3 on December 7, 1988 at 10:30 am in Dakota A, Howard Johnson, 3300 W Russell Street, Sioux Falls SD. The agenda time is an estimate. The actual time of hearing may be later than 10:30 am due to prior agenda items. Applicable provisions of the Notice of Hearing published on September 7 and 14, 1988 in the DeSmet News will still apply at the hearing.

cc: Water Management Board
John Guhin, Assistant Attorney General
Larry Donovan, Assistant Attorney General



September 23, 1988
(date)

page 1

Parties of Record before Water Management Board regarding Future Use
Permit Application No. 5209-3, Kingbrook Rural Water
System

For:

Against:

Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Morris Elcock, Manager
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Mary Lois and Marvin Ogren
RR 1, Box 111
De Smet SD 57231

Neil Rommerein
RR 1, Box 97
De Smet SD 57231

Esther Stubbe
Box 256
De Smet SD 57231

Interested:

William J. Cronkhite
RR 1, Box 105
De Smet SD 57231

SOUTH Dakota Department of
Water & Natural Resources

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

September 26, 1988

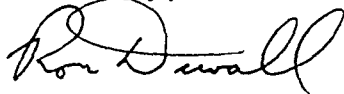
Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Sterling:

This letter is to inform you that additional petitions have been submitted in regard to Water Permit Application Nos. 5208-3 and 5209-3. Enclosed are two petitions received from Bernard Larson and Mark A Geib in opposition to Application Nos. 5208-3 and 5209-3.

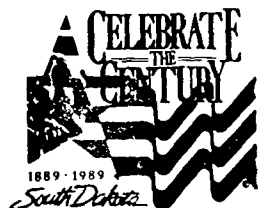
Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





5209-3

Department of Water & Natural Resources

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

October 21, 1988

Morris Elcock, Manager
Kingbrook Rural Water System
Drawer 299
Arlington, South Dakota 57212

Dear Mr. Elcock:

I am writing to follow up on the public meeting in DeSmet, October 18, 1988 concerning Water Permit Applications No. 5208-3 and No. 5209-3 (future use). The concerns I heard stated by the nine people in opposition to the permit applications were:

1. That approval and development of Permits No. 5208-3 and 5209-3 may interfere with existing water use and prohibit additional irrigation development north of DeSmet.
2. Did not want water pumped from DeSmet well field to Howard.

In response to concern No. 1, I am proposing to issue revised recommendations with the following changes:

1. Condition approval of Application No. 5208-3 with the following qualification:

"Approval of Permit No. 5208-3 authorizes maximum annual withdrawals under Permits No. 4137-3, 5182-3 and 5208-3 of up to 1350 acre feet."
2. Condition approval of Future Use Application No. 5209-3 with the following qualification:

"Approval of Permit No. 5209-3 reserves 1100 acre feet annually."

The 1350 acre feet condition is based upon 60% of maximum continuous pumping-

No. 4137-3	1.0 cfs or 724 AF/yr @60% = 434 AF/yr
No. 5186-3	0.7 cfs or 506 AF/yr @60% = 304 AF/yr
No. 5208-3	1.4 cfs or 1013 AF/yr @60% = 608 AF/yr

TOTAL 1346 AF/yr



Morris Elcock

Page 2

October 18, 1988

The 1100 AF future use number is based upon comments Tuesday night, October 18. Sixty percent of 2027 AF is 1216 AF.

The City of Howard should be represented at the December Water Management Board meeting in Sioux Falls to explain why the city wants water from Kingbrook Rural Water System. Your projected annual use of 1100 AF/yr from the DeSmet well field with service to Oldham, Howard and 320(?) new connections would leave 250 AF/yr ($1350 - 1100 = 250$) for future expansion and increased use.

An example of an application to use a portion of the 1100 AF reserved by Future Use Permit No. 5209-3 could be:

"1.0 cfs from 2 wells and 200 AF/yr from Future Use Permit No. 5209-3 to increase annual withdrawals under Permits No. 4137-3, 5182-3, and 5208-3 from 1350 AF to 1550 AF".

Such application would then leave a reserved balance of 900 AF/yr under No. 5209-3.

Please send a copy of the October 18 meeting attendance sign up sheet and advise concerning the proposed conditions.

Very truly yours,



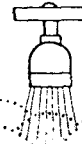
John Hatch, Chief Engineer
Water Rights Division
(605)773-3352

JH:ms

cc: Gary Patton, DeWild, Grant, Reckert & Associates

KINGBROOK

RURAL WATER SYSTEM



Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

November 1, 1988

John Hatch, Chief Engineer
Water Rights Division
S.D. Department of Water & Natural Resources
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501-3181



Dear Sir:

In regards to letter on the follow-up of the public meeting in DeSmet and your proposed changes on our permit applications. I have visited with Gary Patton, our engineer, about your recommendations and we are agreeable with them.

1. Condition approval of Application No. 5208-3 with the following qualification:

"Approval of Permit No. 5208-3 authorizes maximum annual withdrawals under Permit No. 4137-3, 5182-3 and 5208-3 of up to 1350 acre feet".

2. Condition approval of Future Use Application No. 5209-3 with the following qualification:

"Approval of Permit No. 5209-3 reserves 1100 acre feet annually.

I again want to thank you for taking time out of your busy schedule to attend the informational meeting in DeSmet on October 18, 1988. Attached is a copy of those in attendance at that meeting.

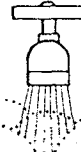
Sincerely,

Morris Elcock
General Manager

ME:lb

KINGBROOK

RURAL WATER SYSTEM



Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

Name	Address
Morris Elcock	Arlington
Neil Rommerein	DeSmet
Linda Rommerein	DeSmet
Stanley Anderson	DeSmet
Otto Sckerl	DeSmet
William Cronkite	DeSmet
Harold Whirlledge	Bryant
Todd Wilkinson	DeSmet
Mark Geib	DeSmet
Norman Lee	DeSmet
Mary Ogren	DeSmet
Marvin Ogren	Desmet
Bernard Larson	DeSmet
Ruth Larson	DeSmet
John Weidler	Howard
John D. Jensen	DeSmet



Department of Water & Natural Resources

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

November 9, 1988

NOTICE

TO: Morris Elcock, Manager
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212
and Parties of Record (see attached lists)

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

SUBJECT: Revised Recommendations for Water Permit Application No. 5208-3 and Future U. e
Permit Application No. 5209-3

Enclosed for your information are Revised Recommendations for Applications No. 5208-3 and 5209-3. The Recommendations propose qualifications that limit the number of acre-feet the Kingbrook Rural Water System may pump each year from the Vermillion East Fork groundwater aquifer north of DeSmet. The qualifications to limit annual pumping are the result of the public meeting in DeSmet, October 18, 1988.

The hearing before the Water Management Board on these applications is still scheduled for December 7, 1988 at 10:30 am in Room Dakota A, Howard Johnsons, 3300 West Russell Street, Sioux Falls SD. The agenda time is an estimate. The actual time of hearing may be later than 10:30 am due to prior agenda items. Applicable provisions of the Notice of Hearing published on September 7 and 14, 1988 in the DeSmet News will still apply at the hearing.





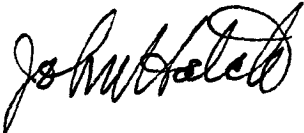
Department of Water & Natural Resources

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

December 15, 1988

NOTICE

TO: Parties of Record to Future Use Permit Application No. 5209-3, Kingbrook Rural Water System

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

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

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on Approval of Future Use Permit Application No. 5209-3, Kingbrook Rural Water System. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm. March 1, 1989 in the Roosevelt Room, Howard Johnsons, 2211 LaCrosse, Rapid City SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record and their attorneys (copy enclosed) by February 9, 1989. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record and their attorneys by February 17, 1989.

The public hearing on Future Use Permit No. 5209-3 was completed December 7, 1988. No additional testimony on this application will be received on March 1, 1989.

enclosures



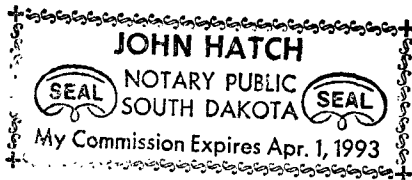
CERTIFICATION

I hereby certify that on December 15, 1988 I have personally deposited with the U.S. Mail postage prepaid envelopes containing NOTICE on Preparation of Findings of Fact, Conclusions of Law and Final Decision on Future Use Permit Application No. 5209-3 to those persons on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of December 1988.



John G. Ed
Notary Public



Department of Water & Natural Resources

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

March 23, 1989

NOTICE

TO: Parties of Record to Future Use Permit Application No. 5209-3, Kingbrook Rural Water System

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

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

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for Approval of Future Use Permit Application No. 5209-3 which was considered at the December 7, 1988 meeting.

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



STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE)
APPLICATION FOR FUTURE USE)
PERMIT NO. 5209-3,)
KINGBROOK RURAL WATER SYSTEM)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL DECISION

FINDINGS OF FACT

1. This is an application for 2.8 c.f.s. of water for the Kingbrook Rural Water System from the Vermillion East Fork aquifer.

2. The Vermillion East Fork aquifer is a Pliestocene outwash aquifer generally under water table conditions. The aquifer underlies 94 square miles and averages about 25 feet in saturated thickness in Kingsbury County. The aquifer contains approximately 300,000 acre feet of water in storage. There is an average rate of recharge in the aquifer of about four inches per year throughout the aquifer. This equates to about 20,000 acre feet of water per year.

3. The main stress on the aquifer is, however, in the critical one-half of the aquifer.

4. The movement of water from one part of the aquifer to another is probably limited and it is appropriate to consider recharge and water use from only the critical part of the aquifer.

5. Recharge in the critical part of the aquifer is about 10,000 acre feet per year.

6. The Findings of Fact, Conclusions of Law and Final Decision in the case entitled "In the Matter of the Application for Water Permit 5208-3 and the Amendment of Water Permits No. 4137-3 and 5186-3" are incorporated herein. As established by that document, the total use of the city of DeSmet does not exceed 300 acre feet per year and the total use by the 25 or so irrigators in the area does not exceed 2500 acre feet. The total use permitted to Kingbrook Rural Water System (including Water Permit 5208-3) is 1350 acre feet per year. In addition, the city of DeSmet has a future use permit for 1810 acre feet per year. Thus, the maximum amount of water committed to date from the critical half of the Vermillion North Fork aquifer is 5,960 acre feet.

7. The Applicant requests 1100 acre feet annually for its future needs. The total amount of water which would therefore be committed should this permit be granted is 7060 acre feet.

8. There is a reasonable probability that there is unappropriated water available for the Applicant's use.

9. Kingbrook Rural Water System has shown a legitimate need for water to serve the areas outside of the present scope of its service including areas outside the western part of Kingsbury and Miner Counties. It has also demonstrated that many communities in the areas likely have water problems such as Howard and Oldham and can be legitimately assumed to have a need for Kingbrook water. In

addition, Kingbrook can reasonably expect that farmers and others with individual wells will have problems with their wells due to contamination, high radium and similar problems as others in the area have had.

10. There is, within the next four to five years a substantial chance that the proposed future use permit will be utilized.

11. There is a possibility that persons have purchased land under the assumption that they would be able to irrigate such land in the future. These persons have not, however, applied for water permits.

12. The applications for Permit 5208-3 and 5209-3 were combined in one advertisement and published within every county which Kingbrook serves.

CONCLUSIONS OF LAW

1. This Board has jurisdiction of the matter.

2. There is a reasonable probability that unappropriated water is available for appropriation by the Kingbrook Rural Water System in the quantity approved here.

3. There is a reasonable probability that the quantity of water reserved will be needed by Kingbrook Rural Water System for rural communities and individual water users.

4. The proposed use of the water a rural water system is a beneficial use.

5. The proposed use is in the public interest. The public interest supports the reservation of reasonable

amounts of water by water systems for domestic and municipal users. Such uses of water are defined by South Dakota law as the highest uses. When weighed against the potential use by irrigators of the same water, the potential future uses of the rural water systems for domestic and municipal purposes are favored.

6. A landowner who has not made an application for a water right has no property interest in gaining a water right. Nonetheless, the interests of those property owners were weighed under the public interest heading immediately above.

7. The advertisements for Applications 5208-3 and 5209-3 were properly combined. 5208-3 and 5209-3 both concerned water from the Vermillion East Fork aquifer in favor of the Kingbrook Rural Water System. Separation of the two permits might have been confusing; combination of the advertisement for the permits allowed the public to be better informed.

8. Until the water is required for actual use, the water under this permit is available pursuant to SDCL 46-5-39 and 40 for temporary use. The availability of this water under these sections also supports the public interest determination in this case.

FINAL DECISION

The Application for Future Use Permit No. 5209-3 is granted with the following qualifications:

1. That Future Use Permit No. 5209-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

3. This permit is approved for groundwater from the Vermillion East Fork aquifer. Wells will be approximately 50 feet deep.

4. Approval of this Permit reserves 1100 acre feet annually.

Dated and signed this 22 day of March, 1989.

BY THE BOARD:

Marian B. Gunderson
(Signature)

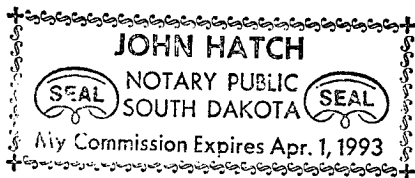
CERTIFICATION

I hereby certify that on March 23, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on Adoption of Findings of Fact, Conclusions of Law and Final Decision on Future Use Permit Application No 5209-3 addressed to those persons listed on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of March, 1989.



John H. Bates
Notary Public



Department of Water & Natural Resources

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

SEP 12 1989

Larry Sterling
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Sterling:

Enclosed is Future Use Water Permit No. 5209-3 as approved by the Water Management Board.

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

Very truly yours,

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

enclosures





Water & Natural Resources

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

April 26, 1990

John Bixler
Dakota Rural Action
Box 549
Brookings SD 57006

Dear Mr. Bixler:

This letter is in response to our phone conversation on April 25, 1990.

Enclosed are copies of the following: 1) notice of hearing for Application No. 5426-3 to develop water reserved by Future Use Permit No. 5209-3, 2) Application No. 5426-3 and a map, 3) Future Use Permit No. 5209-3, 4) Findings of Fact, Conclusions of Law and Final Decision for No. 5209-3 and 5) the report and recommendation for No. 5209-3.

A copy of the report and recommendation for Application No. 5426-3 will be forwarded to you under separate cover. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large loop at the end.

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

5209-3

KINGBROOK RURAL WATER SYSTEM



January 7, 1993

Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

Barry McLaury, Natural Resources Analyst
JOe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. McLaury:

Enclosed find the information requested on December 23, 1992 for water diverted under the permit(s) during 1992.

Permit #4137-3 is for wells #1, #2 and #3 Phase II
gallons pumped for 1992 - 2,299,800 gallons

Permit #5186-3 is for well #4 Phase II
gallons pumped for 1992 - 61,005,000 gallons

Permit #5426-3 is for wells #5 and #6 Phase II
gallons pumped for 1992 - 118,335,000 gallons

Permit #5208-3 was changed to Permit #5208A-3 which was a change of diversion and is for wells #7 and #8 which have not been constructed yet.

Permit 5209-3 is a future use permit for Phase II

Permit #4367-3 is for well #1 and #2 for the Phase III plant
gallons pumped with these two wells total 139,980,000 gallons.

Permit #5646-3 is for well #3 in Phase III and is set for construction during early 1993.

Permit #5643-3 is a future use permit for Phase III

If you have any questions, please give me a call.

Sincerely,

Morris Elcock
Manager

ME/jk



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 1995

Morris Elcock, Manager
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Elcock:

I am writing in response to your December 14, 1995, request for a summary of your water permits. Attached is a listing dated December 15, 1995, of the requested permits.

The listing of permits is grouped by aquifer: BS-NSC (Big Sioux-Northern Skunk Creek aquifer); VEF (Vermillion East Fork aquifer); BS-B (Big Sioux-Brookings aquifer.) The amount of water appropriated in CFS (cubic feet of water per second), AF (acre-feet of water), priority date, diversion point location, and status (PE - permit, LC - licensed, and FU - future use) is listed for each permit. Any water permit with a "PE" status will eventually be licensed following completion of an on-site investigation.

A couple points to consider when reviewing this list:

- The "CFS" listed for "PE" status permits will be reduced upon licensing if the actual diversion rate is less than the specified rate, and
- The "AF" listed for each future use permit is the number of acre-feet remaining in reserve.

Please let me know if you need any further assistance (605) 773-3352. Have a Merry Christmas!

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

PERMIT	NAME	CFS	AF	PRIORITY	DIV. PT. LOCATION	AQUIFER	STATUS
4367-3	KINGBROOK RWS	3.00	*	1979-01-09	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8-105N-51W NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-105N-51W	BS-NSC	PE
5646-3	KINGBROOK RURAL WATER SYS	1.00	425	1992-03-19	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9-105N-51W	BS-NSC	PE
*No acre-foot limitation specified on Permit No. 4367-3							
5643-3	KINGBROOK RWS, INC		425	1992-03-19	Portions of sections 8, 9, 17; all in 105N-51W	BS-NSC	FU
4137-3	KINGBROOK RWS INC	1.06	*	1977-03-04	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8-111N-56W SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8-111N-56W SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-111N-56W	VEF	LC
5186-3	KINGBROOK RWS INC	0.70	*	1988-03-29	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 16-111N-56W	VEF	LC
5208-3	KINGBROOK RWS	1.40	*	1988-08-15	5208A-3 changes location of diversion points	VEF	PE
5208A-3	KINGBROOK RURAL WATER SYS		*	1988-08-15	E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6-111N-56W	VEF	PE
5426-3	KINGBROOK RWS	1.40	*	1988-08-15	SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6-111N-56W	VEF	LC
5785-3	KINGBROOK RWS, INC.		*	1993-08-25		VEF	PE
*Combined diversions under all permits in the Vermillion East Fork aquifer may not exceed 1,350 acre-feet annually							
5209-3	KINGBROOK RWS		550	1988-08-15	Portions of sections 10 & 8, 6; all in 111N-56W	VEF	FU
5079-3	BROOKINGS-DEUEL-KINGBROOK	2.90	*	1975-05-05 1977-06-06	NE $\frac{1}{4}$ 24; NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25; 112N-51W; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19-112N-50W	BS-B	LC
2612A-3	BROOKINGS-DEUEL-KINGBROOK	0.89	210	1976-03-01	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25-112N-51W	BS-B	LC
5434-3	BROOKINGS-DEUEL-KINGBROOK		224	1990-04-02	Same as 2612A-3	BS-B	PE
5602-3	BROOKINGS-DEUEL-KINGBROOK	1.00	434	1977-06-06	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25-112N-51W	BS-B	PE
5821-3	BROOKINGS-DEUEL-KINGBROOK			1994-05-05	Connect City of Arlington	BS-B	PE
*No acre-foot limitation specified on Permit No. 5079-3							
3982-3	BROOKINGS-DEUEL-KINGBROOK		869	1977-06-06	Parts of 24,25-112N-51W and 19-112N-50W	BS-B	FU
3982A-3	BROOKINGS-DEUEL-KINGBROOK			1994-01-10	Added all SW $\frac{1}{4}$ sec 19	BS-B	FU

December 15, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 1996

Morris Elcock, Manager
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Elcock:

I am writing in regard to the seven year review of Future Use Water Permit No. 5209-3 from ground water (Vermillion East Fork Aquifer) which is held by the Kingbrook Rural Water System. Currently, our records show that 550 acre-feet remain in reserve. This future use permit was issued in 1996.
88

Please respond in writing by May 15, 1996, regarding the rural water system's intention for the future use permit. If the rural water system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 5209-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

KINGBROOK RURAL WATER SYSTEM, INC.

P.O. Box 299 • Arlington, SD 57212 • Phone 605-983-5074 or 1-800-605-5279

May 23, 1996

Eric Gronlund
DENR, Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Mr. Gronlund:

In order to meet the growing needs of our existing members and to help meet the needs of those who have not yet connected yet to our system, Kingbrook needs to retain the Future Use Permit No. 5209-3 to meet the growth in our area of the state. Kingbrook has seen an increase of 12% in demand over the past three years.

Annual pumping for the past three years are as follows.

196,547,000 July 92 - June 93
206,223,000 July 93 - June 94
220,330,000 July 94 - June 95

If you need any additional information please give me a call

Sincerely,

Morris Elcock
Manager KBRW

RECOMMENDATION OF CHIEF ENGINEER

FOR FUTURE USE WATER PERMIT NO. 5209-3, Kingbrook Rural Water System, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5209-3, Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending that Future Use Permit No. 5209-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5209-3, 2) Kingbrook Rural Water System, Inc. has demonstrated a reasonable need for the water reserved by Permit No. 5209-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5209-3 is subject to payment of the \$30.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Kingbrook Rural Water System, Inc.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
June 5, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

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

Kingbrook Rural Water System, Inc.
Morris Elcock, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Elcock:

Future Use Permit No. 5209-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publishers of the following papers: Moody Co. Enterprise, Flandreau (605 997-3725), Argus Leader, Sioux Falls (605 331-2200), Salem Special, Salem (605 425-2361), Miner Co. Pioneer, Howard (605 772-5644), Madison Daily Leader, Madison (605 256-4555), Clark Co. Courier, Clark (605 532-3654), Register, Brookings (605 692-6271), DeSmet News, DeSmet (605 854-3331), Estelline Journal, Estelline (605 873-2475). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved March 1, 1989 to reserve 1100 acre-feet from groundwater (Vermillion East Fork Aquifer) located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8 and Section 6; all in T111N-R56W for rural water system use. Water Permit No. 5643-3 put 550 acre-feet to beneficial use reserved by No. 5209-3 leaving 550 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center, 523 E Capitol, Pierre SD on July 10, 1996 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 1996. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



June 6, 1996

Estelline Journal
Box 159
Estelline SD 57234-0159

Dear Sir:

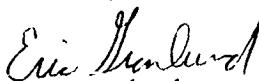
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on June 12, 1996 with the second publication 7 days later.

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 the Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Moody) ss

I, Angela Nibbelink

certify that the attached printed Notice was

taken from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and State of

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

June 12, 1996
June 19, 1996

Cost of Printing: 58.28

Angela Nibbelink
 (Signature)

Forheper
 (Title)

6-19-96
 (Date Signed)

**NOTICE OF HEARING TO REVIEW
 FUTURE USE WATER
 PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved March 1, 1989 to reserve 1100 acre-feet from groundwater (Vermillion East Fork Aquifer) located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8 and Section 6; all in T111N-R56W for rural water system use. Water Permit No. 5643-3 put 550 acre-feet to beneficial use reserved by No. 5209-3 leaving 550 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center, 523 E. Capitol, Pierre, SD on July 10, 1996 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric

Gronlund, Water Rights Program, (605 773-3352) by July 1, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 1996. Nettie H Myers, Secretary, Department of Environment and Natural Resources.
 (June 12 & 19, 1996)



OK
Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, Leelanne Archer

certify that the attached printed Notice was
taken from the Estelline Journal

printed and published in Estelline

County of Hamlin and State of

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

June 12, 1996

June 19, 1996

Cost of Printing: 161.38

Leelanne Archer
(Signature)

Owner
(Title)

6-20-96
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE OF WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., P.O. Box 299, Arlington, S.D. 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved March 1, 1989 to reserve 1100 acre-feet from groundwater (Vermillion East Fork Aquifer) located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8 and Section 6; all in T111N-R56W for rural water system use. Water Permit No. 5643-3 put 550 acre-feet to beneficial use reserved by No. 5209-3 leaving 550 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center, 523 E. Capitol, Pierre, S.D. on July 10, 1996 at 10:00 a.m.

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

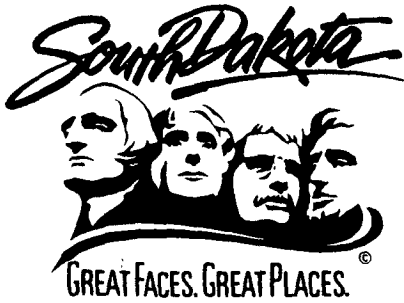
neer by July 1, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 Capitol Ave., Pierre, S.D. 57501 (605) 773-3352 and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal council if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, 605-773-3352 by July 1, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 1996. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(publish June 12 and 19, 1996)



June 6, 1996

DeSmet News
Box 69
DeSmet SD 57231-0069

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on June 12, 1996 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 the Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Kingsbury) SS

1. Dale Blegen

certify that the attached printed Notice was
taken from the De Smet News

printed and published in De Smet
County of Kingsbury and State of

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

June 12, 1996

June 19, 1996

Cost of Printing: 56.91


(Signature)

(Signature)
Publisher
(Title)

June 21, 1996
(Date Signed)

103 x 30.7 x 80%
2nd wk 31.62
25.29
56.91

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212, for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved March 1, 1989, to reserve 1,100 acre-feet from groundwater (Vermillion East Fork Aquifer) located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8 and Section 6; all in T11N-R56W for rural water system use. Water Permit No. 5643-3 put 550 acre-feet to beneficial use reserved by No. 5209-3 leaving 550 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center, 523 E. Capitol, Pierre SD on July 10, 1996, at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.



The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25:01 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

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6-12-2wc-6-19



June 6, 1996

Brookings Register
PO Box 177
Brookings SD 57006-0177

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on June 12, 1996 with the second publication 7 days later.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brookings) SS

1. Nancy P. Skyberg

certify that the attached printed Notice was

taken from the Brookings
Register

printed and published in Brookings

County of Brookings and State of

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

June 12, 1996

June 19, 1996

Cost of Printing: fifty-eight dollars
and twenty-eight cents, \$58.28

Nancy P. Skyberg
(Signature)

Legal Ad Coordinator
(Title)

July 3, 1996
(Date Signed)

Legal 412, 2x, June 12, 19 NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved March 1, 1989 to reserve 1100 acre-feet from groundwater (Vermillion East Fork Aquifer) located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8 and Section 6; all in T111N-R56W for rural water system use. Water Permit No. 5643-3 put 550 acre-feet to beneficial use reserved by No. 5209-3 leaving 550 acre-feet held in reserve.

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The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center, 523 E Capitol, Pierre SD on July 10, 1996 at 10:00 a.m.

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Nettie H Myers, Secretary,
Department of Environment and
Natural Resources



June 6, 1996

Clark Co. Courier
117 1st St W
Clark SD 57225

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on June 12, 1996 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 the Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Clark) SS

I, David Moritz

certify that the attached printed Notice was
taken from the Clark County Courier

printed and published in Clark, SD

County of Clark and State of

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

6/12/96

6/19/96

Cost of Printing: \$57.26
112 lines, 2 times

[Signature]
(Signature)

Editor
(Title)

6/24/96
(Date Signed)



**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved March 1, 1989 to reserve 1100 acre-feet from ground-water (Vermillion East Fork Aquifer) located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8 and Section 6; all in T111N-R56W for rural water system use. Water Permit No. 5643-3 put 550 acre-feet to beneficial use reserved by No. 5209-3 leaving 550 acre-feet held in reserve.

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The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center, 523 E. Capitol, Pierre SD on July 10, 1996 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave, Pierre, SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to

Jan M. Funnell
My commission expires
7-15-1999

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

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Nettie H. Myers, Secretary
Department of Environment and
Natural Resources

6-12-2t



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

Madison Daily Leader
PO Box 348
Madison SD 57042-0348

Dear Sir:

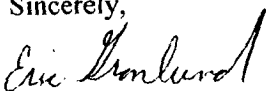
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on June 12, 1996 with the second publication 7 days later.

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lake) SS

I, Deanna Bergheim

certify that the attached printed Notice was
taken from the Madison Daily
Leader

printed and published in Madison

County of Lake and State of

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

Wednesday June 12, 96

Wednesday June 19, 96

Cost of Printing: 57.51

Deanna Bergheim
(Signature)

Secretary

(Title)

June 19, 96
(Date Signed)

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 5209-3**

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The Water Management Board will conduct the hearing to review Future

Use Permit No. 5209-3 at the Floyd Matthew Training Center, 523 E. Capitol, Pierre, SD on July 10, 1996 at 10:00 a.m.

The recommendation of the Chief Engineer is **not** final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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NETTIE H. MYERS
Secretary

Department of Environment
and Natural Resources





June 6, 1996

Miner Co. Pioneer
Box P
Howard SD 57349

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Sir:

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

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Name

Newspaper

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

OK
Danny Schwans of said County and State, being duly sworn, on his oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Danny Schwans, and has been such newspaper during the time hereinafter mentioned; and that I, Danny Schwans, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice headed Notice of Hearing

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for 2

successive weeks, the first publication being made on the 13 day of June 1996

and the last publication on the 20 day of June 1996

The first publication being made on the 13 day of June 1996

The second publication being made on the 20 day of June 1996

The third publication being made on the day of 19.....

The fourth publication being made on the day of 19.....

The fifth publication being made on the day of 19.....

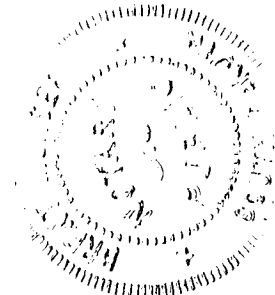
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$67.32 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Danny Schwans

Subscribed and sworn to me this 18th day of July 1996

Brent Mung

My Commission expires the 14th day of May 2002



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TO REVIEW FUTURE USE
WATER PERMIT NO. 5209-3**

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The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronland, Water Rights Program (605 773-3352) by July 1, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 1996.

Nettie H. Myers
Secretary, Department of
Environment and
Natural Resources
(June 13 & 20)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

Salem Special
PO Box 220
Salem SD 57058-0220

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on June 13, 1996 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 the Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Phyllis Knudson

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

printed and published in Salem

County of McCook and State of

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

June 13, 1996

June 20, 1996

Cost of Printing: \$ 58⁰⁷

Phyllis Knudson
(Signature)

Advertising Manager
(Title)

6-20-96
(Date Signed)

Public Notice

NOTICE OF HEARING TO REVIEW FUTURE USE OF WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved March 1, 1989 to reserve 1100 acre-feet from groundwater (Vermillion East Fork Aquifer) located in the SW1/4SW1/4 Section 10; NE1/4 Section 8 and Section 6; all in T11N-R56W for rural water system use. Water

permit No. 5643-3 put 550 acre-feet to beneficial use reserved by No. 5209-3 leaving 550 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center, 523 E Capitol, Pierre, SD on July 10, 1996 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol Ave, Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by July 1, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 1996. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

6/13, 6/20



June 6, 1996

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

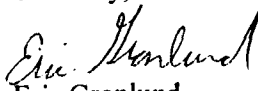
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on June 13, 1996 with the second publication 7 days later.

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 the Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Minnehaha)

I, D. Reicher

certify that the attached printed Notice was

taken from the Argus Leader

printed and published in City of
Sioux Falls

County of Minnehaha and State of

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

Thursday, June 13, 1996

Thursday, June 20, 1996

Cost of Printing: \$123.26



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved March 1, 1989 to reserve 1100 acre-feet from ground-water (Vermillion East Fork Aquifer) located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8 and Section 6; all in T111N-R56W for rural water system use. Water Permit No. 5643-3 put 550 acre-feet to beneficial use reserved by No. 5209-3 leaving 550 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is a need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center,

523 E Capitol, Pierre SD on July 10, 1996 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 1996. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be con-

ducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 1996. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 1996.

Nettie H. Myers, Secretary
 Department of Environment and
 Natural Resources
 5663 June 13, 20, 1996

D. Reicher
 (Signature)

Ass't. Controller
 (Title)

6/20/96
 (Date Signed)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

Moody Co. Enterprise
Box 71
Flandreau SD 57028-0071

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on June 11, 1996 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 the Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5209-3

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

Date _____

We are in receipt of your letter of June 6, 1996 enclosing Notice of Hearing to to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



July 19, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

Morris Elcock, Manager
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Elcock:

I am writing in response to action taken by the Water Management Board at the hearing on July 10, 1996 to review Future Use Permit No. 5209-3. The Board allowed the permit to remain in effect subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5209-3 is \$30.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

CERTIFICATION

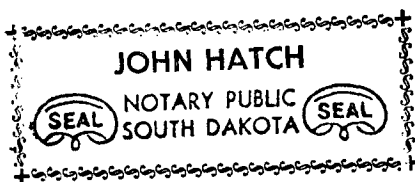
I hereby certify that on July 19, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 19, 1996, regarding action taken by the Water Management Board at the hearing on July 10, 1996, to review Future Use Permit No. 5209-3, addressed as stated below:

Morris Elcock, Manager, Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of July, 1996





Notary Public

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

RECEIPT

415028

Division of Water Rights

South Dakota Department of Environment and Natural Resources

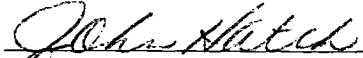
Pierre, _____ July 24, 19 96

RECEIVED OF Kingbrook R.W.S., Inc., P.O. Box 299, Arlington, SD 57212

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>5209-3</u> after period of seven years.	30	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	30 00

By John Hatcher  
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 2002

Randy Jencks, Manager
Kingbrook Rural Water System
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in regard to the seven year review of Future Use Water Permit No. 5209-3 from groundwater (Vermillion East Fork Aquifer) which is held by Kingbrook RWS. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the system. Currently, our records show that 550 acre-feet remain in reserve under this future use permit that was issued in 1988 and last reviewed in 1996.

Please respond in writing by January 15, 2003, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5209-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



Kingbrook

Rural Water System, Inc.

P.O. Box 299 • Arlington, SD 57212 • Phone 605-983-5074 • 1-800-605-5279 • Fax 605-983-5636 • E-Mail: kbrw@dtgnet.com

January 10, 2003

RECEIVED

JAN 14 2003

WATER RIGHTS
PROGRAM

Ms. Karen Schlaak (Water Rights Program)
Department of Environment & Natural resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

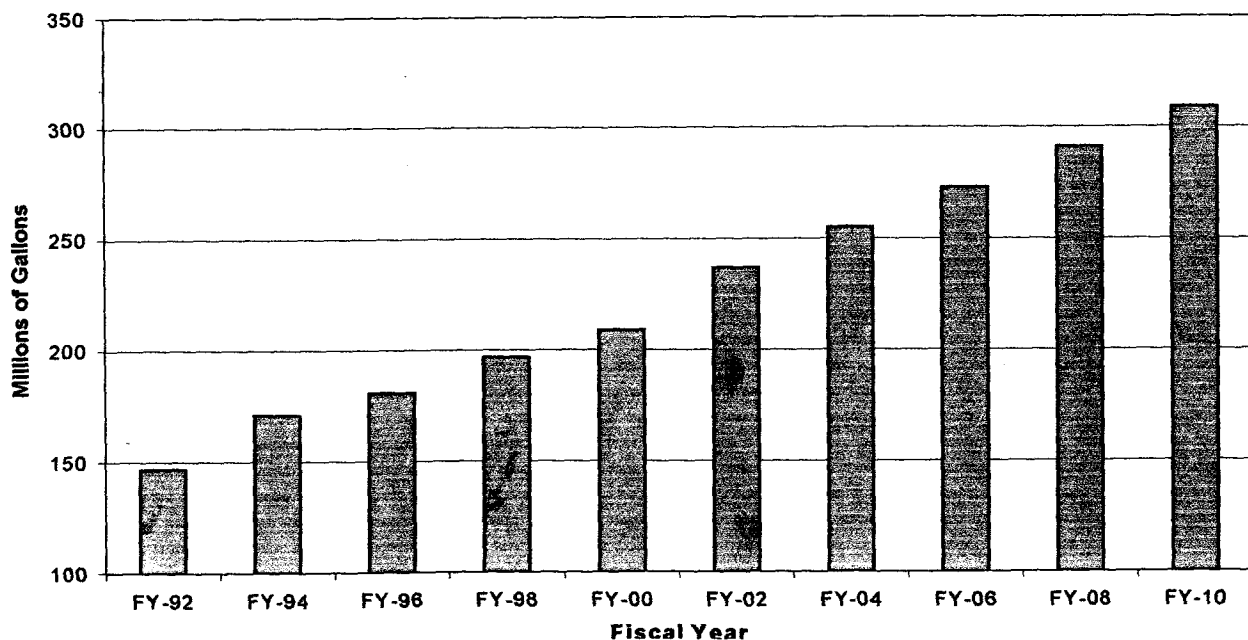
Re: Future Use Water Permit No. 5209-3

Dear Ms. Schlaak:

In response to your December 2, 2002 letter requesting information regarding our intention for future use permit 5209-3, Kingbrook Rural Water desires to maintain the permit based on future projected needs of our system.

Kingbrook is currently serving critical health needs of rural residents and communities by providing a safe, reliable and much needed water supply. We are continuing to grow at a sustained rate within the area served by the permit as evidenced in the below graph. In addition, there are several existing communities within the service area supported by the permit that, based on past experience, may need to convert to rural water.

KINGBROOK RURAL WATER
DESMET TREATMENT PLANT



Finally, the potential growth of dairy operations to support the Lake Norden cheese plant expansion will require significant water resources. For these reasons we anticipate continued growth and have provided estimated figures for FY-2004 through FY-2010.

The above identifies a reasonable need to maintain the permit and we request your favorable consideration of our request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randy Jencks".

Randy Jencks, P.E.
General Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5209-3, Kingbrook Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5209-3, Kingbrook Rural Water System, PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending that Future Use Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5209-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5209-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5209-3 is subject to payment of the \$30.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Garland Erbele, Chief Engineer
January 22, 2003



January 22, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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 NEWSPAPERS RIGHT AWAY.

Kingbrook Rural Water System, Inc.
Randy Jencks, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

Future Use Permit No. 5209-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Argus Leader	605 331-2200	Salem Special	605 425-2361
Moody Co Enterprise	605 997-3725	Brookings Register	605 692-6271
DeSmet News	605 854-3331	Miner Co. Pioneer	605 772-5644
Madison Daily Leader	605 256-3654	Clark County Courier	605 532-3554
Hamilin Co Herald-Enterprise	605 783-3636		

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on January 29, 2003 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 Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 (605 983-5074).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 22, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

Salem Special
PO Box 220
Salem SD 57058-0220

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on January 30, 2002 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 (605 983-5074).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 22, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

Moody Co. Enterprise
PO Box 71
Flandreau SD 57028-0071

Dear Sir:

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of January 22, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

Brookings Register
PO Box 177
Brookings SD 57006-0177

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on January 29, 2003 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 Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 (605 983-5074).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2003

DeSmet News
PO Box 69
DeSmet SD 57231-0069

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on January 29, 2003 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 Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 (605 983-5074).

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Date _____

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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

Miner Co. Pioneer
PO Box 220
Howard SD 57349

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on January 30, 2003 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 Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 (605 983-5074).

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Natural Resources Engineer
605 773-3352

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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

Madison Daily Leader
PO Box 348
Madison SD 57042-0348

Dear Sir:

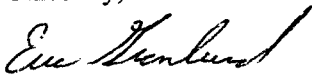
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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

Clark County Courier
119 1st Ave E
Clark SD 57225

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on January 29, 2003 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 Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 (605 983-5074).

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Natural Resources Engineer
605 773-3352

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2003

Hamlin Co. Herald-Enterprise
PO Box 207
Hayti SD 57241-0207

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on January 29, 2003 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 Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 (605 983-5074).

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Natural Resources Engineer
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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Newspaper

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW ¼ SW ¼ Section 10; NE ¼ Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on March 5, 2003 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington, SD 57212, for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 and currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW1/4SW1/4 Section 10; NE1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

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The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre, S.D. on March 5, 2003, at 10:00 a.m.

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**RECEIVED
FEB - 6 2003
WATER RIGHTS
PROGRAM**

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the *Clark County Courier*, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**KINGBROOK RURAL WATER SYSTEM
NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

January 29, 2003

February 5, 2003

that the full amount of the fees for the publication of the annexed notice is

\$64.33

William J. Krikac

Subscribed and sworn to before me this

31st day of January, 2003

Kimberly L. Seefeldt

Notary Public

Clark County, South Dakota

My commission expires: 10-02-07

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendations, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by Feb. 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by Feb. 21, 2003.

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

1-29-2t

Form 8

PROOF OF PUBLICAT

STATE OF SOUTH DAKOTA

County of Moody

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County

Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 29, 2003

February 5, 2003

Cost of Printing \$ 68.21

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

Feb. 5, 2003
(Date Signed)

RECEIVED

FEB - 7 2003

WATER RIGHTS
PROGRAM

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

(Jan. 29 & Feb. 5, 2003)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, P.O. Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on March 5, 2003 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support or continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SSI, Lyle Anne Archer

certify that the attached printed Notice was taken

from the Hamlin County Herald Enterpriseprinted and published in HartCounty of Hamlin an

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Jan. 29, 2003
Feb. 5, 2003Cost of Printing 65.01Lyle Anne Archer
(Signature)Duma
(Title)2-5-03
(Date Signed)

46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-

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NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

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Steven M. Pinner, Secretary, Department of Environment and Natural Resources.
(publish Jan. 29 and Feb. 5, 2003)

RECEIVED

FEB 10 2003

WATER RIGHTS
PROGRAM

NOTICE OF HEARING USE TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3, filed by Kingbrooks Ranch, LLC, c/o Randy Jenkins, Manager, PO Box 289, Allington, SD 57212 for proposed use made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1969 current reserves 550 acre feet of water from the Vermillion East Fork Aquifer

located in the SW 1/4, NW 1/4, Section 6, all in T11N-R56W for rural water system use purposes.

Pursuant to SDCL 46-24-2, the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 RE-MAIN in EFFECT for 550 acres of reserved water may be developed, (1) the permit, or (2) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by the permit, or no planned future development interest in the future use of the water, the reasons for permit-right to be present or to be written request of the permit, or has been or will be owned or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The requesters for a delay must be filed with the Chief Engineer by February 21, 2003. Steven M. Finney, Secretary, Department of Environment and Natural Resources

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The recommendation of the Chief Engineer is not final, or is "Water Rights Program" binding upon the Board and the Board is authorized to (1) approve, (2) amend the permit to remain in effect, (3) cancel the permit for no development or planned future development interest in the future use of the water, the reasons for permit-right to be present or to be written request of the permit, or has been or will be owned or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The requesters for a delay must be filed with the Chief Engineer by February 21, 2003. Steven M. Finney, Secretary, Department of Environment and Natural Resources

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visions of SDCL 46-1-14, 46-2-5, 46-2-11, 46-5-1, Board Rules ARSD thru 600.01, 600.02, 600.03 and contested in Water Rights Program, 600.04, 600.05, 600.06, 600.07, 600.08, 600.09, 600.10, 600.11, 600.12, 600.13, 600.14, 600.15, 600.16, 600.17, 600.18, 600.19, 600.20, 600.21, 600.22, 600.23, 600.24, 600.25, 600.26, 600.27, 600.28, 600.29, 600.30, 600.31, 600.32, 600.33, 600.34, 600.35, 600.36, 600.37, 600.38, 600.39, 600.40, 600.41, 600.42, 600.43, 600.44, 600.45, 600.46, 600.47, 600.48, 600.49, 600.50, 600.51, 600.52, 600.53, 600.54, 600.55, 600.56, 600.57, 600.58, 600.59, 600.60, 600.61, 600.62, 600.63, 600.64, 600.65, 600.66, 600.67, 600.68, 600.69, 600.70, 600.71, 600.72, 600.73, 600.74, 600.75, 600.76, 600.77, 600.78, 600.79, 600.80, 600.81, 600.82, 600.83, 600.84, 600.85, 600.86, 600.87, 600.88, 600.89, 600.90, 600.91, 600.92, 600.93, 600.94, 600.95, 600.96, 600.97, 600.98, 600.99, 600.100, 600.101, 600.102, 600.103, 600.104, 600.105, 600.106, 600.107, 600.108, 600.109, 600.110, 600.111, 600.112, 600.113, 600.114, 600.115, 600.116, 600.117, 600.118, 600.119, 600.120, 600.121, 600.122, 600.123, 600.124, 600.125, 600.126, 600.127, 600.128, 600.129, 600.130, 600.131, 600.132, 600.133, 600.134, 600.135, 600.136, 600.137, 600.138, 600.139, 600.140, 600.141, 600.142, 600.143, 600.144, 600.145, 600.146, 600.147, 600.148, 600.149, 600.150, 600.151, 600.152, 600.153, 600.154, 600.155, 600.156, 600.157, 600.158, 600.159, 600.160, 600.161, 600.162, 600.163, 600.164, 600.165, 600.166, 600.167, 600.168, 600.169, 600.170, 600.171, 600.172, 600.173, 600.174, 600.175, 600.176, 600.177, 600.178, 600.179, 600.180, 600.181, 600.182, 600.183, 600.184, 600.185, 600.186, 600.187, 600.188, 600.189, 600.190, 600.191, 600.192, 600.193, 600.194, 600.195, 600.196, 600.197, 600.198, 600.199, 600.200, 600.201, 600.202, 600.203, 600.204, 600.205, 600.206, 600.207, 600.208, 600.209, 600.210, 600.211, 600.212, 600.213, 600.214, 600.215, 600.216, 600.217, 600.218, 600.219, 600.220, 600.221, 600.222, 600.223, 600.224, 600.225, 600.226, 600.227, 600.228, 600.229, 600.230, 600.231, 600.232, 600.233, 600.234, 600.235, 600.236, 600.237, 600.238, 600.239, 600.240, 600.241, 600.242, 600.243, 600.244, 600.245, 600.246, 600.247, 600.248, 600.249, 600.250, 600.251, 600.252, 600.253, 600.254, 600.255, 600.256, 600.257, 600.258, 600.259, 600.260, 600.261, 600.262, 600.263, 600.264, 600.265, 600.266, 600.267, 600.268, 600.269, 600.270, 600.271, 600.272, 600.273, 600.274, 600.275, 600.276, 600.277, 600.278, 600.279, 600.280, 600.281, 600.282, 600.283, 600.284, 600.285, 600.286, 600.287, 600.288, 600.289, 600.290, 600.291, 600.292, 600.293, 600.294, 600.295, 600.296, 600.297, 600.298, 600.299, 600.300, 600.301, 600.302, 600.303, 600.304, 600.305, 600.306, 600.307, 600.308, 600.309, 600.310, 600.311, 600.312, 600.313, 600.314, 600.315, 600.316, 600.317, 600.318, 600.319, 600.320, 600.321, 600.322, 600.323, 600.324, 600.325, 600.326, 600.327, 600.328, 600.329, 600.330, 600.331, 600.332, 600.333, 600.334, 600.335, 600.336, 600.337, 600.338, 600.339, 600.340, 600.341, 600.342, 600.343, 600.344, 600.345, 600.346, 600.347, 600.348, 600.349, 600.350, 600.351, 600.352, 600.353, 600.354, 600.355, 600.356, 600.357, 600.358, 600.359, 600.360, 600.361, 600.362, 600.363, 600.364, 600.365, 600.366, 600.367, 600.368, 600.369, 600.370, 600.371, 600.372, 600.373, 600.374, 600.375, 600.376, 600.377, 600.378,

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Kingsbury)

I, Dale Blegen

certify that the attached printed Notice was
 taken

from the De Smet News

printed and published in De Smet

County of Kingsbury and

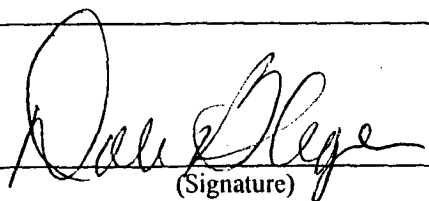
state of South Dakota. The notice was published

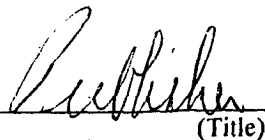
in the newspaper on the following two dates:

January 29, 2003

February 5, 2003

Cost of Printing 62.89


 (Signature)


 (Title)

2-10-03
 (Date Signed)

**NOTICE OF HEARING
 TO REVIEW FUTURE USE
 WATER PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, P.O. Box 299, Arlington, SD 57212, for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW1/4SW1/4 Section 10; NE1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the chief engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, S.D., on March 5, 2003, at 10 a.m.

The recommendation of the chief is not final or binding upon the board and the board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the chief engineer by Feb. 21, 2003. The chief engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or

his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the chief engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by Feb. 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the chief engineer by Feb. 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

1-29-2wc-2-5

RECEIVED

FEB 11 2003

WATER RIGHTS
 PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Lake)

I, Deanna Bergheim

certify that the attached printed Notice was
 taken

from the Madison Daily Leader

printed and published in City of Madison

County of Lake and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, January 29, 2003

Wednesday, February 5, 2003

Cost of Printing 69.21

Deanna Bergheim
 (Signature)

Secretary
 (Title)

Wed, Feb 5, 2003
 (Date Signed)

Wed., Jan., 29
 Wed., Feb., 5, 2003

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., % Randy Jencks, Manager, PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T11N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD on March 5, 2003 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave., Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

Page 5

Wednesday, January 29, 2003

The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED

FEB - 3 2003

WATER RIGHTS
 PROGRAM

Public Notice

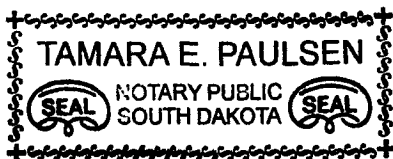
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit 5209-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on March 5, 2003 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders



Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

COUNTY OF McCOOK)

SS

FEB 24 2003

WATER RIGHTS

TROY SCHWANS of said County and State, being first duly sworn on his oath, says THE SALEM SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of McCook for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed

*Public Notice - Kingbrook
Rural Water*

a printed copy of which is hereto attached, was printed and published in the newspaper for 2 weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication being made on

Jan 30 2003

the second publication on

Feb 6 2003

the third publication on

20

the fourth publication on

20

the fifth publication on

20

the sixth publication on

20

and the last publication on

20

that \$ being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this

21st

day of

February

2003

Tamara E. Paulsen

Notary Public,

McCook

County

My commission expires

08-09-08

mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped, or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 21, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

1/30,2/6-c

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T11N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN IN EFFECT for 550-acre-feet annually because 1) the reserved water may be developed, 2) there is a need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD on March 5, 2003 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-16, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for the petitioner's opposition to or support of continuing the

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Danny Schwans of said County and State, being duly sworn, on his oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Danny Schwans, and has been such newspaper during the time hereinafter mentioned; and that I, Danny Schwans, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice

headed Notice of Hearing to Review Future Use Water Permit No. 5209-3

a printed copy of which is hereunto attached, was printed and publishing in the regular and entire issue of said newspaper and not in a supplement, once each week for 2

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

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25:01 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 21, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by February 21, 2003.

Steven M. Pirner
Secretary, Department of
Environment and
Natural Resources
(Jan. 30-Feb. 6)

publication being made on the 30th day of Jan, 2003

the 6th day of Feb, 2003

made on theday of.....20.....

g made on the.....day of.....20.....

made on theday of.....20.....

g made on the.....day of.....20.....

made on the..... day of.....20.....

al newspaper, and has a bona fide circulation of more than two has been published within the County of Miner, for more than next prior to the first publication of said notice, and is printed in Howard, South Dakota, the place of publication of said amount of fees for publication of the annexed notice is \$42.37 benefit of said publisher; that no agreement or understanding for made with any person and that no part thereof has been agreed to hereover.

Danny Schwans
this 10th day of Feb, 2003

Brent Muzer

on expires the 14th day of May, 2003

RECEIVED
FEB 25 2003
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2003

Randy Jencks, Manager
Kingbrook Rural Water System
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

This morning I spoke with Jolene from your office. I indicated to her that the Brookings Register failed to publish the Notice to Hearing to Review Future Use Water Permit No. 5209-3. Therefore, the hearing scheduled for the March meeting will be postponed until the May meeting. Prior to the May meeting, we will send the notice to the Brookings Register for publication. At that time, you will receive a copy of the notice with instructions. It will not be necessary to republish the notice in the other eight papers.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 2003

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

Kingbrook Rural Water System, Inc.
Randy Jencks, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

As you are aware, Notice of Hearing to Review Future Use Water Permit No. 5209-3, was delayed from the March Water Management Board meeting because adequate public notice was not given in all the counties where water will be diverted and/or used.

Enclosed is a copy of the Notice sent to the Brookings Register (605 692-6271) to be published on March 21 and 28, 2003. The hearing for review is scheduled for the May 7, 2003 Water Management Board meeting. It will not be necessary to republish the notice in the other 8 newspapers.

BE SURE TO CONTACT THE BROOKINGS REGISTER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



March 13, 2003

Brookings Register
PO Box 177
Brookings SD 57006-0177

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on March 21, 2003 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 Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212 (605 983-5074).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of March 13, 2003 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW ¼ SW ¼ Section 10; NE ¼ Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on May 7, 2003 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 21, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 25, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 25, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

State of South Dakota

SS

County of Brookings

Jessica Johnson of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal # 919: "Permit # 5209-3"

Brookings and State of South Dakota, for more than one a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affidavit, was published in said newspaper for 2 times, to-wit:

March 21, 2003

March 28, 2003

said Exhibit "A" inures to the sole benefit to the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Seventy dollars and forty cents \$ 70.40

Subscribed and sworn to before me this

March

28th

day of

2003.

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2006

Legal 919, 2x, 3/21, 3/28
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 550 acre feet of water from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 550 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on May 7, 2003 at 10:00 am.

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

Exhibit "A"

Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 25th, 2003. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 25, 2003. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 25, 2003. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



May 8, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

Kingbrook Rural Water System, Inc.
Randy Jencks, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in response to action taken by the Water Management Board at the hearing on May 7, 2003 to review Future Use Permit No. 5209-3. The Board allowed the permit to remain in effect for 550 acre-feet of water annually. Future Use Permit No. 5209-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5209-3 is \$30.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

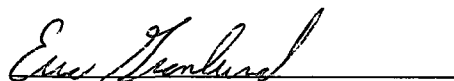
Sincerely,

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

CERTIFICATION

I hereby certify that on May 8, 2003 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 8, 2003 regarding Notice future Use permit #5209-3 addressed as stated below:

Kingbrook Rural Water System Inc
Randy Jencks, Manager
PO Box 299
Arlington SD 57212



Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of May, 2003.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 14., 20 03

RECEIVED OF Kingbrook Rural Water System Inc., PO Box 299, Arlington SD 57212

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	30	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5200-S</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	30.00

No.

000000

By

J. Darland Ebele

Chief Engineer

gm

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Kingbrook Rural Water System

ADDRESS: PO Box 299, Arlington SD 57212

DATE: October 18, 2006

TELEPHONE: 605 203-0409

RE: Amount of water appropriated in the Vermillion East Fork aquifer

COMMENTS:

I received a phone call from Kingbrook RWS concerning the total amount of water appropriated from the Vermillion E Fork aquifer. The question is whether the amount of water appropriated by Future Use Permit No. 5209-3 (1,100 AF) is included within the 1,350 AF cap on diversions from the aquifer. Based on the following I believe the 1,100 AF is reserved in addition to the 1,350 AF cap. Here is why:

From the findings on Permit No. 5208-3 adopted March 22, 1989:

5. Approval of Permit No. 5208-3 authorizes
maximum combined annual withdrawals under Permits No.
4137-3, 5186-3, and 5208-3 of up to 1,350 acre feet.

From the findings for Permit No. 5209-3 adopted at the same meeting and immediately following 5208-3:

4. Approval of this Permit reserves 1100 acre
feet annually.

These findings are in agreement with a recommendation apparently made by John Hatch in response to the contested nature of the applications:

File Nos. 5209-3 & 5426-3

John Hatch, Chief Engineer
Water Rights Division
S.D. Department of Water & Natural Resources
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501-3181



Dear Sir:

In regards to letter on the follow-up of the public meeting in DeSmet and your proposed changes on our permit applications. I have visited with Gary Patton, our engineer, about your recommendations and we are agreeable with them.

1. Condition approval of Application No. 5208-3 with the following qualification:

"Approval of Permit No. 5208-3 authorizes maximum annual withdrawals under Permit No. 4137-3, 5182-3 and 5208-3 of up to 1350 acre feet".

2. Condition approval of Future Use Application No. 5209-3 with the following qualification:

"Approval of Permit No. 5209-3 reserves 1100 acre feet annually.

I again want to thank you for taking time out of your busy schedule to attend the informational meeting in DeSmet on October 18, 1988. Attached is a copy of those in attendance at that meeting.

Sincerely,

Marie Elcock

Following approval of the these permits, Application No. 5426-3 was filed to place water to beneficial use reserved by No. 5209-3 and was issued as follows:

1. Water Permit No. 5426-3 authorizes construction and placement to beneficial use 1.4 cubic feet of water per second (550 acre-feet annually) from two wells (Vermillion East Fork Aquifer) 50 feet deep located in the NW1/4 NW1/4 and SE1/4 NW1/4 of Section 6 T111N-R56W. This water was appropriated and reserved by future use Water Permit No. 5209-3.

and qualified as:

1. Approval of Permit No. 5426-3 increases the total authorized withdrawals under Permits No. 4137-3, 5186-3, and 5426-3 to 1900 acre-feet annually. Until evidence of need is presented to the Board, total combined annual withdrawals under Permits No. 4137-3, 5186-3, 5208-3 and 5426-3 are limited to 1350 acre-feet.

The above qualification allows pumping in excess of the 1,350 AF if "evidence of need is presented." The qualification allows an additional 550 AF to be pumped for a total of 1,900

File Nos. 5209-3 & 5426-3

AF if that condition is met. It appears that 550 AF is intact and available with the priority date established under No. 5209-3 if the RWS shows a need to exceed the 1,350 AF cap.

The license issued for No. 5426-3 makes no mention of the 1,900 AF but the license does not repeat "word for word" the qualifications included in the permit. The current practice is to repeat the qualifications word for word to avoid any confusion. Also, any change to permit qualifications requires Water Management Board approval.

Approval of Water Permit No. 5426-3 increased the total authorized withdrawal under Water Permit Nos. 4137-3, 5186-3 and 5426-3, however the maximum combined annual withdrawals authorized under Permit Nos. 4137-3, 5186-3, and 5426-3 may not exceed 1,350 acre feet.

To sum up, I believe appropriation of water stands capped at 1,350 AF with the potential to go up to 1,900 AF as qualified by Permit No. 5426-3. This 550 AF increase would assume the priority date of the reservation made under No. 5209-3 and subsequently assigned to No. 5426-3. This leaves 550 AF remaining in future use under No. 5209-3.



Ron Duvall
Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 25, 2010

Kingbrook Rural Water System
Randy Jencks, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks

I am writing in regard to the seven year review of Future Use Water Permit No. 5209-3 from Vermillion:East Fork Aquifer which is held by Kingbrook Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the system. Currently, our records show that 1,100 acre-feet remain in reserve under this future use permit that was issued in 1989 and last reviewed in 2003.

Please respond in writing by March 31, 2010, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5209-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



Kingbrook

Rural Water System, Inc.

PO Box 299 • Arlington, SD 57212 • Phone 605-983-5074 • 1-800-605-5279 • Fax 605-983-5636 • E-Mail: kbrw@mchsi.com

RECEIVED

MAR 25 2010

WATER RIGHTS
PROGRAM

March 23, 2010

Ms. Karen Schlaak (Water Rights Program)
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Re: Future Use Permit No. 5209-3

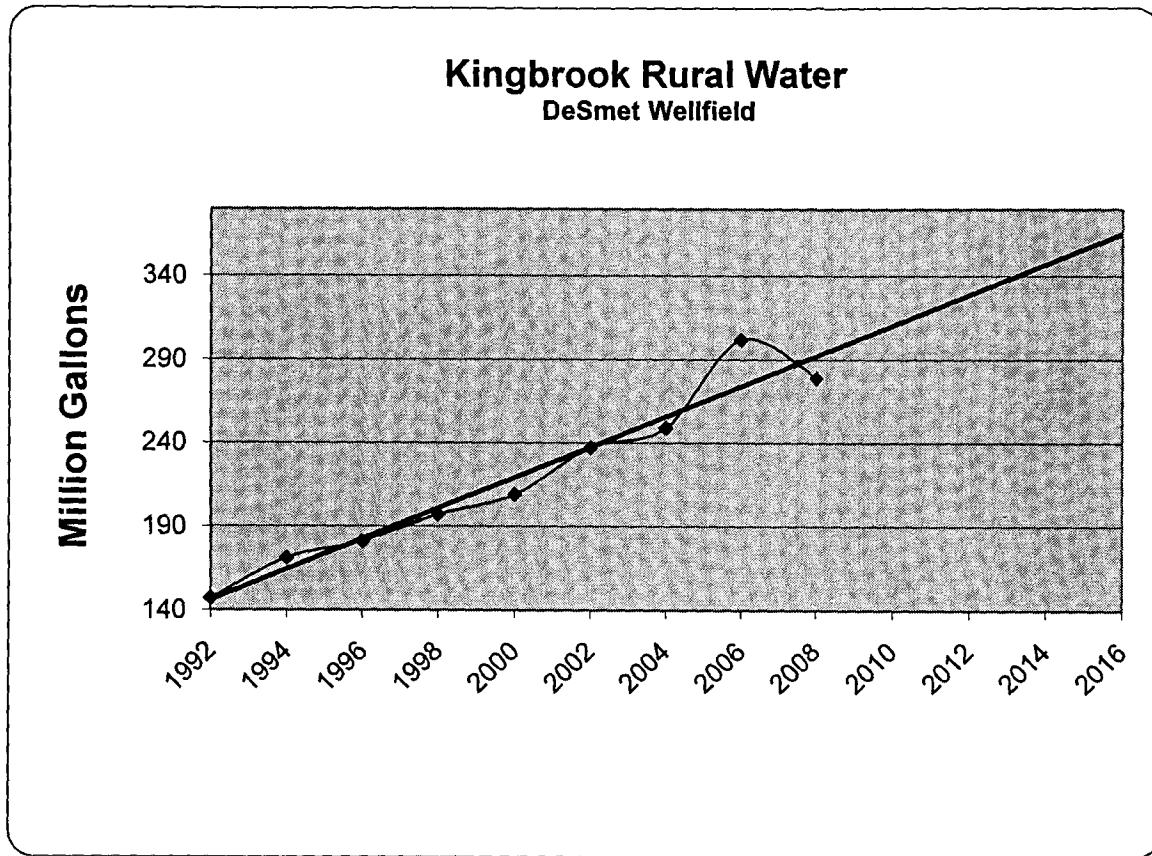
Dear Ms. Schlaak:

In response to your February 25, 2010 letter requesting information regarding our intention for future use permit 5209-3, Kingbrook Rural Water desires to maintain the permit based on future projected needs of our system.

Kingbrook is currently serving critical health needs of rural residents and communities by providing a safe, reliable and much needed water supply. Since our last review in 2003 we completed a large expansion project where we increased our customer accounts by over 5%. In 2009 we completed the application process for our next expansion project and will add a similar percentage of users by the end of 2011. In both cases the projects were system wide with a high percentage of new users within the service area covered by the subject future use permit. In addition to new users, there are still rural communities in this service area that could potentially require our services. One of these, the town of Ramona, obtained a Small Community Planning Grant and is currently reviewing their engineer's recommendation to connect to Kingbrook. We have recently added one large dairy just east of our treatment plant and another large dairy was just approved for construction southwest of Badger. We also were requested to provide cost estimates for an ethanol plant that was placed on hold last year.

Kingbrook has experienced consistent growth and we are projecting that trend will continue over the next several years. The graph shown on the following page reflects this growth and includes a trend line at the same growth rate for 2010 through 2016.

Kingbrook Rural Water Well Field Production



The Lake Norden cheese plant has had a significant impact upon the need for additional dairy cows in this area. The plant has initiated plans to expand its facility and this will lead to the potential growth of additional dairy operations that will need rural water.

The above identifies a reasonable need to maintain the permit and we ask for your favorable consideration of our request.

Sincerely,


Randy Jencks, P.E.
General Manager

5426-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 5426-3, Kingbrook RWS

ADDRESS: COUNTY: Kingsbury County

DATE: November 5, 2009 TELEPHONE:

RE: DeSmet well field

COMMENTS:

Guy with Kingbrook RWS called. The RWS is trying to get a handle on the current annual volume they can pump from the DeSmet well field (Vermillion:East Fork Aquifer) and what remains in Future Use Permit No. 5209-3.

Water Permit No. 5426-3 authorized construction and placement to beneficial use 1.4 cfs (550 acre feet annually) from two wells. The water was appropriated and reserved by Future Use Permit No. 5209-3. It contained the qualification below which basically set the RWS annual diversion authority at 1,350 ac-ft annually which is the amount set by its existing permit. The 550 ac-ft additional could not be used until the RWS provided evidence of the need. The 550 ac-ft was taken out of Future Use Permit No. 5209-3 reducing the amount held in reserve down from 1,100 ac-ft to 550 ac-ft.

QUALIFICATIONS

1. Approval of Permit No. 5426-3 increases the total authorized withdrawals under Permits No. 4137-3, 5186-3, and 5426-3 to 1900 acre-feet annually. Until evidence of need is presented to the Board, total combined annual withdrawals under Permits No. 4137-3, 5186-3, 5208-3 and 5426-3 are limited to 1350 acre-feet.

When Water Permit No. 5426-3 was licensed it limited the combined annual withdrawals authorized under Permit Nos. 4137-3, 5186-3 and 5426-3 to 1,350 acre feet of water. This amount is further reinforced by the fact that when Permit Nos. 5785-3 and 6731-3 were issued they included a condition limited the annual diversion from the Vermillion East Fork Aquifer to 1,350 acre feet of water annually.

The 550 acre feet of water that was not developed under No. 5426-3 reverted back to Future Use Permit No. 5209-3 pursuant to ARSD 74:02:01:26.01.

Ron Duvall with Water Rights was consulted on this conclusion and concurred that the 550 ac-ft of water reverts back to the future use permit. As of November 5, 2009, Future Use Permit No. 5209-3 reserves 1,100 acre feet of water.

NAME: 



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5209-3, Kingbrook Rural Water System, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5209-3, Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending that Future Use Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5209-3, 2) the rural water system has demonstrated a reasonable need for the water reserved by Permit No. 5209-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5209-3 is subject to payment of the \$155.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Garland Erbele, Chief Engineer
March 30, 2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

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

Kingbrook Rural Water System, Inc.
Randy Jencks, General Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

Future Use Permit No. 5209-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

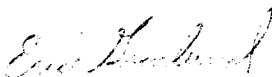
Argus Leader, Sioux Falls SD 605 331-2200
Moody Co Enterprise, Flandreau SD 605 997-3725
DeSmet News, DeSmet SD 605 854-3331
Daily Leader, Madison SD 605 256-4555
Hamlin Co Herald Enterprise, Hayti SD 605 793-9140

Salem Special, Salem SD 605 425-2361
Brookings Register, Brookings SD 605 692-6271
Miner County Pioneer, Howard SD 605 772-5644
Clark Co. Courier, Clark SD 605 532-3654

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on April 7, 2010 with 2nd publication 7 days later. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by the Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 1,100 acre feet from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:00 am, May 5, 2010 in the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 26, 2010. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 26, 2010. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 26, 2010. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

Argus Leader
PO Box 5034
Sioux Falls SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on April 7, 2010 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 Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of March 30, 2010 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 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
denr.sd.gov

March 30, 2010

Moody County Enterprise
PO Box 71
Flandreau SD 57028

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on April 7, 2010 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 Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of March 30, 2010 enclosing Notice of Hearing to Review Future Use Water Permit No. 5209-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

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Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

Brookings Register
PO Box 177
Brookings SD 57006

Dear Sir:

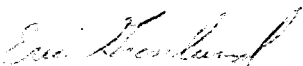
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Natural Resources Engineer
605 773-3352

enclosures

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Date _____

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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

DeSmet News
PO Box 69
DeSmet SD 57231

Dear Sir:

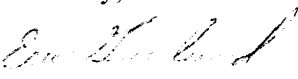
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Eric Gronlund
Natural Resources Engineer
605 773-3352

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Date _____

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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

Daily Leader
PO Box 348
Madison SD 57042

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on April 7, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Date _____

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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

Clark County Courier
119 1st Ave E
Clark SD 57225

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5209-3 to be published twice. Please publish the first notice on April 7, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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Date _____

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

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Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

Hamlin Co Herald Enterprise
PO Box 207
Hayti SD 57241

Dear Sir:

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Date _____

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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

Miner County Pioneer
PO Box 220
Howard SD 57349

Dear Sir:

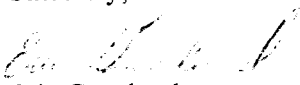
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Natural Resources Engineer
605 773-3352

enclosures

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Date _____

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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 30, 2010

Salem Special
PO Box 220
Salem SD 57058

Dear Sir:

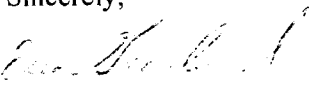
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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Name

Newspaper

RECEIVED

APR 15 2010

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County
Enterprise

printed and published in Flanahan
County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 7, 2010
April 14, 2010

Cost of Printing \$69.30

Angela Nibbelink
(Signature)

Boothleer/office mgr
(Title)

4-14-2010
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by the Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 1,100 acres feet from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:00 a.m., May 5, 2010 in the Floyd Matthew Training Center, Joe Foss Bldg., 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 26, 2010. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by April 26, 2010. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 26, 2010.

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

(April 7 & 14, 2010)
Published twice at the total approximate cost of \$70.

RECEIVED

Form 8

APR 16 2010

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Archer

certify that the attached printed Notice was taken

from the Hamlin County
Herald Enterprise

printed and published in Herald

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

4-7-10

4-14-10

Cost of Printing \$66.53

LeeAnne Archer

(Signature)

Owner

(Title)

4-15-10

(Date Signed)

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5209-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:00 am, May 5, 2010 in the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 26, 2010. The Chief Engineer's address

is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 26, 2010. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 26, 2010.

Steven M. Pirner,
Secretary

Department of Environment
and Natural Resources.

Published April 7 and 14, 2010,
at total cost of \$66.53.

CUSTOMER NUMBER:	078340	Argus Leader P.O. Box 5034, Sioux Falls, S.D. 57117-5034
INVOICE NUMBER:	1262552	
RUN DATES	4/7, 4/14, 2010	AMOUNT DUE: \$162.97

Dept of Environment & Natural Resources
Joe Foss Building
523 E Capitol Avenue
Pierre, SD 57501

RECEIVED

APR 16 2010

WATER RIGHTS PROGRAM

*paid by
Kingbrook
Rural Water
System*

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340
Invoice Number: 1262552

Dept of Environment & Natural Resources

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Wednesday, the 7 day of April 2010 ,
Wednesday, the 14 day of April 2010 ,
_____, the _____ day of _____ 2010 ,
_____, the _____ day of _____ 2010 ,
_____, the _____ day of _____ 2010 ,
_____, the _____ day of _____ 2010 ,
_____, the _____ day of _____ 2010 ,

and that \$162.97 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 4/14/2010

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015

NOTICE OF HEARING TO REVIEW FUTURE USE

WATER PERMIT NO. 5209-3

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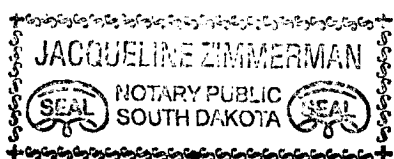
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Published twice at the total approximate cost of \$162.97. 1262552 Apr. 7 & 14, 2010



RECEIVED

APR 15 2010

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Kingbury) SS

I, Alan Elegen

certify that the attached printed Notice was taken

from the De Smet News

printed and published in De Smet

County of Kingbury and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 7, 2010

April 14, 2010

Cost of Printing 73.65

[Signature]
(Signature)

[Signature]
(Title)

April 14, 2010
(Date Signed)

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by the Kingbrook Rural Water System, Inc., c/o Randy Jencks, P.O. Box 299, Arlington, SD 57212, for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 1,100 acre feet from the Vermillion East Fork Aquifer located in the SW1/4SW1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111-R56W for rural water system uses purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:00 a.m., May 5, 2010, in the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

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

affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 26, 2010. The Chief Engineer's address is "Water Rights program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501; (605) 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested cast procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter

110 2 x 37.2 = 40.92

x 80% WK2 = 32.73

73.65

for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605) 773-3352) by April 26, 2010. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 26, 2010. Steven. M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$73.65.

4-7-2wc-4-14

RECEIVED

APR 15 2010

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by the Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 1,100 acre feet from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Carla Poulson, and has been such newspaper during the time hereinafter mentioned: and that I, Carla Poulson the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice headed

Notice of Hearing to Review Future
Use Water Permit No 5209-3

A printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for 2 successive weeks, the first publication being made on the 8th day of April 2010.

And the last publication on the 15th day of April 2010...

The first publication being made on the day of 20.....

The second publication being made on the day of 20.....

The third publication being made on the day of 20.....

The fourth publication being made on the day of 20.....

The fifth publication being made on the day of 20.....

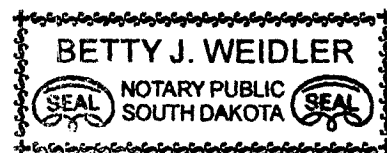
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$58.54... and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

CR

Subscribed and sworn to me this 15th day of April 2010...

Betty J. Weidler

My commission expires the 29th day of April 2010...



April 26, 2010. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's ~~opposition to~~ or support of ~~continuing~~ the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 ~~will be~~ conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

~~Any person~~ Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by April 26, 2010. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 26, 2010. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$58.54.

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF SOUTH DAKOTA }
 County of Lake } ss.

APR 16 2010

WATER RIGHTS
PROGRAM

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

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

Kingbrook Rural Water System

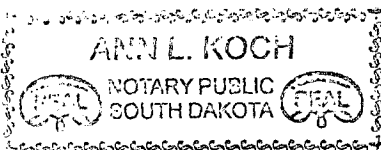
Notice of Hearing to Review Future Use Water Permit 5209-3

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

On Wednesday the 7th day of April 20..... 10
 On Wednesday the 14th day of April 20..... 10
 On , the day of , 20.....
 On , the day of , 20.....
 On , the day of , 20.....
 On , the day of , 20.....
 On , the day of , 20.....
 On , the day of , 20.....

That \$ 74.61 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 15th day of
 April 20..... 10



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

NOTICE OF HEARING 4-7
TO REVIEW FUTURE USE
WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by the Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 1,100 acre feet from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:00 am, May 5, 2010 in the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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Publication Fees \$

Notary Fees \$

Total \$

Received Payment,

Public

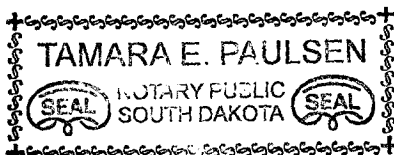
**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by the Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 1,100 acre feet from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

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Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCOOK)

RECEIVED

APR 16 2010

**WATER RIGHTS
PROGRAM**

TROY SCHWANS of said County and State, being duly sworn on his oath, says THE SALEM SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of McCook for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed.

*Future Use Permit
Kingbrook*

a printed copy of which is hereto attached, was printed and published in the newspaper for. . . 2 . . . weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication being made on

..... *April 8* ,20 *10* .

the second publication on. *April 15* ,20 *10* .

the third publication on. ,20 . . .

the fourth publication on. ,20 . . .

the fifth publication on. ,20 . . .

the sixth publication on. ,20 . . .

and the last publication on. ,20 . . .

that \$ *67.22* being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.

..... *Troy Schwans*
Subscribed and sworn to before me this. *15th* . . .

day of. *April* ,20 *10* .

..... *Tamara E. Paulsen* . . .

Notary Public, *McCook* . . . County

My commission expires. *08-09-14* . . .

Notice

legal counsel if legal counsel is obtained.
The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's **recommendation**, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by April 26, 2010. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 26, 2010. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$67.22.

4-8.15

RECEIVED
APR 23 2010
WATER RIGHTS
PROGRAM

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre feet from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:00 a.m., May 5, 2010 in the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 26, 2010. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**SD WATER RIGHTS PROGRAM
KINGBROOK RURAL WATER SYSTEM**

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

TWO

successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

**APRIL 7, 2010
APRIL 14, 2010**

that the full amount of the fees for the publication of the annexed notice is

68.51

William J. Krikac

Subscribed and sworn to before me this

21ST DAY OF APRIL, 2010

Ann D. Helke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2013

The hearing to review Future Use Permit No. 5209-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 through 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources
Published twice at the total
approximate cost of \$68.51.

4-7-2t

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Exhibit "A"
RECEIVED
APR 23 2010
WATER RIGHTS
PROGRAM

Katy VanMaanen of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Legal #725 "NOTICE OF HEARING"

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

April 7, 2010

April 16, 2010

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Sixty five dollars and twenty one cents \$65.21



Subscribed and sworn to before me this

17th _____ day of

April

2010

Katie Cobb

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires July 14, 2015

Legal 725, 2x, 4/7, 16
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by the Kingbrook Rural Water System, Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved in 1989 currently reserves 1,100 acre feet from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W for rural water system use purposes. Pursuant to SDCL 4B-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:00 am, May 5, 2010 in the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

April 20, 2010

NOTICE

TO: Randy Jencks
Kingbrook Rural Water System, Inc.
PO Box 299
Arlington SD 557212

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Hearing on Review of Future Use Permit No. 5209-3

Kingbrook RWS hold Future Use Permit No. 5209-3 reserving 1100 acre feet of water from the Vermillion East Fork Aquifer. The Water Management Board is scheduled to conduct a seven year review of the permit on May 5, 2010. This May 5th Water Management Board meeting is now to be conducted by telephone conference call. The hearing to consider the seven year review of Future Use Permit No. 5209-3 for Kingbrook Rural Water System will be at 10:00 AM on May 5, 2010. Attached is the agenda for this meeting.

If Kingbrook Rural Water System desires to participate in the conference call you may connect to the meeting by dialing **605 773-2303** and then entering the conference password **2330**. If you have trouble accessing the conference call, please dial the conference operator at 605 773-3011.

There are limited number of conference lines available so DENR asks that Kingbrook RWS only use one line to participate in the call.

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

Enclosure

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 20, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated April 20, 2010, regarding conference call hearing on the review of Future Use Permit Application No. 5209-3, as addressed below:

Randy Jencks
Kingbrook Rural Water System, Inc.
PO Box 299
Arlington SD 557212

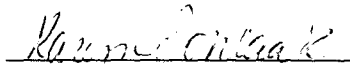
Diane Best, Assistant Attorney General
300 N. Dakota Avenue, Suite 403
Sioux Falls SD 57104



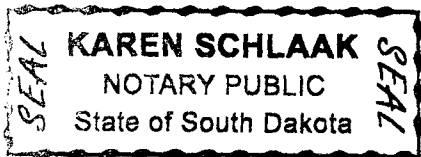
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of April, 2010.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

May 10, 2010

NOTICE

Kingbrook Rural Water System
Randy Jencks, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in response to action taken by the Water Management Board at the hearing on May 5, 2010 to review Future Use Permit No. 5209-3. The Board allowed the permit to remain in effect for 1,100 acre-feet of water annually. Future Use Permit No. 5209-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5209-3 is \$155.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

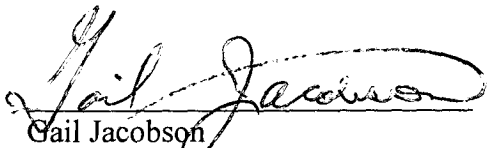
Sincerely,

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

CERTIFICATION

I hereby certify that on May 10, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 10, 2010 regarding Future Use Permit 5209-3 – Kingbrook RWS addressed as stated below:

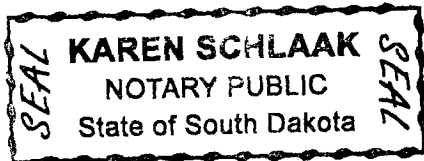
Kingbrook Rural Water System, Randy Jencks, PO Box 299, Arlington SD 57212


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of May, 20 10.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/14, 20 10

RECEIVED OF Kingbrook Rural Water PO Box 299 Arlington SD 57212

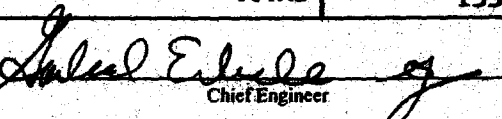
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	155	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5209-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	155 00

No.

04552

By


Chief Engineer



5209-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 28, 2017

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

Kingbrook Rural Water System, Inc.
Randy Jencks, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

Future Use Permit No. 5209-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. A copy of the Notice of Hearing for this review has been emailed to the following papers:

Argus Leader, Sioux Falls 605 331-2200
Moody Co Enterprise, Flandreau 605 997-3725
DeSmet News, DeSmet 605 854-3331
Daily Leader, Madison 605 256-4555
Hamlin Co Herald Enterprise, Hayti 605 783-3636
Sanborn Weekly Journal, Woonsocket 605 796-4221

Salem Special, Salem 605 425-2361
Brookings Register, Brookings 605 692-6271
Miner County Pioneer, Howard 605 772-5644
Clark County Courier, Clark 605 532-3654
Plainsman, Huron 605 353-7414

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

Be sure to contact the above newspapers immediately to authorize publication of the notice of hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice during the week of April 2nd. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by May 1, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 1, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:37 AM
To: Jolene King (jolene@kingbrookruralwater.com)
Subject: Future Use Review
Attachments: Kingbrook.pdf

Good Morning,

Attached is the information regarding the future use review of Permit No. 5209-3. Originals being mailed today. I have emailed the notice to each of the 11 papers this morning.

You never know about the mail service these days. Thought I'd give you plenty of time to contact the papers.

Karen

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:16 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:15 AM
To: courier@itctel.com
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:14 AM
To: ads@minercountypioneer.com
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 6, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:12 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:11 AM
To: Salem Special / Troy Schwans (tschwans@triotel.net)
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 6, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:10 AM
To: swj124@mac.com
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 6, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:09 AM
To: Hamlin County Publishing (hcp@itctel.com)
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:05 AM
To: ads@madisondailyleader.com
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:04 AM
To: mail@desmetnews.com
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 8:01 AM
To: mce6@mcisweb.com
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 29, 2017 7:58 AM
To: allegals@argusleader.com
Subject: 5209-3, Kingbrook RWS
Attachments: 5209-3.fu.doc; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Kingbrook Rural Water System Inc., c/o Randy Jencks, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



RECEIVED

APR - 7 2017

WATER RIGHTS
PROGRAM

CUSTOMER NUMBER:	078492	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
INVOICE NUMBER:	2040467		
RUN DATES:	4/5, 2017	AMOUNT DUE:	\$105.72

KINGBROOK RURAL WATER SYSTEM, INC
C/O RANDY JENCKS
PO BOX 299
ARLINGTON, SD 57212

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078492

KINGBROOK RURAL WATER SYSTEM, INC

Invoice Number: 2040467

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Sara Kruse 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 17-2-2.1, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 5 day of April 2017,
 _____, the _____ day of _____ 2017,
 _____, the _____ day of _____ 2017,
 _____, the _____ day of _____ 2017,
 _____, the _____ day of _____ 2017,
 _____, the _____ day of _____ 2017,
 _____, the _____ day of _____ 2017,

and that \$105.72 was charged for publishing the same

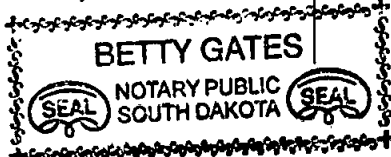
Sara Kruse

Subscribed and sworn to before me 4/5/17

Betty Gates

Notary Public, South Dakota

My Commission expires March 11, 2022



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1999 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN IN EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by May 1, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (685 773-3332) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use

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

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (685 773-3332) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 1, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017.

Steven M. Pinner,
Secretary,
Department of
Environmental and
Natural Resources.

Published once at the approximate cost of \$105.72.
2040467 April 5, 2017

**NOTICE OF HEARING TO REVIEW FUTURE USE
WATER PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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ment describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 1, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017.

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

Published once at the
total approximate cost of \$46.02.

4-5-17

Affidavit of Publication

State of South Dakota

§

County of Clark

RECEIVED
APR 10 2017

**WATER RIGHTS
PROGRAM**

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Kingbrook Rural Water

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

One

successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

April 5, 2017

that the full amount of the fees for the publication of the annexed notice is

\$46.02

William J. Krikac

Subscribed and sworn to before me this

6th day of April, 2017

And Helge

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2019

RECEIVED

APR 10 2017

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SS

I, Lee Anne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Herald Enterprise

printed and published in Hayti

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

April 5, 2017

Cost of Printing \$43.47

Lee Anne Dufek
(Signature)

Owner
(Title)

4-6-2017
(Date Signed)

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is

authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by May 1, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the

right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 1, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017.

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

Published April 5, 2017, at total cost of \$43.47.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
County of Kingsbury.

SS.

David Tritle

of said county being first duly sworn on oath, says that he is the publisher of **THE DE SMET NEWS**, a weekly newspaper printed and published in De Smet in said County of Kingsbury and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Hearing to Review Future

Use Water permit No. 5209-3, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least

once in each week for 1 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

<u>4-5-</u>	<u>20 17</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

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

\$ 48.13

Subscribed and sworn to before me this 7th

day of April A.D. 20 17

Margaret A. Walde
Notary Public

Kingsbury County, South Dakota

My commission expires May 30, 2018

RECEIVED

APR 10 2017

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 a.m. on May 11, 2017, at Floyd Mathew Training Center, Joe Foss Bldg. 523 E. Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by May 1, 2017. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a

statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 1, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$48.13.

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF SOUTH DAKOTA }
 County of Lake } ss.

APR 13 2017

WATER RIGHTS
PROGRAM

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

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

Department of Environment & Natural Resources

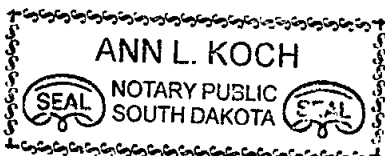
Water Permit # 5209-3 / Kingbrook Rural Water

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

On Wed, the 5th day of April, 2017;
 On , the day of , 20;
 On , the day of , 20;
 On , the day of , 20;
 On , the day of , 20;
 On , the day of , 20;
 On , the day of , 20;
 On , the day of , 20;

That \$46.48 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Judy Dahl
 Subscribed and sworn to before me this 11th day of
 April, 2017



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

Publication Fees \$

Notary Fees \$

Total \$

Received Payment,

In Court

County of

ION

on the

Wednesday, April 5

**NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by May 1, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit

holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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STEVEN M. PIRNER,
Secretary
Department of Environment
and Natural Resources.
Published once at the total
approximate cost of \$46.48

Attorneys for

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

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

Notice of hearing.
Permit 5209-03

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

4-5-17

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

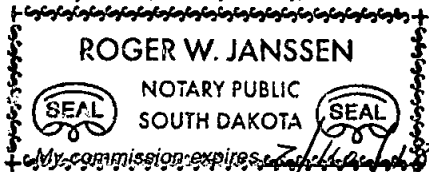
\$ 46⁷⁴

M. J. Headrick bookkeeper
Subscribed and sworn to before me this

6th day of April AD 2017

[Signature]

Notary Public, County Moody, South Dakota



RECEIVED

APR 20 2017

WATER RIGHTS
PROGRAM

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(April 5, 2017)

Published once at the approximate cost of \$47

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REVIEW FUTURE USE WATER
PERMIT NO. 5209-3

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RECEIVED

APR 20 2017

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Carla Poulson of said County and State, being duly sworn, on her oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Carla Poulson, and has been such newspaper during the time hereinafter mentioned: and that I, Carla Poulson the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice headed

Notice of Hearing to Review
Future Use Water Permit No. 5209

A printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for successive weeks, the first publication being made on the day of April 20, 17

And the last publication on the day of 20.....

The first publication being made on the day of 20.....

The second publication being made on the day of 20.....

The third publication being made on the day of 20.....

The fourth publication being made on the day of 20.....

The fifth publication being made on the day of 20.....

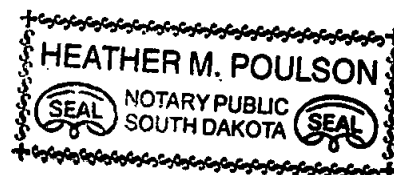
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$ 41.26 and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever

CR

Subscribed and sworn to me this 13 day of April 20, 17

Heather M. Poulson

My commission expires the 10 day of Oct 20, 19



RECEIVED

APR 11 2017

WATER RIGHTS
PROGRAM

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate total cost of \$41.26.
(April 6)

RECEIVED

Affidavit of Publication

APR 20 2017

WATER RIGHTS
PROGRAM

State of South Dakota

ss

County of Brookings

Exhibit "A"

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

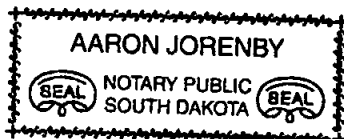
Leg#426 Notice of Hearing

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

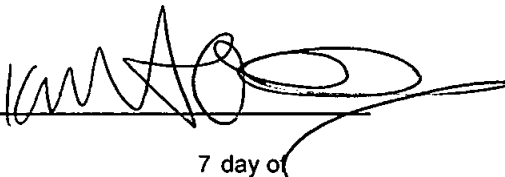
April 5, 2017

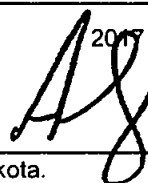
said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty-Three Dollars and Eighty- Six Cents \$43.86



April



7 day of


2017

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 426, 1x, 4/5
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn Counties. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the

Chief Engineer by May 1, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition

to oppose or support continuance of the Future-Use Permit. The request for a delay must be filed with the Chief Engineer by May 1, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$43.86.

NOTARIAL PUBLIC
STATE OF SOUTH DAKOTA
My Comm. Expires 12-31-17
Notary Public in and for the State of South Dakota

AFFIDAVIT OF PUBLICATION

State of South Dakota

SS

County of Sanborn

Hillary Lutter of said county, being, first duly sworn, on oath, says: That she is the publisher of the Sanborn Weekly Journal, a weekly newspaper, published in the City of Woonsocket, in said County of Sanborn, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Sanborn and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the

Notice of Hearing to Review
Future Use Water Permit No. 5209-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 successive week(s) to wit:

<u>April 6</u> , 20 <u>17</u>	_____ , 20 _____
_____, 20 _____	_____, 20 _____
_____, 20 _____	_____, 20 _____
_____, 20 _____	_____, 20 _____

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 43.26.

Signed

Hillary Lutter

Subscribed and sworn to before me this 20 day of April, 20 17.

Bryan Lutter

Notary public in and for the County of Sanborn, South Dakota.

RECEIVED

APR 24 2017

WATER RIGHTS
PROGRAM

on expires Dec. 15, 20 21.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because, 1.) the reserved water may be developed, 2.) there is need for the reserved water, 3.) the proposed use will be a beneficial use, and 4.) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by May 1, 2017. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 1.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$42.00.

SJ33-1tb

Public

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5209-3

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R56W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCook)

TROY SCHWANS of said County and State, being first duly sworn on his oath, says THE SALEM SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of McCook for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed *Notice of Hearing*

a printed copy of which is hereto attached, was printed and published in the newspaper for . . . 1 . . . weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication being made on

4/6 20 *17*

the second publication on . . . 20 . . .

the third publication on . . . 20 . . .

the fourth publication on . . . 20 . . .

the fifth publication on . . . 20 . . .

the sixth publication on . . . 20 . . .

and the last publication on . . . 20 . . .

that \$ *48.26* being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this *20th*

day of *April* . . . 20 *17*

Notary Public, *Jill R Letcher* . . . County

My commission expires. *12-17-20*

RECEIVED

APR 24 2017

WATER RIGHTS
PROGRAM

Notice

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

The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 1, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$48.26.

PRINTER'S AFFIDAVIT

RECEIVED

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

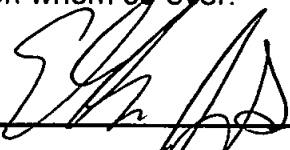
APR 26 2017

WATER RIGHTS
PROGRAM

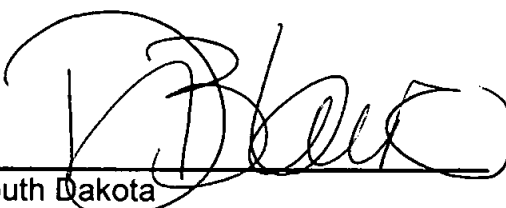
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

KINGBROOK RURAL WATER- #2965
WATER PERMIT RIGHTS- JENCKS

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 5TH Day APRIL 2017. That the full amount of the fee charged for publishing SIXTY-TWO & 15/100 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 25TH Day
of APRIL 2017.


Notary Public, South Dakota

My term expires 03/11/2022
Legal #2965

F.P. 04-05-17

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5209-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5209-3 held by Kingbrook Rural Water System Inc., Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5209-3. This permit was approved 1989 and currently reserves 1,100 acre-feet annually from the Vermillion East Fork Aquifer located in the SW 1/4 SW 1/4 Section 10; NE 1/4 Section 8; Section 6; all in T111N-R66W. Kingbrook Rural Water System serves users in Beadle, Brookings, Clark, Kingsbury, Lake, McCook, Minnehaha, Miner, Moody, Hamlin and Sanborn Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5209-3 at 10:30 am on May 11, 2017 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

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The hearing to review Future Use Permit No. 5219-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by May 1, 2017. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the

Future Use Permit. The request for a delay must be filed with the Chief Engineer by May 1, 2017.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by April 17, 2017.

Steven M. Pirner
Secretary
Department of
Environment and
Natural Resources
No. 2965 (adv.)

Published once at the
total approximate cost of
\$62.15.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 2, 2017

Kingbrook Rural Water System, Inc.
Randy Jencks, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in regard to the seven year review of Future Use Water Permit No. 5209-3 from the Vermillion East Fork Aquifer held by Kingbrook Rural Water System, Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 1,100 acre-feet remain in reserve under this future use permit that was issued in 1989 and last reviewed in 2010.

Please respond in writing by April 1, 2017 regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5209-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1,100 acre-feet remain in reserve, the fee will be \$155.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



Kingbrook

Rural Water System, Inc.

PO Box 299 • 302 E. Ash St. • Arlington, SD 57212 • Phone 605-983-5074 • 1-800-605-5279 • Fax 605-983-5636 • office@kingbrookruralwater.com

March 20, 2017

RECEIVED

MAR 24 2017

**WATER RIGHTS
PROGRAM**

Ms. Karen Schlaak (Water Rights Program)
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Re: Future Use Permit No. 5209-3

Dear Ms. Schlaak:

In response to your letter requesting information regarding our intention for future use permit 5209-3, Kingbrook Rural Water desires to maintain the permit based on future projected needs of our system.

Kingbrook is currently serving critical health needs of rural residents and communities by providing a safe, reliable and much needed water supply. Since our last review in 2010 we completed a large expansion project that added over 150 new rural customers and added the town of Ramona. We recently received funding approval for our next expansion project that will begin this summer and is scheduled to be completed in 2018. This project will add 230 new users and will increase our customer base by nearly 5%.

In addition to the growth described above, there remains rural communities within the DeSmet water treatment plant service area that could potentially require our services. One of these, the town of Canova, recently obtained a Small Community Planning Grant and is currently reviewing their options to connect to Kingbrook. The community of DeSmet is also within this service area and we expect to begin discussion with them in the near future regarding the benefits of connecting to rural water.

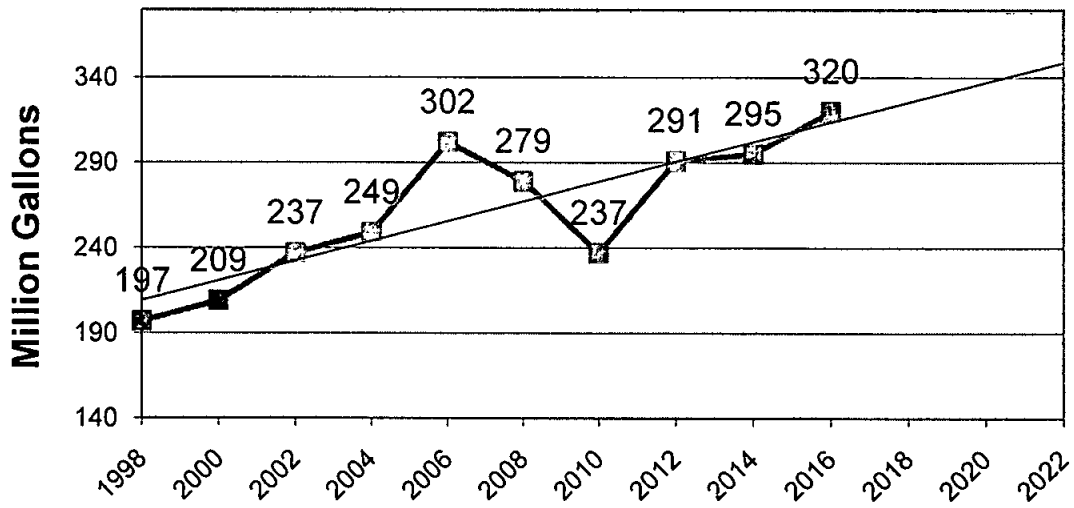
Kingbrook has experienced consistent growth and we are projecting that trend will continue well into the future. The graph shown on the following page reflects this growth and includes a trend line at the same growth rate through 2022.

MISSION STATEMENT: To provide member-owners with reasonably priced, reliable, quality water.



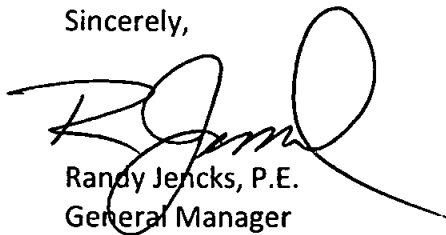
Kingbrook Rural Water System, Inc. is an equal opportunity provider and employer.

Kingbrook Rural Water DeSmet Wellfield



The above chart identifies the need to maintain the permit and we ask for your favorable consideration of our request.

Sincerely,



Randy Jencks, P.E.
General Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

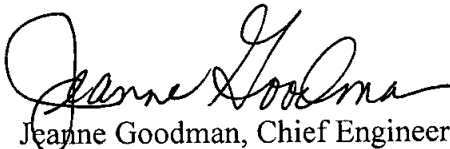
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5209-3, Kingbrook Rural Water System, Inc**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5209-3, Kingbrook Rural Water System, Inc., Randy Jencks, PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending that Future Use Permit No. 5209-3 REMAIN in EFFECT for 1,100 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5209-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5209-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5209-3 is subject to payment of the \$155.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.


Jeanne Goodman, Chief Engineer
March 28, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 3, 2017

NOTICE

To: Randy Jencks, General Manager
Kingbrook Rural Water System
PO Box 299
Arlington SD 57212

From: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Change to Hearing on Consideration of Seven Year Review of Future Use Permit No. 5209-3

The seven year review of Kingbrook Rural Water System's Future Use Permit No. 5209-3 has been public noticed for hearing before the Water Management Board at 11:00 AM on Thursday, May 11, 2017 in the Floyd Matthew Training Center in Pierre. Since the time of the public notice, the meeting has been changed to a telephone conference call.

Below is information for you to call if you choose to participate in the meeting. Your item is on the agenda at 11:00 AM on Thursday, May 11th.

Start Time: 10:30 AM US/Central May 11, 2017

To join the conference Dial: 605-224-1125

Enter this access code: 0183360#

If you have trouble getting on the call, please contact the conference operator at 605-773-3011.

Applicable provisions of the public notices on April 5th and 6th in area newspapers still apply.

Enclosed is the Board agenda for the May 11th telephone conference call. If you have questions, please contact Eric Gronlund at (605) 773-3352.

enclosure

c: Ann Mines Bailey, Assistant Attorney General



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today

**WATER MANAGEMENT BOARD
TELEPHONE CONFERENCE CALL MEETING**

**Thursday, May 11, 2017
523 E Capitol Avenue
Pierre SD**

Scheduled hearing times are Central Time

AGENDA

Scheduled times are estimates only. Agenda items may be delayed due to prior scheduled items.
Live audio of the meeting can be heard at www.sd.net/mtc

10:30 AM Call to Order

Conflicts Disclosures and Requests for State Board Waivers

March 1, 2017, Board Minutes

July 12 - 13, 2017 Meeting Location (Pierre suggested)

Status and Review of Water Rights Litigation – Matt Naasz

Administer Oath to Department of Environment and Natural Resources Staff

Update on DENR Activities

- Staff Changes

- Legislative Update

- Training Session Format

- 2017 Streamflow Outlook

Request to Rescind Suspension of Water Right No. 2704A-3, Hilltop Irrigation District for Failure to Submit 2016 Irrigation Questionnaire – Genny McMath

Findings of Fact, Conclusion of Law and Final Decision in the matter of Cancellation of Water Right Filing No. 0494-2, Bollmann

11:00 AM Cancellation Considerations – Eric Gronlund

Seven Year Review of Future Use Permit No. 5209-3, Kingbrook RWS – Eric Gronlund

Qualification Amendment to Water Right No. 1407-1, Cundy Trust – Eric Gronlund

Qualification Amendment to Water Permit No. 7350-3, Richard Schmit – Lynn Beck

ADJOURN

A limited number of phone lines are available for this call. Interested parties who wish to participate in the telephone conference call should contact DENR at (605) 773-3296 no later than 3:00 PM Central Time on Wednesday, May 10, 2017.

Interested parties may also participate at the Department of Environment and Natural Resources, Floyd Matthew Training Center, 523 East Capitol Avenue, Pierre SD.

Board members are reminded that effective July 1, 2016 members are subject to SDCL 3 – 23-1 to 3-23-5 (Disclosure Laws) which address the disclosure of any conflicts of interest a member may have regarding contracts with the State of South Dakota. Board members should report any potential conflicts to the board and seek a waiver where appropriate.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Environment and Natural Resources at (605) 773-3296 at least 48 hours before the meeting if you have a disability for which special arrangement must be made.

CERTIFICATION

I hereby certify that on May 3, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 3, 2017 regarding hearing change addressed as stated below:

Future Use Permit No. 5902-3

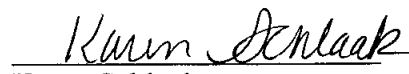
Kingbrook Rural Water System Inc, Randy Jencks, PO Box 299, Arlington SD 57212

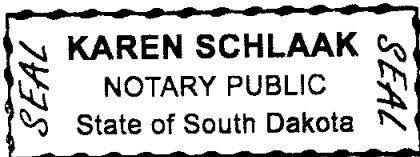
**Ann Mines Bailey, Assistant Attorney General, 1302 US-14 #1, Pierre, SD 57501
InterOffice**


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of May, 20 17.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 15, 2017

NOTICE OF ENTRY OF ORDER

Kingbrook Rural Water System, Inc.
Randy Jencks, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in response to action taken by the Water Management Board at the hearing on May 11, 2017 to review Future Use Permit No. 5209-3. The Board allowed the permit to remain in effect for 1,100 acre-feet of water annually. Future Use Permit No. 5209-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5209-3 is \$155.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

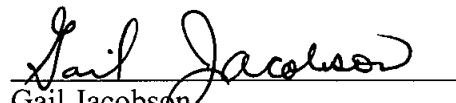
Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on May 15, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 15, 2017 regarding future use Permit No. 5209-3 addressed as stated below:

Future Use Permit No. 5902-3

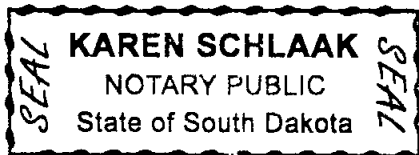
Kingbrook Rural Water System Inc, Randy Jencks, PO Box 299, Arlington SD 57212


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of May, 20 17.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/5, 20 17

RECEIVED OF Kingbrook RWS PO Box 299 Arlington SD 57012

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	155	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5209-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	155	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
		155 00

No. **08256**

By *Jeannine Hoalman*
Chief Engineer