

Considered: _____

Future Use
WATER PERMIT NO. 5358-3

MAP No. same 297-3334

Name of Applicant TM Rural Water District

Post Office Address PO Box 445

Amount of Water Claimed 1500 acre-feet Total Acres NA

Source of Water Supply ground water - approx 200 feet deep

Water to be used for rural water system use County TU, MC, HT, MA, MR

About 6-8 miles radius of around Dalton.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Oct. 11, 1989 Fee \$50.00 Remarks _____

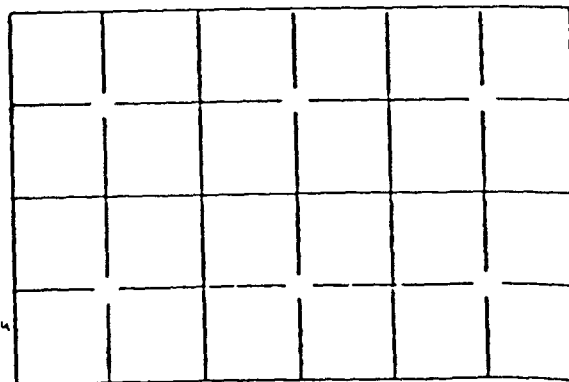
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Future Use
Diversion Point
Area see appl. map for
specific area (described below)

~~Land to be irrigated~~ secs 7, 18, 19, 30, 31 - T100N-R54W;
sec 6 - T99N-R54W; 1 thru 6 - T99N-R55W; 7 thru 36 - T100N-R55W;
9 thru 16, 21 thru 28, 33 thru 36 - T100N-R56W; sec 1 thru 4 - T99N-R56W; 7 thru
11, 14 thru 23, 26 thru 35 - T101N-R54W; sec 7 thru 36 - T101N-R55W



Well Log: Driller none Licensed YES _____ NO _____

Depth of Well _____ REMARKS Future wells to be $\approx$ 200 feet

deep

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

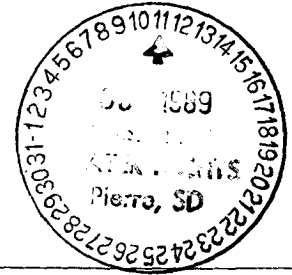
assigned on October 23, 1989 By [Signature]

No. 5358-3 Hydrologic Unit 10170102
 Map No. same Basin Vermillion River
 Newspaper see attachment

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 TM Rural Water District Phone No. 605-297-3334

 Post Office Address P.O. Box 445 Parker State SD 57053
(Street, RR or Box) (City) (Zip Code)

 2. Amount of water claimed (c.f.s.) -7-0-G-F-S- and 1,500 ac. ft. per year

 3. Source of water supply Basal sand and gravel unit below Dolton aquifer approx. 200 feet below land surface.

 4. Location of point of diversion Section 7, 18, 19, 30, 31 in T100N, R54W. Sec. 6 in T99N, R54W.
R45W. Sec. 1 through 6 in T99N, R55W. Sec. 7 through 36 in T100N, R55W. Sec. 9 through
16, 21 through 28, 33 through 36, T100N, R56W. (See attached) County Turner, McCook, Hutchinson

 5. Counties where water will be used TM RWD Service Area (Turner and McCook and surrounding counties).

 6. Annual period during which water is to be used Full year/ 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)

TM Rural Water District currently utilizes the Dolton Aquifer for 100% of it's supply. Because of possible long-term problems with the adequacy of this supply, TM intends to develop a supplemental or replacement supply from a deeper sand and gravel unit in the vicinity of their present wells. A water exploration study will be conducted by the South Dakota Geological Survey beginning during 1990 to better define the aquifer and diversion points.

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 Turner)

 I, TM Rural Water District (From Dykstra) 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 Juan Dykstra President

 Subscribed and sworn to before me this 10 day of October 1989
Gail L. Schoffelman
 Notary Public

GAIL L. SCHOFFELMAN

 NOTARY PUBLIC
 SOUTH DAKOTA

Sec. 1 through 4, T99N, R56W. Sec. 7 through 11, 14 through 23, 26 through 35,
T101N, R56W. Sec. 7 through 36, T101N, R56W.

4

5

SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 5358-3

Date of first receipt of application October 11, 1989.

The Water Management Board approved Future Use Water Permit Application No. 5358-3 on March 7, 1990 for TM Rural Water District, PO Box 445, Parker SD 57053 to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 5358-3 appropriates 1500 acre-feet of ground water, approximately 200 feet deep, from an unnamed aquifer located below the Dolton Aquifer. The area reserved for future water use is located in sections 7, 18, 19, 30, 31-T100N-R54W; section 6-T99N-R54W; sections 1 thru 6-T99N-R55W; sections 7 thru 36-T100N-R55W; sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; sections 1 thru 4-T99N-R56W; sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; sections 7 thru 36-T101N-R55W.
2. The water reserved for future use is for rural water system use by TM Rural Water District.
3. The date from which applicant may claim right is October 11, 1989.

QUALIFICATIONS

1. That Permit No. 5358-3 is approved with the stipulation that the Permit 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 reserved water 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 ground water from an unnamed aquifer located below the Dolton Aquifer. Wells will be approximately 200 feet deep.
4. Approval of this permit reserves 1500 acre feet annually.

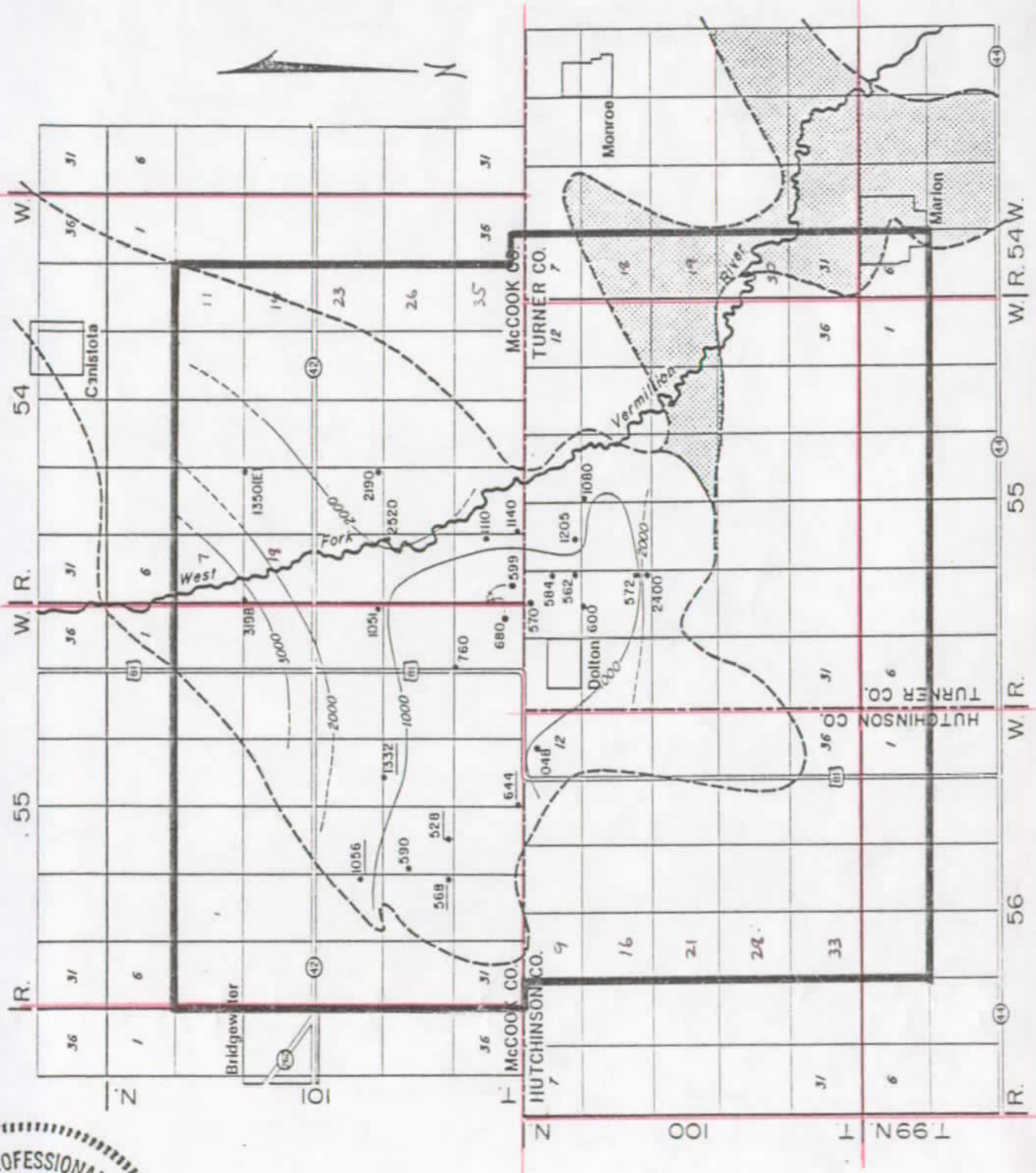
WATER MANAGEMENT BOARD

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

JUN 18 1990

(date)

Future Use App. No. 5358-3



BOUNDARIES OF FUTURE USE AREA



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

Date 10/9/89
Drawn By [Signature]
Approved [Signature]
Revised

TM RURAL WATER DISTRICT
FUTURE WATER USE AREA
BASAL AQUIFER

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411937

Pierre, October 12, 19 89

RECEIVED OF T M Rural Water District, Box 445, Parker, SD 57053-0445

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

Fee for Application for Permit No. <u>5398-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch
Kimra

Conversation or File Documentation

NAME OF PERSON OR FILE: TM Rural Water District
ADDRESS: PO Box 445, Parker SD COUNTY
DATE: October 31, 1989 TELEPHONE 297-3334
RE: Incorrect Range descriptions on Application No. 5358-3
COMMENTS:

Contacted Gordon Krause regarding preparation of the map and the application for TM Rural Water District. Mr. Krause indicated that he prepared both the map and the application. I informed Mr. Krause that three range descriptions on the application appeared to be incorrect. After Mr. Krause reviewed a copy of the application and map, he agreed with my corrections made in red on the application. I told Mr. Krause I would make the needed corrections with the consent of Irvin Dykstra.

November 1, 1989

Contacted Irvin Dykstra regarding my 10/31/89 phone conversation with Gordon Krause. Mr. Dykstra confirmed that the corrections could be made to Application No. 5358-3. I also informed Mr. Dykstra I would like to remove the 7.0 cfs reference and use the 1500 ac-ft/yr. Figure. Mr. Dykstra stated I could remove the 7.0 cfs reference.

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

REVISED REPORT
TM RURAL WATER DISTRICT
FUTURE USE APPLICATION NUMBER 5358-3
February 2, 1990

TM Rural Water District has submitted Water Permit Application No. 5358-3 to reserve water for future use. The application requests the appropriation of 1500 acre-feet of ground water from an unnamed pleistocene (outwash) basal aquifer approximately 200 feet deep. The area to be reserved for future water use is located in sections 7,18,19,30,31 of T100N R54W; section 6 of T99N R54W; sections 1 thru 6 of T99N R55W; sections 7 thru 36 of T100N R55W; sections 9 thru 16, 21 thru 28, 33 thru 36 of T100N R56W; Sections 1 thru 4 of T99N, R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35, T101N, R54W; Section 7 thru 36, T101N, R55W.

Board Rule 74:02:01:24:01 states that "...Future use applications by entities that have permits to construct works and put water to beneficial use may be limited to two times the amount actually put to beneficial use by these permits". At the present time TM Rural Water System has water permits to withdraw 3.34 cfs or up to 2425 acre-feet of water from the Dolton aquifer. The Water Management Board at its September 1989 meeting limited, TM to the following withdrawals from the Dolton aquifer:

- 1989 - 610 acre-feet
- 1990 - 647 acre-feet
- 1991 - 686 acre-feet
- 1992 - 727 acre-feet
- 1993 - 771 acre-feet
- 1994 - 817 acre-feet

and directed TM to investigate a new water source. TM thru water permit Application No. 5358-3 is asking for future use permits to more than the two times present use. Evidence presented at the September Board meeting by TM representatives indicates that predicted water use by 1995 will be 1147 acre-feet assuming new users and high water use. Based on projected use within a five year period the 1500 acre-feet from the basal aquifer is a reasonable request.

This future use area consists of approximately 121 square miles in Hutchinson, McCook and Turner counties. Within the proposed future use area are the following irrigation permits withdrawing water from the basal aquifer:

- 4747-3 Brian W. Schmidt 160 acres in SW 12 T100N R55W appropriating 2.28 cfs with a priority of April 27, 1981
- 4747-3A Brian W. Schmidt additional point of diversion for 4747-3

- 4752-3 Tommy Thomas 186 acres NE & SE 19 T100N R55W
appropriating 1.78 cfs with a priority of May 1, 1981.
- 4924-3 Vernon J. Hofer, 480 acres NE & NW 29, and NW 30, T100N
R55W appropriating 6.85 cfs. This permit was cancelled
for non-construction.
- 5236-3 Vernon J. Hofer reinstates permit 4924-3 by
appropriating 6.85 cfs from two wells to irrigate 480
acres with a priority date of September 22, 1988.

The aquifer that Turner McCook wishes to reserve for future use is not well mapped at the present time. Information from domestic drill logs, water rights drill logs, and geologic survey drill logs indicate that the basal aquifer may underlie approximately two thirds of the requested future use area.

If future use application 5358-3 is approved, it does not authorize construction of any works or putting water to beneficial use.

Conclusions:

1. The basal aquifer has not been mapped, therefore the amount of water available has not been determined.
2. There are permits with priority dates prior to this application within the proposed future use area.
3. Approval of future use Application No. 5358-3 does not authorize any construction or authorize putting water to beneficial use.



Gale N. Selken P.E.
Natural Resources Engr. IV

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE
WATER PERMIT APPLICATION NO. 5358-3, TM Rural Water District

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. 5358-3, TM Rural Water District, PO Box 445, Parker SD.

The Chief Engineer is recommending APPROVAL of Application No. 5358-3 because 1) there is reasonable probability that there is unappropriated water available for appropriation, 2) the quantity of water reserved will be needed by the TM Rural Water District, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. That Future Use Permit No. 5358-3 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 an unnamed aquifer located below the Dolton Aquifer. Wells will be approximately 200 feet deep.
4. Approval of this permit reserves 1500 acre feet annually.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
December 8, 1989



Department of Water & Natural Resources

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

January 30, 1990

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

Irvin Dykstra
TM Rural Water District
Box 445
Parker, SD 57053-0445

Dear Mr. Dykstra:

Water Permit Application No. 5358-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the New Era, Canistota Clipper, Hutchinson Herald, Argus Leader and the Canova Herald printed at Parker, Canistota, Menno, Sioux Falls, and Canova SD respectively. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. 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

January 30, 1990

Canova Herald
Box 217
Canova, SD 57321-0217

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5358-3 to be published twice. Please publish the first notice on or before February 7, 1990 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 TM Rural Water District, Box 445, Parker, SD 57053-0445.

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:

Ron Duvall
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



Department of Water & Natural Resources

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

January 30, 1990

The New Era
Box 577
Parker, SD 57053-0577

ATTN: Legal Publications:

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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 TM Rural Water District, P.O. Box 445, Parker, SD 57053-0445.

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Natural Resources Engineer
605 773-3352

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Department of Water & Natural Resources

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

January 30, 1990

Canistota Clipper
Box 128
Canistota, SD 57012-0128

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Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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TO:

Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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Date _____

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Name

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Department of Water & Natural Resources

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

January 30, 1990

Hutchinson Herald
Box 537
Menno, SD 57045-0537

ATTN: Legal Publications:

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Natural Resources Engineer
605 773-3352

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Pierre SD 57501-3181

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Department of Water & Natural Resources

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

January 30, 1990

Argus Leader
Box 5034
Sioux Falls, SD 57117-5034

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605 773-3352

enclosures

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Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before February 8, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5358-3 to Reserve
Water for Future Use

Notice is given that TM Rural Water District, P.O. Box 445, Parker, SD 57053 has filed an application for a water permit to appropriate for future use 1500 acre-feet of ground water from an unnamed aquifer approximately 200 feet deep located below the Dolton Aquifer. The area to be reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W. The water is to be reserved for the purpose of providing future water supplies for rural water system use by TM Rural Water District. This application does not authorize construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5358-3 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. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 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 this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the 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 February 23, 1990. 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 the application, the petitioner's reasons for opposing or supporting the 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 this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. 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 the 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 February 23, 1990.

This application is 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 Hearing

ON APPLICATION

NO. 5358-3 TO RESERVE WATER for FUTURE USE

NOTICE is given that TM Rural Water District, P.O. Box 445, Parker, SD 57053 has filed an application for a water permit to appropriate for future use 1500 acre feet of ground water from an unnamed aquifer approximately 200 feet deep located below the Dolton Aquifer. The area to be reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101R-54W; Sections 7 thru 36-T101N-R55W. The water is to be reserved for the purpose of providing future water supplies for rural water system use by TM Rural Water District. This application does not authorize construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5358-3 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. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room. Howard Johnson, 2211 La Crosse, Rapid City, SD on March 7, 1990 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 this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SD CL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. 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 the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request informat-

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County MINER) ss.

I, Knowles C. Trippler

certify that the attached printed Notice was taken
 from the CANOA HERALD

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

Town of CANOA

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

February 7, 1990
February 14, 1990

Knowles C. Trippler
 (Signature)

Editor

(Title)

February 14, 1990
 (Date Signed)

Cost of Printing: \$49.77 TOTAL

ion on this application or
 to assure access to the
 hearing by the handicapp-
 ed.

This hearing is an adver-
 sary proceeding. Any per-
 son filing a petition and/or
 the applicant have the right
 to be represented by a law-
 yer. These and other due
 process rights will be for-
 feited if not exercised. Des-
 isions of the Board may be
 appealed to the Circuit Cour-
 rt and State Supreme Court
 as provided by law. The time
 of the hearing will also be
 automatically delayed for at
 least thirty days upon writ-
 tten request to the chief
 Engineer from the applic-
 ant or petitioner. The re-
 quest must be received by
 February 23,
 1990.

This application is made
 pursuant to SDGL 46-1-1
 thru 46-1-12 thru 46-1-
 15; 46-2-1, 46-2-9, 46-2-11,
 46-2-13, 46-2-17; 46-3-1 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, 46-6-18, 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

STATE OF SOUTH DAKOTA)

County McCook) ss.I, Wendell Anderson

certify that the attached printed Notice was taken

from the The Cornistota ClipperA newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the The Cornistota Clipper_____ of Cornistota, SD.County of McCook and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:February 8, 1990February 15, 1990Wendell Anderson

(Signature)

Owner/Publisher

(Title)

2-15-90

(Date Signed)

Cost of Printing: \$44.24

Notice of Hearing

On Application NO. 5358-
3 to Reserve Water For Future
Use:

Notice is given that TM Rural Water District, P.O. Box 445, Parker, SD 57053 has filed an application for a water permit to appropriate for future use 1500 acre - feet of ground water from an unnamed aquifer approximately 200 feet deep located below the Dolton Aquifer. The area to be reserved for future water use is located in Section 7, 18, 19, 30, 31 - T100N - R54W; Section 6 - T99N - R54W; Sections 1 thru 6-T99N - R55W; Section 7 thru 36 - T100N - R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N - R56W; Sections 1 thru 4 - T99N - R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N - R55W. The water is to be reserved for the purpose of providing future water supplies for rural water system use by TM Rural Water District. This application does not authorize construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5358-3 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 public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 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 this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the 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 February 23, 1990. 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 the application, the petitioner's reasons for opposing or supporting the 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 this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. 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 the 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 February 23, 1990.

This application is 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-16, 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; 46-6-1, 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.

2-8-2tc.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Hutchinson)

I, William J. Headley

certify that the attached printed Notice was taken
 from the Hutchinson Herald

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 Menno

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

Feb. 7, 1990
Feb. 14, 1990

William J. Headley
 (Signature)

Owner / Publisher
 (Title)

2/16/90
 (Date Signed)

Cost of Printing: \$39.85

NOTICE OF HEARING **On Application No. 5358-3** **to Reserve Water for Future Use**

Notice is given that TM Rural Water District, P. O. Box 445, Parker, S. Dak. 57053, has filed an application for a water permit to appropriate for future use 1500 acre-feet of ground water from an unnamed aquifer approximately 200 feet deep located below the Dolton Aquifer. The area to be reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W. The water is to be reserved for the purpose of providing future water supplies for rural water system use by TM Rural Water District. This application does not authorize Construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2, The Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5358-3 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. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 La-Crosse, Rapid City, S. Dak., on March 7, 1990, 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 this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the 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 the Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S. Dak. 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the

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

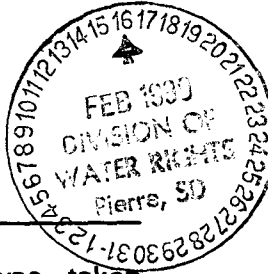
This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the 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 February 23, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-11 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.

(Publish February 7 & 14, 1990)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County _____)



I, Judith E. Friese
 certify that the attached printed Notice was taken
 from the The New Era

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 Parker

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

February 8, 1990
February 15, 1990

Judith E. Friese
 (Signature)
Secretary
 (Title)
February 8, 1990
 (Date Signed)

Cost of Printing: \$43³⁰

NOTICE OF HEARING on
Application No. 5358-3 to
Reserve Water for Future Use
 NOTICE IS GIVEN that TM Rural Water District, P. O. Box 445, Parker, SD 57053 has filed an application for a water permit to appropriate for future use 1500 acre-feet of ground water from an unnamed aquifer approximately 200 feet deep located below the Dolton Aquifer. The area to be reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W. The water is to be reserved for the purpose of providing future water supplies for rural water system use by TM Rural Water District. This application does not authorize construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5358-3 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. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 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 this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the 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 February 23, 1990. 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 the application, the petitioner's reasons for opposing or supporting the 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 this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. 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 the 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 February 23, 1990.

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(Publish February 8 & 15, 1990)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Minnehaha)

I, Nancy A. Buckley

certify that the attached printed Notice 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:

Wednesday, February 7, 1990

Wednesday, February 14, 1990

Nancy A. Buckley
 (Signature)

Administrative Assistant
 (Title)
Controller's Office

2/14/90
 (Date Signed)

Cost of Printing: \$83.90



NOTICE OF HEARING on Application No. 5358-3 to Reserve Water for Future Use

Notice is given that TM Rural Water District, P.O. Box 445, Parker, SD 57053 has filed an application for a water permit to appropriate for future use 1500 acre-feet of ground water from an unnamed aquifer approximately 200 feet deep located below the Dolton Aquifer. The area to be reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W. The water is to be reserved for the purpose of providing future water supplies for rural water system use by TM Rural Water District. This application does not authorize construction of works or putting water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5358-3 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. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnsons, 2211 LaCrosse, Rapid City, SD on March 7, 1990 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 this application based on the facts presented at the public hearing.

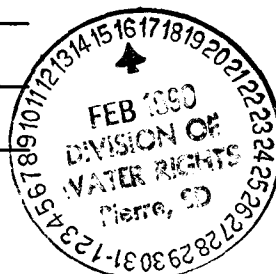
Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, 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 the application, the petitioner's reasons for opposing or supporting the 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 this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. 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 the 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 February 23, 1990.

This application is made pursuant to SDCL 46-1-1 thru 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

497

Feb. 7, 14, 1990





Department of Water & Natural Resources

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

February 2, 1990

TM Rural Water District
Irvin Dykstra
PO Box 445
Parker SD 57053

Dear Mr. Dykstra:

Enclosed is the Revised Report on Water Permit Application No. 5358-3, TM Rural Water District.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosure



March 19, 1990

Dept. of Water & Natural Resources
Office of the Secretary
Joe Foss Bldg.
Pierre, SD 57501
Attn: Floyd Matthew

Dear Sir:

The Hanson Rural Water System and TM Rural Water District presently are using the Dolton Aquifer as a supply for our rural water systems.

The Dept. of Water and Natural Resources (Water Management Board) know we have a supply problem. The Water Management Board has a restriction on our withdrawal from the Dolton Aquifer and has instructed us to locate another source of water.

Both systems are supporting the South Eastern South Dakota Water Supply System but time may be a factor in obtaining our supply from the SESDWSS.

With the time factor of SESDWSS and the requirements of the Water Management Board we would like the assistance of the Department of Water and Natural Resources in studying other sources such as the Basal Aquifer for an immediate supply, by the SD Geological Survey in Vermillion.

Ken Pedersen

Manager
TM Rural Water District

Francis Mason

Manager
Hanson Rural Water System

KP,FM/jv

CC: John Hatch
Assad Barari



Department of Water & Natural Resources

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

JUN 18 1990

Irvin Dykstra
TM Rural Water District
PO Box 445
Parker SD 57053

Dear Mr. Dykstra:

Enclosed is Future Use Withdrawal Permit No. 5358-3, 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 should be submitted to this office before construction is initiated.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

November 19, 1991

Bruce Lamberts
Samp Offices
PO Box 495
Sioux Falls, SD 57101-0495

Dear Mr. Lamberts:

Enclosed, as you requested, are the following copies:

T M Rural Water System -
Future Use Permit No. 4979-3
Water Permit No. 4988-3
Future Use Permit No. 5358-3

Minnehaha Community Water Corporation -
Water Permit No. 2311-3
Partial Future Use Permit No. 4838-3
Water Permit No. 5152-3
Water Permit No. 5468-3

The information you inquired about (priority dates, water appropriation, etc) is contained in the copies.

If you have any questions concerning the enclosed material, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 31, 1996

Ken Pederson
TM Rural Water District
PO Box 445
Parker SD 57053

Dear Mr. Pederson:

I am writing in regard to the seven year review of Future Use Water Permit No. 5358-3 which is held by the TM Rural Water District. Currently, our records show that 530 acre-feet remain in reserve under this future use permit which was issued in 1989.

Please respond in writing by January 20, 1997, regarding the rural water district's intention for the future use permit. If the district does plan 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. 5358-3 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
Environmental Scientist
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1997

Ken Pederson
TM Rural Water District
PO Box 445
Parker SD 57053

Dear Mr. Pederson:

On December 31, 1996, we notified you that Future Use Water Permit No. 5358-3 which is held by the TM Rural Water District was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

As stated in the December 31, 1996 letter, if the rural water system does plan to retain this future use permit, it will be necessary to outline a reasonable need for retaining the permit and give an estimate of the rural water system's future needs.

Permit No. 5358-3 will not be scheduled for review by the Water Management Board until the above information has been submitted.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

TM Rural Water District

P.O. Box 445, Parker, South Dakota 57053 • Phone (605) 297-3334

April 29, 1997

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



Attention: Karen Schlaak

RE: Permit No. 5358-3

Dear Ms. Schlaak:

The Board of Directors of TM Rural Water District has considered the need for retaining the future use permit and has decided that the District should retain the permit.

The decision to retain the permit is based on the projected future needs of the District. The long term growth projections predict a demand that would require all the existing Dolton rights, the amount of the guaranteed supply from BY Water District and additional water from another source. The UVM aquifer is one of those possible sources and it may become necessary to further develop this resource.

I apparently have misplaced the December letter, so if there is additional information or some forms I need to provide please let me know.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ken Pedersen".

Ken Pedersen
Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 1997

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

Ken Pedersen, Manager
TM Rural Water District
PO Box 445
Parker SD 57053

Dear Mr. Pedersen:

Future Use Permit No. 5358-3 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 following papers:

Freeman Courier, Freeman SD	605 925-7033
Salem Special, Salem SD	605 425-2361
Miner Co. Pioneer, Howard SD	605 772-5644
The New Era, Parker SD	605 297-4419
Argus Leader, Sioux Falls SD	605 331-2200

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

Instruction to Newspaper-Publish first publication of the following Notice on August 21, 1997 with 2nd publication 7 days later. TM Rural Water District is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved March 7, 1990 to reserve 1500 acre-feet of groundwater approximately 200 feet deep, from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. Water Permit Nos. 5608-3 and 5608A-3 have put a total of 970 acre-feet to beneficial use reserved by No. 5358-3 leaving 530 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 9:00 am on October 1, 1997, Floyd Matthew Training Center, Joe Foss Building, 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 September 19, 1997. 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. 5358-3 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 September 19, 1997. 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 September 19, 1997. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 1997

Freeman Courier
Box 950
Freeman SD 57029-0950

Dear Sir:

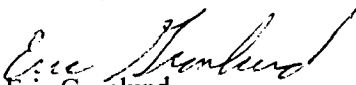
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5358-3 to be published twice. Please publish the first notice on August 20, 1997 with the second publication 7 days later.

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 TM Rural Water District, c/o Ken Pedersen, PO Box 445, Parker SD 57053.

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. 5358-3

TO:

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 1997

Salem Special
PO Box 220
Salem SD 57058-0220

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5358-3 to be published twice. Please publish the first notice on August 21, 1997 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 TM Rural Water District, c/o Ken Pedersen, PO Box 445, Parker SD 57053.

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5358-3

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 1997

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

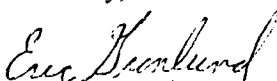
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5358-3

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 1997

The New Era
Box 579
Parker SD 57053-0579.

Dear Sir:

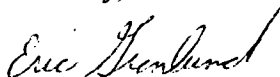
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5358-3

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 1997

Miner Co. Pioneer
Box P
Howard SD 57349

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5358-3 to be published twice. Please publish the first notice on August 21, 1997 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 TM Rural Water District, c/o Ken Pedersen, PO Box 445, Parker SD 57053.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE
No. 5358-3

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

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

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

Freeman Courier / August 20, 1997 / page 15

PUBLIC NOTICESTATE OF SOUTH DAKOTA)
County of Hutchinson) SS 1I, Jim L. Wallner**Notice of Hearing to Review
Future Use Water Permit No. 5358-3**

certify that the attached printed Notice was

taken from the Freeman
Courierprinted and published in FreemanCounty of Hutchinson and StateSouth Dakota. The notice was published in
the newspaper on the following two dates:Aug 20, 1997Aug. 27, 1997

Cost of Printing: _____

Jim L. Wallner
(Signature)publish
(Title)8/20/97
(Date Signed)

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water district, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved March 7, 1990 to reserve 1500 acre-feet of groundwater approximately 200 feet deep, from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 and thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. Water Permit Nos. 5608-3 and 5608A-3 have put a total of 970 acre-feet to beneficial use reserved by No. 5358-3 leaving 530 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 9:00 am on October 1, 1997, Floyd Matthew Training Center, Joe Foss Building, 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 September 19, 1997. 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 is 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. 5358-3 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.

The 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 September 19, 1997. 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 September 19, 1997. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



Form 8



**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5358-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker, SD 57053 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. 5358-3. This permit was approved March 7, 1990 to reserve 1500 acre-feet of groundwater approximately 200 feet deep, from the Upper Vermillion Missouri Aquifer.

The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4 T99N-R56W; Sections 7 thru 11, 14 thru 23,

26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. Water Permit Nos. 5608-3 and 5608A-3 have put a total of 970 acre-feet to beneficial use reserved by No. 5358-3 leaving 530 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530-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. 5358-3 at 9:00 a.m. on October 1, 1997, Floyd Matthew Training Center, Joe Foss Building, 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

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. 5358-3 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 September 19, 1997. 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 according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 19, 1997. The Chief Engineer's address is Water petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 19, 1997.

Nettie H. Myers, Secretary
Department of Environment
and Natural Resources
(August 21 & 28)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Miner) SS

I, Brent Manger

certify that the attached printed Notice was taken

from the Miner County

Pioneer

printed and published in Howard

County of Miner and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 21

August 28

Cost of Printing \$75.67

Brent Manger
(Signature)

Notary Public
(Title)

August 22, 1997
(Date Signed)

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Minnehaha) SS

I, Joan Stahl

certify that the attached printed Notice was taken
from the Argus Leader
News Paper

printed and published in Minnehaha
County of Sioux Falls and

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

Aug 21 &
Aug 28

Cost of Printing 134.19

Joan Stahl
(Signature)

Legal Billing
(Title)

8/28/97
(Date Signed)

State Notices

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, P.O. Box 445, Parker, SD 57053 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. 5358-3. This permit was approved March 7, 1990, to reserve 1500 acre-feet of groundwater approximately 200 feet deep, from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 8, 199N-R54W; Sections 1 through 36-T100N-R55W; Sections 7 through 19, 21 through 28, 33 through 36-T100N-R56W; Sections 1 through 4-T99N-R56W; Sections 7 through 11, 14 through 23, 26

through 35-T101N-R54W; Sections 7 through 36-T101N-R55W for rural water system use. Water Permit Nos. 5358-3 and 5808-3, have put a total of 970 acre-feet to beneficial use reserved by No. 5358-3 leaving 530 acre-feet held in reserve. Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. Board The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 at 9:00 a.m. on October 1, 1997, Flood Matthew Training Center, Joe Foss Building, 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 develop-

ment 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 September 19, 1997. 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 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. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-36.1; Board Rules ARSD 74:02-01:25.01 through 74:02-01:25.03 and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program (605) 773-3352 by September 19, 1997. The time of the hearing will be automatically

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Nettie H. Myers, Secretary
Department of Environment and Natural Resources
Aug. 21, 28, 1997
1589

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Troy Schwans

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

printed and published in Salem

County of McCook and State of

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

August 21, 1997

August 28, 1997

Cost of Printing: \$63.65

Troy Schwans
(Signature)

Editor

(Title)

8-28-97

(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 9:00 a.m. on October 1, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, S.D.

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 September 19, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E 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 counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future use Permit No. 5358-3 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 September 19, 1997. 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 September 19, 1997. Nettie H. Myers, Secretary, Department of Environment and Natural Resources. 8/21, 8/28



Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Mary Lee

certify that the attached printed Notice was taken
from the New Era

printed and published in Parker, SD

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 21, 1997

August 28, 1997

Cost of Printing 65.35

Mary Lee
(Signature)

Office Manager
(Title)

8-29-97

(Date Signed)

Notice of Hearing to Review Future Use Water Permit No. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, P.O. Box 445, Parker, S.D. 57053 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. 5358-3. This permit was approved March 7, 1990, to reserve 1500 acre-feet of groundwater approximately 200 feet deep, from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 through 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. Water Permit Nos. 5608-3 and 5608A-3 have put a total of 970 acre-feet to beneficial use reserved by No. 5358-3 leaving 530 acre-feet held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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 beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 at 9:00 a.m. on Oct. 1, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, S.D.

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 September 19, 1997. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. 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 counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5358-3 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 Sept. 19, 1997. 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 Sept. 19, 1997.

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

#1620, August 21 and 28, 1997.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5358-3, TM Rural Water District, Parker SD

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. 5358-3, TM Rural Water District, PO Box 445, Parker SD 57053.

The Chief Engineer is recommending that Future Use Permit No. 5358-3 REMAIN in EFFECT for 530 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5358-3, 2) TM Rural Water District has demonstrated a reasonable need for the water reserved by Permit No. 5358-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

And that maintaining the effectiveness of Future Use Permit No. 5358-3 is subject to payment of the \$30.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the rural water district.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
August 13, 1997

ATTORNEYS AT LAW

Johnson, Heidepriem, Miner,
Marlow & Janklow, L.L.P.

P.O. Box 667 • 200 West Third Street
Yankton, SD 57078-0667
Telephone (605) 665-5009 • FAX (605) 665-4788

Steven M. Johnson
Scott N. Heidepriem
Celia Miner
Michael F. Marlow
A. Russell Janklow
Shane D. Buntrock
Chad W. Swenson

Reply To: Yankton

August 29, 1997

Mark F. Marshall
Of Counsel

Sioux Falls Office
Falls Center
431 North Phillips Ave., Suite 400
Sioux Falls, SD 57102
Telephone (605) 338-4304
FAX (605) 338-4162

Eric Gronlund
Water Rights Program
Joe Foss Building
523 East Capital Ave.
Pierre, SD 57501



Re: Future Use Water Permit No. 5358-3 (TM Rural Water District)

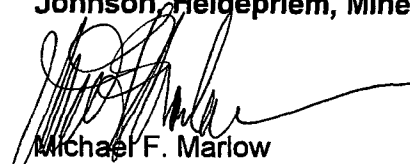
Dear Mr. Gronlund:

I have been retained by two Turner County irrigators who have questions concerning the Future Use Water Permit No. 5358-3. A Notice of Hearing to review that permit was published in the Freeman Courier on August 20, 1997. As I understand it, there is a current Future Use Water Permit in place and the Water Management Board is simply reviewing the progress made by TM Rural Water District in the development of the water reserved by that permit. I also understand that the Water Management Board will review future plans for development of the water reserved by that permit.

My clients irrigate in the areas specified in the Notice and we wish to have information regarding all future plans for the development of the water previously reserved. Specifically, we are interested in the location of any proposed wells. We are also interested in the total water available from this aquifer and what effect the development plans would have on any existing irrigation wells. I look forward to your reply.

Sincerely,

Johnson, Heidepriem, Miner, Marlow & Janklow, L.L.P.


Michael F. Marlow
For the Firm

MFM/ss



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 1997

Michael F. Marlow
Johnson, Heidepriem, Miner, Marlow & Janklow
P.O. Box 667
Yankton, SD 57078-0667

Dear Mr. Marlow:

I am writing in response to your inquiry on the review of T-M Rural Water District's Future Use Permit No. 5358-3. This permit reserves water from the Upper Vermillion Missouri Aquifer (UVM) with an established priority date of October 11, 1989. The quantity of water remaining in reserve is 530 acre feet.

The notice published in counties served by T-M is for the seven year review of their future use permit as required by state law. The standard for review is that the permit holder demonstrate a reasonable need for a future use permit. T-M Rural Water District has requested that the permit remain in effect citing long term growth projections predict future water demand.

The future use area consists of approximately 120 square miles in Hutchinson, McCook and Turner counties. Within this area, the location and number of proposed wells that may be developed from the water remaining in reserve is not known. The potential effect the future development plans has on existing irrigation wells will depend on the proximity of the wells to one another and the requested diversion rate. At such time as definite plans are made to construct works and put the reserved water to beneficial use, T-M must make specific application for all or any part of the reserved water. This application will define the location of wells, the quantity of water and will be public noticed. A copy of this notice will be sent to you.

The U.S. Geological Survey Report No. 90-4093 of water resources of Hutchinson and Turner Counties states 1.8 million acre feet of water in storage in the UVM aquifer in Turner County. The aquifer also extends to the north into McCook County but studies have not been completed which quantifies the water in storage in this county.

Please let me know if you have any additional questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 1997

NOTICE

Ken Pederson
TM Rural Water District
PO Box 445
Parker SD 57053

Dear Mr. Pederson:

I am writing in response to action taken by the Water Management Board at the hearing on October 1, 1997 to review Future Use Permit No. 5358-3. The Board allowed the permit to remain in effect for 350 acre-feet annually. Future Use Permit No. 5358-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5358-3 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 October 27, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 27, 1997, regarding action taken by the Water Management Board at the hearing on October 1, 1997, to review Future Use Permit No. 5358-3, addressed as stated below:

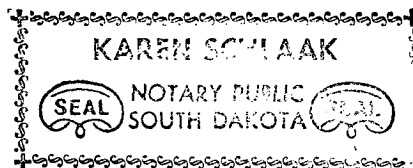
Ken Pederson, TM Rural Water District, P.O. Box 445, Parker, SD 57053.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of October, 1997


Notary Public



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

RECEIPT

415539

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, December 1, 19 97

RECEIVED OF IN Rural Water District, Box 445, Parker, SD 57053

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>5358-3</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

Chief Engineer

Jane H. H. H. 



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2005

Ken Pedersen, Manager
TM Rural Water District
PO Box 445
Parker SD 57053

Dear Mr. Pederson:

I am writing in regard to the seven year review of Future Use Water Permit No. 5358-3 from groundwater (Upper Vermillion Missouri Aquifer) which is held by TM Rural Water District. 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 district. Currently, our records show that 530 acre-feet remain in reserve under this future use permit that was issued in 1990 and last reviewed in 1997.

Please respond in writing by April 1, 2005, regarding the district's intention for the future use permit. If the district 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. 5358-3 will then be public noticed at the district's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

TM Rural Water District

Box 445, Parker, South Dakota 57053 • Phone (605) 297-3334 • Fax (605) 297-3310

March 29, 2005

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

RECEIVED
MAR 31 2005
WATER RIGHTS
PROGRAM

Attention: Karen Schlaak

RE: Permit No. 5358-3

Dear Ms. Schlaak:

The Board of Directors of TM Rural Water District has considered the need for retaining the future use permit and has decided that the District should retain the permit.

The decision to retain the permit is based on the projected future needs of the District. The long-term growth projections predict a demand that would require all the existing Dolton rights, the amount of the guaranteed supply from BY Water District and additional water from another source. The UVM aquifer is one of those possible sources and it may become necessary to further develop this resource.

Thank you.

Sincerely,


Ken Pedersen
Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5358-3, TM Rural Water District**

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. 5358-3, TM Rural Water District, PO Box 445, Parker SD 57053.

The Chief Engineer is recommending that Future Use Permit No. 5358-3 REMAIN in EFFECT for 530 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5358-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 5358-3, 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. 5358-3 is subject to payment of the \$30.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Garland Erbele, Chief Engineer
May 9, 2005



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 10, 2005

Freeman Courier
PO Box 950
Freeman SD 57029-0950

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5358-3 to be published twice. Please publish the first notice on May 18, 2005 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 TM Rural Water District, PO Box 445, Parker SD 57053 (605 297-3334).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of May 10, 2005 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 10, 2005

Salem Special
PO Box 220
Salem SD 57058-2361

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5358-3 to be published twice. Please publish the first notice on May 19, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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
www.state.sd.us/denr

Miner Co. Pioneer
PO Box 220
Howard SD 57349

Dear Sir:

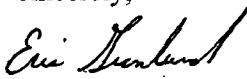
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Sincerely,


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 May 10, 2005 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

The New Era
PO Box 579
Parker SD 57053-0597

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5358-3 to be published twice. Please publish the first notice on May 19, 2005 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 TM Rural Water District, PO Box 445, Parker SD 57053 (605 297-3334).

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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 May 10, 2005 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

The 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. 5358-3 to be published twice. Please publish the first notice on May 18, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of May 10, 2005 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



May 10, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

TM Rural Water District
Ken Pedersen, Manager
Box 445
Parker SD 57053

Dear Mr. Pedersen:

Future Use Permit No. 5358-3 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:

Hutchinson County	Freeman Courier, Freeman SD	605 925-7033
McCook County	Salem Special, Salem SD	605 425-2361
Miner County	Miner Co. Pioneer, Howard SD	605 772-5644
Turner County	The New Era, Parker SD	605 297-4419
Minnehaha County	The Argus Leader, Sioux Falls SD	605 331-2200

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. 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

AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

RECEIVED
MAY 27 2005
WATER RIGHTS
PROGRAM

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, 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 headed **Water Permit**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
May 18, 2005

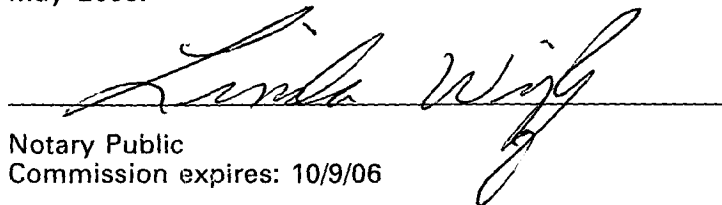
the second publication on:
May 25, 2005

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$67.79** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$67.79** is the rate for publishing legal notices.



Subscribed and sworn to before me this 31st day of May 2005.



Notary Public
Commission expires: 10/9/06

Publication fee: **\$67.79**
Notary fee:
Total: **\$67.79**

PUBLIC NOTICE

Notice of Hearing to Review Future Use Water Permit No. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved March 7, 1990 currently reserves 530 acre feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Section 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 10:00 AM July 6, 2005, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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

1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 24, 2005. 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 is 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. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38, 1; Board Rules ARSD 74:02:01.25.01 thru 74:02:01.25.03 and contested case procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. The permit owner or any

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 24, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 24, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 5358-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, PO Box 445, Parker, SD 57053 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. 5358-3. This permit was approved March 7, 1990 currently reserves 530 acre feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Section 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W, Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 10:00 AM, July 6, 2005, Floyd Mathew Training Center, Joe Foss Bldg, 523 E. Capitol, Pierre, SD.

The recommendation of the Chief engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 24, 2005. The Chief Engineer's

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 5358-3

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.....

successive weeks, the first publication being made on the 19th day of May 2005

and the last publication on the 26th day of May 2005

The first publication being made on theday of.....20.....

The second publication being made on the.....day of.....20.....

The third publication being made on theday of.....20.....

The fourth publication being made on the.....day of.....20.....

The fifth publication being made on the..... day of.....20.....

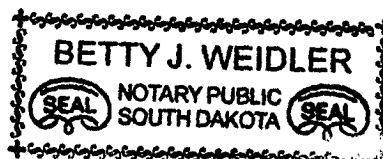
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$69.55 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 swore to me this 26th day of May 2005

Betty J. Weidler

My Commission expires the 29th day of April 2010

RECEIVED
MAY 27 2005
WATER RIGHTS
PROGRAM



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 5358-3 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 adversarial proceeding. The permit owner or ~~any person~~

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by June 24, 2005. The time of the hearing will be automatically delayed for a least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 24, 2005.

Steven M. Pirner
Secretary
Department of Environment
and Natural Resources

Public Notice

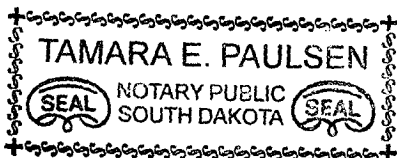
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved March 7, 1990 currently reserves 530 acre feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Section 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN IN EFFECT for 530 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. 5358-3 at 10:00 AM, July 6, 2005, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 24, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building,



RECEIVED

MAY 31 2005

WATER RIGHTS
PROGRAM

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 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

May 19, 2005.

the second publication on

May 26, 2005.

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 \$ 72.23 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 *26th*

day of *May*, 2005.

Tamara E. Paulsen

Notary Public, *McCook*, County

My commission expires *08-09-08*

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. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 24, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 24, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION-
Customer Number: 078340
Invoice Number: 833116

DEPARTMENT OF ENVIRONMENT & NAT. RES.

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Wednesday, the 18 day of May 2005,

Wednesday, the 25 day of May 2005,

_____, the _____ day of _____ 2005,

_____, the _____ day of _____ 2005,

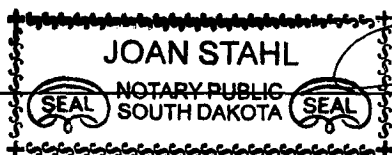
_____, the _____ day of _____ 2005,

_____, the _____ day of _____ 2005,

_____, the _____ day of _____ 2005,

and that \$164.39 was charged for publishing the same including A \$5.00 affidavit fee.

Betty Jones
Subscribed and sworn to before 5/25/2005.



Joan Stahl
Notary Public, South Dakota

My Commission expires June 30, 2005

State Notices

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

Notice is given that the Water Management Board will re-

view Future Use Permit No. 5358-3 held by TM Rural Water District, PO Box 445, Parker, SD 57053 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. 5358-3. This permit was approved March 7, 1990 currently reserved 530 acre feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Section 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN IN EFFECT for 530 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. 5358-3 at 10:00 AM, July 6, 2005, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 24, 2005. 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. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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

Gronlund, Water Rights Program, (605 773-3352) by June 24, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 24, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
833116 May 18 & 25, 2005

RECEIVED

MAY 31 2005

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA } :ss
COUNTY OF TURNER }

RECEIVED
JUN - 9 2005
WATER RIGHTS
PROGRAM

I, **Lisa Joffer** of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the **Office Manager** of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

3746 - notice of hearing

printed copy of hereto attached, is 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 Thursday, the 19th day of May, 2005;
On Thursday, the 26th day of May, 2005;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;

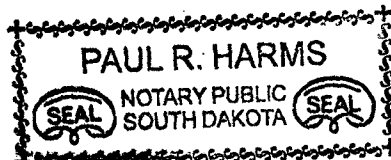
That \$63.28 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Lisa Joffer
Subscribed and sworn to before me this 27th
day of JUNE, 2005
Paul R. Harms
Notary Public, Turner County, South Dakota

My Commission
Expires

02/02

2006.



See
attached

Publication Fees .\$. _____

Notary Fees .\$. _____

Total \$63.28
1st wk 35.14, 2nd wk 28.14
Received Payment,

**Notice of hearing to review
future use water permit
No. 5358-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved March 7, 1990 currently reserves 530 acre feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Section 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 10 a.m., July 6, 2005, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 24, 2005. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Aye, 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. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 24, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 24, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(#3746, 5/19/05, 5/26/05,
The New Era)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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 June 24, 2005. 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. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 24, 2005. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 24, 2005. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 26, 2005

RECEIVED OF TM Rural Water District, box 445, Parker SD 57053

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>5358-3</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	30.00

No.

001012

By

Darvank E. Eide

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 2005

NOTICE

TM Rural Water District
Ken Pedersen, Manager
Box 445
Parker SD 57053

Dear Mr. Pedersen:

I am writing in response to action taken by the Water Management Board at the hearing on July 6, 2005 to review Future Use Permit No. 5358-3. The Board allowed the permit to remain in effect for 530 acre-feet of water annually. Future Use Permit No. 5358-3 is subject to another review in seven years.

Enclosed is the receipt for the fee for maintaining the effectiveness of Future Use Permit No. 5358-3 was submitted May 26, 2005.

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

Sincerely,

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

enclosure

CERTIFICATION

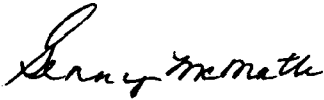
I hereby certify that on July 7, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 7, 2005 regarding Notice review Future Use Permit # 5358-3, 1407-2, 558A-3, 5101-3 addressed as stated below:

5358-3
TM Rural Water District
Ken Pedersen Manager
Box 445
Parker SD 57053

1407-2
Harold D Stickney Mayor
City of Custer
622 Crook St
Custer SD 57730

558A-3
Sheila Gerhold Finance Officer
City of Castlewood
PO Box 17
Castlewood SD 57223-0017

5101-3
Roger Almond
City of Lennox
PO Box 228
Lennox SD 57039



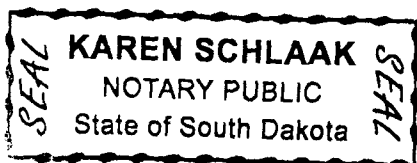
Genny McMath
Environmental Scientist
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of July, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





5358-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

April 16, 2012

TM Rural Water District
Jay Jorgensen, Manager
PO Box 445
Parker 57053

Dear Mr. Jorgensen:

I am writing in regard to the seven year review of Future Use Water Permit No. 5358-3 from groundwater (Upper Vermillion Missouri Aquifer) held by the TM Rural Water District. 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 district. Currently, our records show that 530 acre-feet remain in reserve under this future use permit that was issued in 1990 and last reviewed in 2005.

Please respond in writing by May 15, 2012 regarding the district's intention for the future use permit. If the city 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. 5358-3 will then be public noticed at the district'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 530 acre-feet remain in reserve, the fee will be \$105.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

RECEIVED

APR 18 2012

WATER RIGHTS
PROGRAM

TM Rural Water District

Box 445, Parker, South Dakota 57053 • Phone (605) 297-3334 • Fax (605) 297-3310

April 17, 2012

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

Karen,

Please accept this letter as TM Rural Water District's official reply regarding future use permit 5358-3 for groundwater reserved in the Upper Vermillion Missouri Aquifer. TM Rural Water District wishes to retain this permit and included with this cover letter is our reasonable need and estimate of future needs.

If you have any questions please contact the TM office at 297-3334.

Sincerely,



Jay Jorgensen
Manager, TM Rural Water District
TM Rural Water District

2.2. SUMMARY OF EXISTING AND FUTURE DEMANDS

2.2.1 Summary of Existing Demands and Pumping Records: The pumping records and the water billing records provided by the District were used as a basis for the water demand projections for the T-M Rural Water System. The water pumping records used represent data for 1998 and 2010. According to this data, the average daily flow in 2010 was 1.740 MGD.

Table 2.3: Summary of Pumping Records

Year	Annual Average Water Demand* (MGD)	Maximum Monthly Water Demand* (MGD)	Maximum Daily Water Demand* (MGD)
1998	0.650	0.770	1.160
1999	0.670	0.810	1.040
2000	0.687	0.827	1.161
2001	0.687	0.821	1.036
2002	0.727	0.945	1.143
2003	0.782	0.965	1.255
2004	0.679	0.822	1.171
2005	0.716	1.000	1.261
2006	0.825	1.140	1.396
2007	0.710	1.030	1.360
2008	1.620	2.218	2.373
2009	1.394	2.190	2.462
2010	1.740	2.072	2.664

NOTE - * This water demand is supplied by T-M Rural Water and by B-Y Rural Water.

Historically the maximum daily demands have been approximately 1.5 times the maximum month demand; however, from Table 2.3 it can be seen that the ratio between Maximum daily and Maximum monthly values have come down since 2008. This is due to the sale of water to the ethanol plant. The ethanol plant takes a fairly constant flow rate of approximately 1,000 gpm regardless of time of year. If the sale of water to the Ethanol plant is

excluded from the water sales data, it can be seen that the ratio of maximum daily flow to maximum monthly flow is still right at 1.5.

T-M Rural Water maintains records of the amount of water produced at the water treatment plant and the amount of water actually sold to customers. The difference between the two is the amount of "Unsold" water. Most water that is not sold is still accounted for: flushing new pipe, flushing hydrants, and miscellaneous uses. The amount of water sold versus the amount of water produced for the years 1995-2010 are summarized in Table 2.4: Summary of Water Records in 1995-2010.

Table 2.4: Summary of Water Records in 1995-2007

Year	Total Water Pumped* (gal/yr)	Water Sold (gal/yr)	"Unsold" Water (%)
1995	226,780,000	202,719,000	11
1996	231,758,000	196,292,000	15
1997	248,075,000	200,078,000	19
1998	237,743,000	205,947,000	13
1999	245,735,000	206,581,000	16
2000	250,990,000	223,671,000	11
2001	250,721,000	225,985,000	9
2002	265,389,000	228,351,000	13
2003	292,805,000	239,478,000	18
2004	289,190,000	244,508,000	15
2005	298,413,000	257,642,000	13
2006	305,364,000	269,420,000	12
2007	290,792,482	256,324,000	12
2008	591,286,657	542,535,104	8.3
2009	508,971,256	476,745,625	6.4
2010	635,134,162	602,981,725	5.1

2.1.2 Projections of Future Water Demands: Water demand projections for T-M Rural Water were made based on the number of rural connections, pasture connections, and city connections. Projections of future rural water

demands can be made based on the number of new services in the service area. The District has added an average of 33 service connections per year for the past five years, therefore; this number will be used as the number of connections added per year for the next 20 years. In the year 2000, T-M Rural Water District added approximately 100 service connections in a new user construction project. These connections were added to that year and then the trend of 35 connections per year was continued. Table 2.5: Service Connection Projections shows the growth of the T-M Rural Water System.

Table 2.5: Service Connection Projection

Year	Connection Projection
1996	943
1997	958
1998	980
1999	998
2000	1,016
2001	1,105
2002	1,139
2003	1,197
2004	1,232
2005	1,260
2006	1,368
2007	1,386
2008	1,392
2009	1,406
2010	1,424
2020	1,780
2030	2,120

The water system presently serves 1,424 rural residences/farms, 24 pasture taps, and 7 cities. The cities that the District serves are: Canistota, Davis, Dolton, Hurley, Monroe, Viborg, and Marion. The existing and projected average water use for cities is presented in Table 2.6: Projected Average

Day City Water Use. The projected demands for the cities were made using the water demand records for the past five years and projecting them for the next twenty years.

Table 2.6: Existing and Projected Average Day Bulk Water Use

Year	Average Use in 2008 (gpd)	Average Use in 2009 (gpd)	Average Use in 2010 (gpd)	Average Use in 2020 (gpd)	Average Use in 2030 (gpd)
Canistota	49,532	49,471	46,236	60,300	61,500
Davis ¹					
Dolton	2,696	3,156	1,937	3,200	3,500
Hurley	21,058	22,934	24,252	34,000	34,000
Monroe ¹					
Viborg	66,307	64,000	60,222	73,000	74,000
Marion	63,797	58,636	55,532	78,300	80,400
Ethanol Plant	831,488	647,726	1,016,753	1,000,000	1,000,000
Hanson RWS	5,340	22,564	15,068	250,000 ²	250,000 ²
TOTAL	1,040,216	868,488	1,220,000	1,248,800	1,253,400

¹. Customers in Monroe and Davis are individually metered. TM sells water to each community but not as a bulk user.

². It is anticipated that Hanson Rural water will only use T-M water to help supplement their existing capacity. It is anticipated that this demand will not be part of an average day demand or the peak day demand. Peak water demands for Hanson Rural Water will be met by selling BY-water to them thru an interconnection constructed in 2008.

Probable future water demands were evaluated on the basis of population projections and an allowance for growth in the number of connections made to the water system. The projected water production rates required to meet the needs are based on the current water production rates required to meet the needs of the District. For projected water production rates, a peaking factor for the past 5 years between the average day demand and

the maximum day demand was determined. Historically, the maximum peaking factor determined was 2.00 in the year 1995; therefore, a peaking factor of 2.0 was used for projected water production rates. A summary of the projections is provided in Table 2.7: Projections of Future Water Demands.

Table 2.7: Projections of Future Water Demands

	2008	2009	2010	2020	2030
Number of Connections	1,392	1,406	1,424	1,780	2,120
Average City Demand (MGD)	1.035	0.846	1.205	1.249	1.253
Average Rural Demand (MGD)	0.585	0.548	0.535	0.704	0.838
Total Average Water Demand (MGD)	1.62	1.39	1.74	1.95	2.09
"Unsold Water"	0.13	0.09	0.09	0.14	0.15
Total Average Production (MGD)*	1.75	1.48	1.83	2.09	2.24
Peaking Factor	1.46	1.77	1.53	2.0 ¹	2.0 ¹
Maximum Day Production (MGD)	2.57	2.62	2.80	3.29	3.58

¹ A peaking factor of 2.0 was only used for the existing rural customers.

It should be noted that both the ethanol plant demand and the Hanson Rural water demand was not multiplied by 2.0 to obtain the maximum day demand.

Historical trends of the data provided indicate water demands for the T-M Rural Water District are likely to increase over the next twenty years. The existing water treatment plant capacity of 4.0 MGD would allow for a growth of approximately 50 rural water connections per year and a modest growth rate within the communities that T-M Rural Water serves.



**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. 5358-3, TM Rural Water District**

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. 5358-3, TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053

The Chief Engineer is recommending that Future Use Permit No. 5358-3 REMAIN in EFFECT for 530 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5358-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 5358-3, 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. 5358-3 is subject to payment of the \$105.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Garland Erbele, Chief Engineer
June 4, 2012



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 6, 2012

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

TM Rural Water District
c/o Jay Jorgensen
PO Box 445
Parker SD 57053

Dear Mr. Jorgensen:

Future Use Permit No. 5358-3 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:

Turner County – The New Era, Parker SD 605 297-4419
McCook County – Canisota Clipper, Canisota SD 605 296-3181
Minnehaha County – Argus Leader, Sioux Falls SD 605 331-2200
Miner County – Miner County Pioneer, Howard SD 605 772-5644
Hutchinson County - Freeman Courier, Freeman SD 605 925-7033

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 the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 6, 2012

Freeman Courier
PO Box 950
Freeman SD 57029

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5383 to be published twice. Please publish the first notice on June 13, 2012 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 or email karen.schlaak@state.sd.us

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 TM Rural Water District, c/o Jay Jorgensen, Manager, PO Box 445, Parker SD 57053.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of June 6, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 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

June 6, 2012

Miner County Pioneer
PO Box 220
Howard SD 57349

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5383 to be published twice. Please publish the first notice on June 14, 2012 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 or email karen.schlaak@state.sd.us

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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 June 6, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 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

June 6, 2012

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5383 to be published twice. Please publish the first notice on June 14, 2012 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 or email karen.schlaak@state.sd.us

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 TM Rural Water District, c/o Jay Jorgensen, Manager, PO Box 445, Parker SD 57053.

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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 June 6, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 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

June 6, 2012

Canisota Clipper
PO Box 128
Canisota SD 57012

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5383 to be published twice. Please publish the first notice on June 14, 2012 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 or email karen.schlaak@state.sd.us

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 TM Rural Water District, c/o Jay Jorgensen, Manager, PO Box 445, Parker SD 57053.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of June 6, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 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

June 6, 2012

The New Era
PO Box 579
Parker SD 57053

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5383 to be published twice. Please publish the first notice on June 14, 2012 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 or email karen.schlaak@state.sd.us

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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 June 6, 2012 enclosing Notice of Hearing to Review Future Use Water Permit No. 5358-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on June 14, 2012 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. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053 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. 5358-3. This permit was approved in 1990 currently reserves 530 acre feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Section 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 10:00 am, July 11, 2012 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 July 2, 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. 5358-3 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 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 July 2, 2012. 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 2, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

RECEIVED

JUL - 9 2012

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Robin Schneider of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#5408 Notice of Hearing to Review Future Use Water Permit No. 5358-3

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

On Thursday, the 14th day of June, 2012
On Thursday, the 21st day of June, 2012

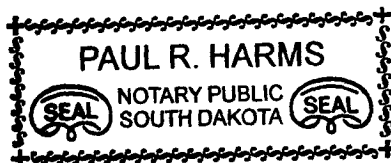
That \$62.48 being the full amount of the fees for publication of the attached notices insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Robin Schneider
Subscribed and sworn to before me this 5th

Day of July 2012
Paul R. Harms
Notary Public, Turner County, South Dakota

My Commission Expires: March 20, 2018

Publication Fee \$
Notary Fees \$
Total \$62.48



See attached

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053 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. 5358-3. This permit was approved in 1990 currently reserves 530 acre feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Section 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 acre-feet annually because 1) the reserved water may be devel-

oped, 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. 5358-3 at 10 a.m., July 11, 2012 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 July 2, 2012. 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

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. 5358-3 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 2, 2012. 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 2, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$62.48.

(#5408, 06/14/12, 06/21/12, The New Era)

RECEIVED

JUL - 5 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

County of Hutchinson)

) ss.

State of South Dakota)

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, 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 headed **TM Rual Water Permit No. 5358-3**

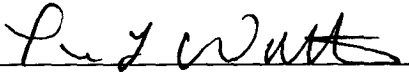
a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
June 13, 2012

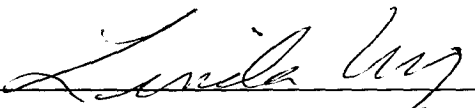
the second publication on:
June 20, 2012

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$73.65** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$73.65** is the rate for publishing legal notices.



Subscribed and sworn to before me this 30th day of June 2012.



Notary Public
Commission expires: 10/9/12

Publication fee: **\$73.65**
Notary fee:
Total: **\$73.65**

NOTICE OF HEARING to Review Future Use Water Permit No. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053 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. 5358-3. This permit was approved in 1990 currently reserves 530 acre feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Section 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 10:00 am, July 11, 2012 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 July 2, 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. 5358-3 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 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 July 2, 2012. 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 2, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the
total approximate cost of \$73.65
2-11FC

RECEIVED

JUN 22 2012

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

116
line

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 5358-3

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

...14th day of June 2012...
And the last publication on the ...21st day of June 2012...

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.....

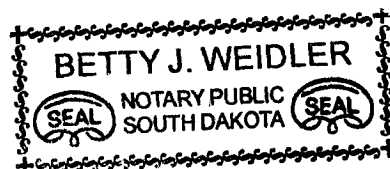
The fifth publication being made on the day of 20.....

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 on 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 \$ 66.18... and
insures solely to the benefit of said publisher; that no agreement or understand-
ing 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.

Subscribed and sworn to me this 21st day of June 2012...

Betty J. Weidler

My commission expires the 21st day of April 2016...



**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5358-3**

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 10:00 am, July 11, 2012 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 July 2, 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.

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Published twice at the total approximate cost of \$61.70.

(June 14 & 21)

CUSTOMER NUMBER:	078111	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349
INVOICE NUMBER:	1383812	
RUN DATES:	06/14, 06/21, 2012	
		AMOUNT DUE: \$172.26

T M RURAL WATER
Attn: Jay Jorgenson
110 North Main
Parker, SD 57053-0445

RECEIVED

JUL - 5 2012

WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078111
Invoice Number: 1383812

T M RURAL WATER

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Thursday, the 14 day of June 2012,
Thursday, the 21 day of June 2012,
_____, the _____ day of _____ 2012,
_____, the _____ day of _____ 2012,
_____, the _____ day of _____ 2012,
_____, the _____ day of _____ 2012,
_____, the _____ day of _____ 2012,

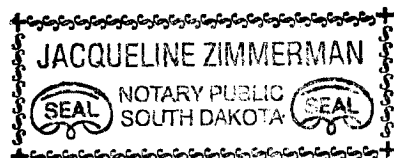
and that \$172.26 was charged for publishing the same

Subscribed and sworn to before me 7/3/2012

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

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Engineer by July 2, 2012. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$172.26.
1383812 June 14 & 21, 2012

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF McCOOK:)

RECEIVED

JUL - 5 2012

WATER RIGHTS
PROGRAM

The undersigned, being first duly sworn, on his oath says: THE CANISTOTA CLIPPER is a weekly newspaper of general circulation, printed and published in the City of Canistota, McCook County, South Dakota, by MATTHEW ANDERSON, and has been such newspaper during the times hereinafter mentioned: that it has bona fide circulation of more than 200 copies weekly; that it has been published within said County of McCook in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned, and has been printed during such period and at the present time in part in an office maintained at the said place of publication: that I, the undersigned, am either the publisher@ or an employee of the said publisher@ of said newspaper and have personal knowledge of all the facts stated in the affidavit: that the advertisement headed

Notice of Hearing
5358-3

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

The first publication be made on 6-14-12

The second publication on 6-21-12

The third publication on _____

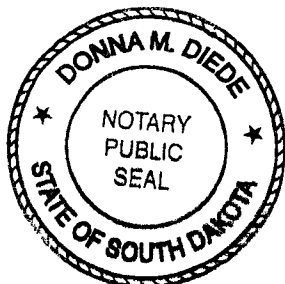
The fourth publication on _____

that \$74.48 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whosoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

Subscribed and sworn to before me this 2

day of July 2012

Donna M. Diede
Notary Public, South Dakota



My commission expires 2-2-2016

Notice of Hearing To Review Future Use Water Permit No. 5358-3

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The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 at 10:00 am, July 11, 2012 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 au-

thorized 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 2, 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. 5358-3 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 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 July 2, 2012. 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 2, 2012. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$74.48 6-14-2tc



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 13, 2012

NOTICE

TM Rural Water District
c/o Jay Jorgensen
PO Box 445
Parker SD 57053

Dear Mr. Jorgensen:

I am writing in response to action taken by the Water Management Board at the hearing on July 11, 2012 to review Future Use Permit No. 5358-3. The Board allowed the permit to remain in effect for 530 acre-feet of water annually. Future Use Permit No. 5358-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5358-3 is \$105.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 13, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 13, 2012 regarding Future use permits addressed as stated below:

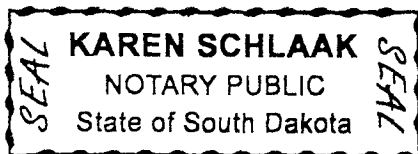
City of Castlewood, PO Box 17, Castlewood SD 57223	# 558A-3
City of Custer, 622 Crook St., Custer SD 57730	# 1407-2
TM Rural Water, PO Box 445, Parker SD 57053	# 5358-3
City of DeSmet, PO Box 70, DeSmet SD 57231	# 524-3

Gail Jacobsen
Gail Jacobsen
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of July, 20 12.

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



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

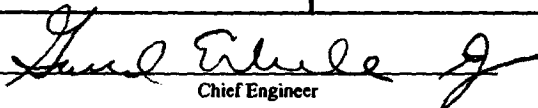
Date 7/27, 20 12

RECEIVED OF TM Rural Water District PO Box 445 Parker SD 57053

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	105	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5358-3</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	105 00

No. **05504**

By 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

May 8, 2019

TM Rural Water District
c/o Jay Jorgensen, Manager
Box 445
Parker SD 57053

Dear Mr. Jorgensen:

I am writing in regard to the seven year review of Future Use Water Permit No. 5358-3 from the Upper Vermillion Missouri Aquifer held by the district. 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 district. Currently, our records show that 530 acre-feet remain in reserve under this future use permit that was issued in 1990 and last reviewed in 2012.

Please respond in writing by June 8, 2019 regarding the district's intention for the future use permit. If the district 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. 5358-3 will then be public noticed at the district'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 530 acre-feet remain in reserve, the fee will be \$105.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605.773-3352
karen.schlaak@state.sd.us

TM Rural Water District

Box 445, Parker, South Dakota 57053 • Phone (605) 297-3334 • Fax (605) 297-3332

RECEIVED

MAY 15 2019

WATER RIGHTS
PROGRAM

May 13, 2019

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

Karen,

Please accept this letter as TM Rural Water District's official reply regarding future use permit 5358-3 for groundwater reserved in the Upper Vermillion Missouri Aquifer. TM Rural Water District wishes to retain this permit and included with this cover letter is our reasonable need and estimate of future needs.

If you have any questions, please contact the TM office at 297-3334.

Sincerely,



Jay Jorgensen
Manager, TM Rural Water District
TM Rural Water District

Summary Of Existing And Future Demands

The pumping records and the water billing records provided by the District were used as a basis for the water demand projections for the TM Rural Water District System. The water pumping records used represent data for 1998 thru 2017. According to this data, the average daily flow in 2017 was 2.089 MGD and a single day peak of 3.381 MGD in 2018.

Summary of Pumping Records

Year	Annual Average Water Demand (MGD)	Maximum Monthly Water Demand (MGD)	Maximum Daily Water Demand (MGD)
1998	0.650	0.770	1.160
1999	0.670	0.810	1.040
2000	0.687	0.827	1.161
2001	0.687	0.821	1.036
2002	0.727	0.945	1.143
2003	0.782	0.965	1.255
2004	0.679	0.822	1.171
2005	0.716	1.000	1.261
2006	0.825	1.140	1.396
2007	0.710	1.030	1.360
2008	1.620	2.218	2.373
2009	1.394	2.190	2.462
2010	1.740	2.072	2.664
2011	1.658	2.039	2.624
2012	1.931	2.585	2.869
2013	1.831	2.265	2.749
2014	1.826	2.092	2.597
2015	1.847	2.227	2.909
2016	1.973	2.378	2.697
2017	2.089	2.605	2.697

The District's water loss hovers between 5 and 8% and we work diligently to reduce this percentage.

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MAY 15 2019

WATER RIGHTS
PROGRAM

Projections of Future Water Demands

Since 2010 the District has added 171 rural users making a grand total of 1595 metered connections. Although new users have been added to the system at an average of 25 new connections per year, much of the increase in water consumption has been and continues to be attributed to both the NuGen Ethanol Plant and the agricultural sector for use in spraying crops during the growing season and livestock production.

TM predicts that the existing agricultural sector will continue to grow with regards to water usage.

TM continues to see requests coming in for large CAFOs wanting to set up inside the District's boundaries which include dairies, cattle feed lots, egg laying facilities and swine facilities and we are hesitant to forfeit any Future Use Permits that we currently hold. Just one of these large CAFO facilities would require TM to utilize existing Future Use Permits.

Projected future demands based on the increases that we have seen over the last 10 years would look as follows.

Projected Future Demands			
2027	2.558	2.992	3.472
2037	3.027	3.379	4.035
2047	3.496	3.766	4.598



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5358-3, TM Rural Water District

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. 5358-3, TM Rural Water District, c/o Jay Jorgenson, Manager, Box 445, Parker SD 57053.

The Chief Engineer is recommending that Future Use Permit No. 5358-3 REMAIN in EFFECT for 530 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5358-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 5358-3, 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. 5358-3 is subject to payment of the \$105.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Jeanne Goodman, Chief Engineer
June 13, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

June 13, 2019

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

TM Rural Water District
Jay Jorgenson, Manager
Box 445
Parker SD 57053

Dear Mr. Jorgenson:

Future Use Permit No. 5358-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the following papers:

Salem Special 605 425-2361 ✓
The New Era, Parker 605 297-4419 ✓
Argus Leader 605 331-2200 ✓
Miner County Pioneer, Howard 605 772-5644
Freeman Courier 605 925-7033 ✓

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 20, 2019. 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. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053 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. 5358-3. This permit was approved 1990 and currently reserves 530 acre-feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 11:00 AM, Wednesday, July 17, 2019, Legislature Research Council Conference Room 414, State Capitol Building, 500 E Capitol Avenue, 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 July 5, 2019. 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. 5358-3 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 5, 2019. 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 5, 2019.

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 July 1, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 8:33 AM
To: courier@gwtc.net
Subject: 5358-3, TM Rural Water District
Attachments: 5358-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on June 20, 2019.

TM Rural Water District, c/o Jay Jorgenson, Mgr, Box 445, Parker SD 57053 (605 297-3334) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 8:33 AM
To: Miner County Pioneer News (news@minercountypioneer.com)
Subject: 5358-3, TM Rural Water District
Attachments: 5358-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on June 20, 2019.

TM Rural Water District, c/o Jay Jorgenson, Mgr, Box 445, Parker SD 57053 (605 297-3334) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 8:32 AM
To: legals@argusleader.com
Subject: 5358-3, TM Rural Water District
Attachments: 5358-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on June 20, 2019.

TM Rural Water District, c/o Jay Jorgenson, Mgr, Box 445, Parker SD 57053 (605 297-3334) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 8:31 AM
To: sebeling@ncppub.com
Subject: 5358-3, TM Rural Water District
Attachments: 5358-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on June 20, 2019.

TM Rural Water District, c/o Jay Jorgenson, Mgr, Box 445, Parker SD 57053 (605 297-3334) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 8:30 AM
To: Salem Special / Troy Schwans (tschwans@triotel.net)
Subject: 5358-3, TM Rural Water District
Attachments: 5358-3NOTICE.doc; FORM8.FRM.doc

Attached is a notice to be published on June 20, 2019.

TM Rural Water District, c/o Jay Jorgenson, Mgr, Box 445, Parker SD 57053 (605 297-3334) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, June 13, 2019 9:35 AM
To: Jay Jorgensen (Jay.Jorgensen@tmruralwater.com)
Subject: Future Use Review
Attachments: 5358-3.pdf

Attached is the recommendation and information regarding the public notice for Future Use Review of Permit No. 5358-3. The notice has been emailed to the papers with instructions to publish on June 20th. As stated in the letter it is important to contact the papers ASAP to authorize publication and arrange for payment.

The last page of the packet is information that might make contacting the Argus Leader easier. The Ad number to reference is circled.

Paper copies are being mailed today.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



RECEIVED

JUN 24 2019

Form 8

WATER RIGHTS
PROGRAM

Thursday June 20, 2019 - Page 7

Public Notice

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053 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. 5358-3. This permit was approved 1990 and currently reserves 530 acre-feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 11:00 AM, Wednesday, July 17, 2019, Legislature Research Council Conference Room 414, State Capitol Building, 500 E Capitol Avenue, 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 July 5, 2019. 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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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 5, 2019. 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 5, 2019.

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 July 1, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$50.54.

6-20

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

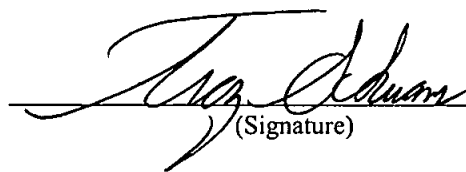
County of McCook) SSI, Troy Schwans

certify that the attached printed Notice was taken

from the Salem Specialprinted and published in SalemCounty of McCook and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 20, 2019Cost of Printing \$ 50.54


(Signature)

Owner/Publisher
(Title)

June 20, 2019
(Date Signed)

Form 8

RECEIVED

JUN 24 2019

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Dawn Rye

certify that the attached printed Notice was taken
from the New Era

printed and published in 6/20/19

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

Thursday, June 20 2019

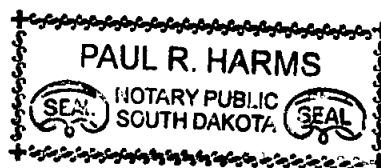
Cost of Printing \$60.41

June 20 2019
Paul R Harms

[Signature]
(Signature)

Office manager
(Title)

6/20/19
(Date Signed)



Notice of hearing to review future use water permit

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053 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. 5358-3. This permit was approved 1990 and currently reserves 530 acre-feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 11:00 AM, Wednesday, July 17 Legislature Research Council Conference Room 414, State Capitol Building, 500 E Capitol Avenue, 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 July 5, 2019. 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. 5358-3 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 5, 2019. 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 5, 2019.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by Monday, July 1. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$60.41
(N0620-4)

RECEIVED

JUN 21 2019

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

County of Hutchinson)

) ss.

State of South Dakota)

Jeremy Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Jeremy Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Jeremy Waltner, 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 headed Water Permit No. 5358-3

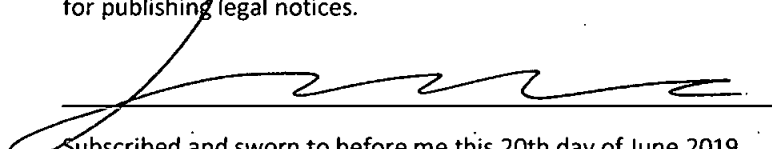
a printed copy of which is hereto attached, was printed and published in the said newspaper for one successive issues to-wit:

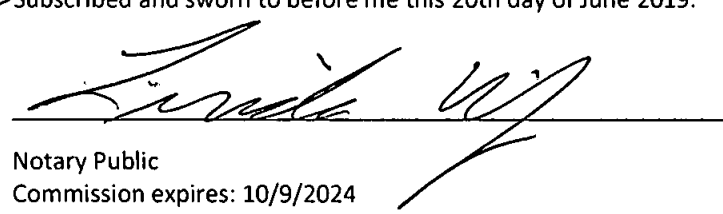
The first publication on:
June 20, 2019

the second publication on:

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of \$44.98 insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$44.98 is the rate for publishing legal notices.


Subscribed and sworn to before me this 20th day of June 2019.


Notary Public
Commission expires: 10/9/2024

Publication fee: \$44.98
Notary fee:
Total: \$44.98

PUBLIC NOTICES

Notice of Hearing to Review

Future Use Water Permit No. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker, SD 57053 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. 5358-3. This permit was approved 1990 and currently reserves 530 acre-feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 11:00 AM, Wednesday, July 17, 2019, Legislature Research Council Conference Room 414, State Capitol Building, 500 E Capitol Avenue, 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 July 5, 2019. 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. 5358-3 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 5, 2019. 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 5, 2019.

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 July 1, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Printed once at an
approximate cost of \$44.98
1-12FC

Argus Leader

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

RECEIVED

JUN 28 2019

WATER RIGHTS
PROGRAM

Account No.: SFA-078111

Ad No: 0003628800

PO #: Water Permit 5358-3

Lines : 173

Ad Total \$107.99

TM RURAL WATER
110 N MAIN AVE
PARKER, SD 57053

of Affidavits: 1

Account No.: SFA-078111

Ad No.: 0003628800

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

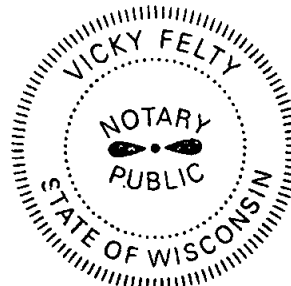
Thursday, June 20, 2019

Sworn to and subscribed before me this 20 day of June, 2019.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires



NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NO. S358-3

Notice is given that the Water Management Board will review Future Use Permit No. S358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053 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. S358-3. This permit was approved 1990 and currently reserves 530 acre-feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. S358-3 REMAIN in EFFECT for 530 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. S358-3 at 11:00 AM, Wednesday, July 17, 2019, Legislature Research Council Conference Room 414, State Capitol Building, 500 E Capitol Avenue, 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 July 5,

2019. 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. S358-3 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 5, 2019. 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 5, 2019.

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 July 1, 2019. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$107.99.
3628900 June 20, 2019

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by TM Rural Water District, c/o Jay Jorgensen, Manager, Box 445, Parker SD 57053 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. 5358-3. This permit was approved 1990 and currently reserves 530 acre-feet from the Upper Vermillion Missouri Aquifer. The area reserved for future water use is located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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. 5358-3 at 11:00 AM, Wednesday, July 17, 2019, Legislature Research Council Conference Room 414, State Capitol Building, 500 E Capitol Avenue, 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 July 5, 2019. The Chief Engineer's address is "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. 5358-3

A printed copy of which is herewith 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 Jun 2019.

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 \$ 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 whomsoever.

CR

Subscribed and sworn to me this 3 day of July 2019.

[Signature]

My commission expires the 10 day of Oct 2019.

HEATHER M. POULSON
NOTARY PUBLIC
SOUTH DAKOTA

review
No. 5358-3 held
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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 5, 2019. 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
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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
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obtained. The permit owner need not
file a petition.

The hearing to review Future
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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
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represented by a lawyer. These and
other due process rights will be
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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 5,
2019. 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
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Permit. The request for a delay must
be filed with the Chief Engineer by
July 5, 2019.

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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 July 1, 2019. Steven
M. Pirner, Secretary, Department of
Environment and Natural Resources.

Published once at the
approximate cost of \$40.37.
(June 20)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 18, 2019

NOTICE OF ENTRY OF ORDER

TM Rural Water District
c/o Jay Jorgensen, Manager
Box 445
Parker SD 57053

Dear Mr. Jorgensen:

I am writing in response to action taken by the Water Management Board at the hearing on July 17, 2019 to review Future Use Permit No. 5358-3. The Board allowed the permit to remain in effect for 530 acre-feet of water annually. Future Use Permit No. 5358-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5358-3 is \$105.00 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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with a long horizontal line extending from the end.

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

CERTIFICATION

I hereby certify that on July 18, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 18, 2019, regarding Notice of 1407-2, 135-3, 5003-3, 524-3, 558A-3 and 5358-3 addressed as stated below:

City of Custer, Corbin Herman, Mayor, 622 Crook St., Custer, SD 57730

City of Pierre, Brad Palmer, Utilities Manager, PO Box 1253, Pierre, SD 57501

City of DeSmet, Gary Wolkow, Mayor, PO Box 70, DeSmet, SD 57231

City of Castlewood, Sheila Gerhold, Finance Officer, PO Box 17, Castlewood, SD 57223

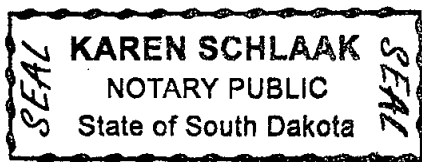
TM Rural Water District, Jay Jorgensen, Manager, PO Box 445, Parker, SD 57053

Vickie Maberry
Vickie Maberry
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of July, 20 19.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 2

, 20 19

TM Rural Water District PO Box 445 Parker SD 57053

RECEIVED OF _____

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	105	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5358 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	105 00

No. **09176**

By

Jeanne Goodman
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 5, 2026

TM Rural Water District
c/o Jay Jorgensen
PO Box 445
Parker SD 57053

Dear Mr. Jorgensen,

I am writing in regard to the seven-year review of Future Use Water Permit No. 5358-3 from the Upper Vermillion Missouri Aquifer held by district. 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 district. Currently, our records show that 530 acre-feet remain in reserve under this future use permit that was issued in 1990 and last reviewed in 2019.

Please respond in writing by April 10, 2026, regarding the district's intention for the future use permit. If the district 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. 5358-3 will then be public noticed at the district'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 530 acre-feet remains in reserve, the fee will be \$105.00.

Please contact Amanda Dewell or me, if you have any questions.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

Rodriguez, Rachel

From: jay.jorgensen tmruralwater.com <jay.jorgensen@tmruralwater.com>
Sent: Friday, March 13, 2026 4:25 PM
To: Rodriguez, Rachel
Subject: [EXT] Renewal of Future Use Permit No. 5358-3
Attachments: TM RWD Future Use Permit 5358-3 Request to Retain Permit & Summary of Existing & Future Demands 03-15-26.pdf

Importance: High

Rachel,
TM Rural Water District wishes to renew Future Use Permit No. 5358-3 and attached is our formal request with supporting documents with reasonable need for retaining the future use permit. Please let me know if you require any additional information.
Jay

Jay Jorgensen
Manager
TM Rural Water District
110 North Main Street
PO Box 445
Parker, SD 57053
Ph: 605-297-3334
Fax: 605-297-3332
Email: jay.jorgensen@tmruralwater.com

TM Rural Water District

Box 445, Parker, South Dakota 57053 • Phone (605) 297-3334 • Fax (605) 297-3332

RECEIVED

MAR 13 2026

Water Rights
Program

March 15, 2026

Rachel Rodriguez
Department of Agriculture and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Rachel,

Please accept this letter as TM Rural Water District's official reply regarding future use permit 5358-3 for groundwater reserved in the Upper Vermillion Missouri Aquifer. TM Rural Water District wishes to retain this permit and included with this cover letter is our reasonable need and estimate of future needs.

If you have any questions, please contact the TM office at 297-3334.

Sincerely,



Jay Jorgensen
Manager, TM Rural Water District
TM Rural Water District

RECEIVED

MAR 13 2026

Water Rights
ProgramSummary Of Existing & Future Demands

The pumping records and the water billing records provided by the District were used as a basis for the water demand projections for the TM Rural Water District System. The water pumping records used represent data for 2006 thru 2025. According to this data, the average daily flow in 2017 was 2.089 MGD and a single day peak of 3.500 MGD in 2017 & 2021.

Summary of Pumping Records

Year	Annual Average Water Demand (MGD)	Maximum Monthly Water Demand (MGD)	Maximum Daily Water Demand (MGD)
2006	0.825	1.140	1.396
2007	0.710	1.030	1.360
2008	1.620	2.218	2.373
2009	1.394	2.190	2.462
2010	1.740	2.072	2.880
2011	1.658	2.039	2.890
2012	1.931	2.585	3.200
2013	1.831	2.265	3.040
2014	1.826	2.092	3.030
2015	1.847	2.227	3.060
2016	1.973	2.378	3.280
2017	2.089	2.605	3.500
2018	1.912	2.353	3.330
2019	1.506	1.813	2.620
2020	1.708	2.258	2.810
2021	2.004	2.869	3.500
2022	1.906	2.329	3.150
2023	1.806	2.485	3.150
2024	1.706	2.106	2.970
2025	1.745	2.143	3.000

The District's water loss hovers between 5 and 8% and we work diligently to reduce this percentage.

RECEIVED

MAR 13 2026

Water Rights
Program

Projections of Future Water Demands

Since 2019 the District has added 155 rural users making a grand total of 1750 metered connections. Although new users have been added to the system at an average of 25 new connections per year, much of the increase in water consumption has been and continues to be attributed to both the NuGen Ethanol Plant and the agricultural sector for use in spraying crops during the growing season and livestock production.

TM predicts that the existing agricultural sector will continue to grow with regards to water usage.

TM continues to see requests coming in for large CAFOs wanting to set up inside the District's boundaries which include dairies, cattle feed lots, egg laying facilities and swine facilities and we are hesitant to forfeit any Future Use Permits that we currently hold. Just one of these large CAFO facilities would require TM to utilize existing Future Use Permits.

Projected future demands based on the increases that we have seen over the last 10 years would look as follows.

Projected Future Demands			
2030	2.35	2.992	3.910
2040	2.570	3.379	4.270
2050	2.800	3.766	4.640



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5358-3, TM Rural Water District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit No. 5358-3, TM Rural Water District, PO Box 445, Parker SD 57053.

The Acting Chief Engineer is recommending that Future Use Permit No. 5358-3 REMAIN in EFFECT for 530 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5358-3, 2) the district has demonstrated a reasonable need for the water reserved by Permit No. 5358-3, 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. 5358-3 is subject to payment of the \$ 105.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the district after the Board hearing.

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program
May 1, 2026



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 19, 2026

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

TM Rural Water District
c/o Jay Jorgensen
PO Box 445
Parker SD 57053

Dear Mr. Jorgensen:

Future Use Permit No. 5358-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the following newspapers:

The Special, Salem	605-425-2361
New Era, Parker	605-297-4419
Argus Leader, Sioux Falls	See contact information
Miner County Pioneer, Howard	605-772-5644
Freeman Courier, Freeman	605-925-7033

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on May 28, 2026. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriguez@state.sd.us

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved in 1990 and currently reserves 530 acre-feet of water from the Upper Vermillion Missouri Aquifer located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 on July 8, 2026, at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501" or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 8, 2026.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the approximate cost of_____.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, May 19, 2026 9:19 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 12346078 5358-3 TM Rural Water District - Public Notice
Attachments: 12346078.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on May 28. The order cost is \$93.40 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

Our invoicing is done on a monthly basis.

You will receive an invoice for this ad after the close of the month.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Brittany Grady
Public Notice Representative

USA TODAY CO.



844-254-5287

National voice. Local strength. Subscribe TODAY.

#TeamUSATODAY

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, May 19, 2026 9:00 AM
To: SFA-Legals mbx <allegals@appleton.gannett.com>
Subject: 12346078 5358-3 TM Rural Water District - Public Notice

Attached is a notice to be published on May 28, 2026.

TM Rural Water District, PO Box 445, Parker SD 57053, 605-297-3334, jay.jorgensen@tmruralwater.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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





Order Confirmation

Not an Invoice

Account Number:	1248655
Customer Name:	Tm Rural Water
Customer Address:	Tm Rural Water Po Box 445 Parker SD 57053-0445
Contact Name:	Tanya Wickstrom
Contact Phone:	605-297-3334
Contact Email:	tanya.wickstrom@tmruralwater.com
PO Number:	

Date:	05/19/2026
Order Number:	12346078
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	278.0000
Height in Inches:	30.6500

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls Argus Leader	1	05/28/2026 - 05/28/2026	Public Notices
SFA argusleader.com	1	05/28/2026 - 05/28/2026	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$93.40
Tax Amount	\$0.00
Service Fee 3.99%	\$3.73
Cash/Check/ACH Discount	-\$3.73
Payment Amount by Cash/Check/ACH	\$93.40
Payment Amount by Credit Card	\$97.13

Order Confirmation Amount	\$93.40
---------------------------	---------

Rodriguez, Rachel

Salem special

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 8:54 AM
To: The Special / Troy Schwans
Subject: 5358-3 TM Rural Water District - Public Notice
Attachments: 5358-3 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2026.

TM Rural Water District, PO Box 445, Parker SD 57053, 605-297-3334, jay.jorgensen@tmruralwater.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 8:59 AM
To: New Century Press
Subject: 5358-3 TM Rural Water District - Public Notice
Attachments: 5358-3 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2026, in the Parker New Era.

TM Rural Water District, PO Box 445, Parker SD 57053, 605-297-3334, jay.jorgensen@tmruralwater.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 9:00 AM
To: legals@argusleader.com
Subject: 5358-3 TM Rural Water District - Public Notice
Attachments: 5358-3 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2026.

TM Rural Water District, PO Box 445, Parker SD 57053, 605-297-3334, jay.jorgensen@tmruralwater.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 9:02 AM
To: minercountypioneer@alliancecom.net
Subject: 5358-3 TM Rural Water District - Public Notice
Attachments: 5358-3 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2026.

TM Rural Water District, PO Box 445, Parker SD 57053, 605-297-3334, jay.jorgensen@tmruralwater.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

*Freeman
Council*

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 9:03 AM
To: courier@gwtc.net
Subject: 5358-3 TM Rural Water District - Public Notice
Attachments: 5358-3 FU REVIEWpubnotice_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2026.

TM Rural Water District, PO Box 445, Parker SD 57053, 605-297-3334, jay.jorgensen@tmruralwater.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, Attn Rachel Rodriguez, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, May 19, 2026 10:06 AM
To: jay.jorgensen tmruralwater.com
Subject: 5358-3 TM Rural Water District - Public Notice
Attachments: 5358-3 Rec.pdf; 5358-3 Ltr.pdf; 5358-3 Pub Notice.pdf; Argus Leader Info.pdf

Good morning,

Attached is a copy of the acting chief engineer's recommendation, and information regarding the public notice for Future Use Permit 5358-3. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is also being mailed to you today.

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

Thank you,

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



RECEIVED

JUN 08 2026

Form 8

OFFICE OF
WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Troy Schwans
certify that the attached printed Notice was taken
from the _____

The Special
printed and published in Salem
County of McCook and
state of South Dakota. The notice was published
in the newspaper on the following date:

May 28, 2026
Cost of Printing \$ 73.30

Troy Schwans
(Signature)

Editor
(Title)

May 28, 2026
(Date Signed)

PUBLIC NOTICE NOTICE OF HEARING TO REVIEW FUTURE USE

WATER PERMIT NO. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved in 1990 and currently reserves 530 acre-feet of water from the Upper Vermillion Missouri Aquifer located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 on July 8, 2026, at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury

to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting

Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 8, 2026.

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Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$73.30 and may be viewed free of charge at www.sdpublicnotices.com.

AFFIDAVIT OF PUBLICATION

County of Hutchinson)

) ss.

State of South Dakota)

Jeremy Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That The Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Jeremy Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Jeremy Waltner, 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 headed Regular Meeting

a printed copy of which is hereto attached, was printed and published in the said newspaper for one successive issues to-wit:

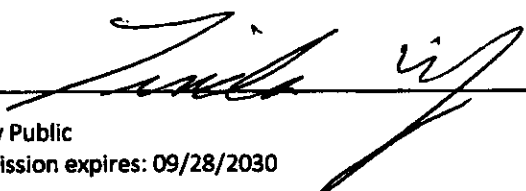
The first publication on:
May 27, 2026

the second publication on:

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of \$127.75 insures solely to the benefit of the publisher of The Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$127.75 is the rate for publishing legal notices.


Subscribed and sworn to before me this 28th day of May 2026.


Notary Public
Commission expires: 09/28/2030

Publication fee:	\$127.75
Notary fee:	
Total:	\$127.75

TM RURAL WATER DISTRICT

Hearing to review future water use permit No. 5358-3

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved in 1990 and currently reserves 530 acre-feet of water from the Upper Vermillion Mississippian Aquifer located in Sections 7, 18, 19, 30, 31-T100N-R56W; Section 6-T99N-R56W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 28, 36 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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 beneficial; and (4) it is in the public interest. The Acting Chief Engineer's recommendation is subject to the public's comments and the Board's decision. Individuals requiring assistance in understanding public or comment information for this information is available at the Board's office.

Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 on July 8, 2026 at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg. 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 or approval or denial of the renewal, or other matters concerning the renewal with the regulatory authority of the Board to be upon the denial by SDCL 46-2-9 and 46-2-11 or be any person seeking the permit or qualification and wishing to be heard.

record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. Opposition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. Consulting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-9, 46-2-11, 46-5-58.1; Board Rules 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-45, 1-46, 1-47, 1-48, 1-49, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-58, 1-59, 1-60, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-69, 1-70, 1-71, 1-72, 1-73, 1-74, 1-75, 1-76, 1-77, 1-78, 1-79, 1-80, 1-81, 1-82, 1-83, 1-84, 1-85, 1-86, 1-87, 1-88, 1-89, 1-90, 1-91, 1-92, 1-93, 1-94, 1-95, 1-96, 1-97, 1-98, 1-99, 1-100, 1-101, 1-102, 1-103, 1-104, 1-105, 1-106, 1-107, 1-108, 1-109, 1-110, 1-111, 1-112, 1-113, 1-114, 1-115, 1-116, 1-117, 1-118, 1-119, 1-120, 1-121, 1-122, 1-123, 1-124, 1-125, 1-126, 1-127, 1-128, 1-129, 1-130, 1-131, 1-132, 1-133, 1-134, 1-135, 1-136, 1-137, 1-138, 1-139, 1-140, 1-141, 1-142, 1-143, 1-144, 1-145, 1-146, 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STATE OF WISCONSIN, COUNTY OF BROWN

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05/28/2026

and that the fees charged are legal.
Sworn to and subscribed before on 05/28/2026

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**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO.
5358-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved in 1990 and currently reserves 530 acre-feet of water from the Upper Vermillion Missouri Aquifer located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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 Acting Chief Engineer's recommendation with qualifications is available at <https://dwr.sd.gov/public> or contact Amanda Dewell for this information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 on July 8, 2026, at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The

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injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026. The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5358-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26. This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026. Any interested person may file a comment on the future use permit renewal with the Acting Chief

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Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 8, 2026.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$93.40 and may be viewed free of charge at www.sdpublicnotices.com

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Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Amber Miller of New Century Press, publisher of The New Era, which is a weekly newspaper of general circulation, Printed and published in the City of Parker, in said County of Turner, and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Office Assistant of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N0528-4 Notice of Hearing

Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 28th day of May, 2026

That \$67.10 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.

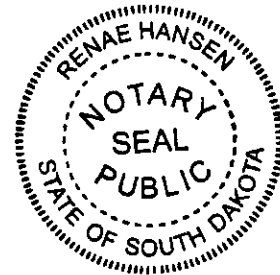
Amber D Miller

Subscribed and sworn to before me this 29th day of May, 2026

Renae Hansen

Notary Public, State of South Dakota
My Commission Expires June 6, 2031

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Publication Fee...\$67.10
Notary Fee...\$
Total \$67.10

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT NO.
5358-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker SD 57053 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. 5358-3. This permit was approved in 1990 and currently reserves 530 acre-feet of water from the Upper Vermillion Missouri Aquifer located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 on July 8, 2026, at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre SD.

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

Any person who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, shall allege that the renewal of the future use permit, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the renewal, or other matter concerning the renewal within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition with BOTH the permit owner and the Acting Chief Engineer. A petition opposing the renewal shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 or call (605) 773-3352. The permit holder's mailing address is given above. If contesting the Acting Chief Engineer's recommendation, the permit owner shall also file a petition. A petition filed by either an interested person or the permit owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5358-3 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.

Public notices
on Page 14 ▶

PUBLIC NOTICE

Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose renewal of the Future Use Permit. The request for a delay must be filed with the Acting Chief Engineer by June 8, 2026.

Any interested person may file a comment on the future use permit renewal with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 8, 2026.

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

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Acting Chief Engineer is June 8, 2026. However, since this particular matter is a future use permit renewal and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Acting Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

Published once at the total approximate cost of \$67.10 and may be viewed free of charge at www.sdpublicnotices.com.

N0528-4

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OFFICE OF
WATER

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

Water Permit 5358-3

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 successive weeks, the first publication being made on the

.....28..... day of May 2026

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.....

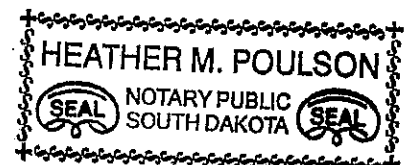
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$ 167.20 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.

Subscribed and sworn to me this 29 day of May 2026

C.R.

My commission expires the 10 day of Oct 2031

[Signature]



**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 5358-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5358-3 held by the TM Rural Water District, PO Box 445, Parker, SD 57053 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. 5358-3. This permit was approved in 1990 and currently reserves 530 acre-feet of water from the Upper Vermillion Missouri Aquifer located in Sections 7, 18, 19, 30, 31-T100N-R54W; Section 6-T99N-R54W; Sections 1 thru 6-T99N-R55W; Sections 7 thru 36-T100N-R55W; Sections 9 thru 16, 21 thru 28, 33 thru 36-T100N-R56W; Sections 1 thru 4-T99N-R56W; Sections 7 thru 11, 14 thru 23, 26 thru 35-T101N-R54W; Sections 7 thru 36-T101N-R55W for rural water system use. The permit was last reviewed in 2019.

Pursuant to SDCL 46-2A-2 the Acting Chief Engineer of the Water Rights Program recommends that Permit No. 5358-3 REMAIN in EFFECT for 530 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 Acting Chief Engineer's recommendation with qualifications is available at <https://danr.sd.gov/public> or contact Amanda Dewell for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5358-3 on July 8, 2026, at 9:35 AM (Central Time), Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol Ave., Pierre, SD.

owner must be filed by June 8, 2026.

The petition shall be in writing and shall include a statement describing the unique injury upon renewal of the future use permit on the petitioner, the reasons for petitioner's opposition to renewal of the future use permit, and the name and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The hearing to review Future Use Permit No. 5358-3 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.

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Published one time at the approximate total cost of \$67.20 and can be viewed free of charge at www.sdpublicnotices.com.

(May 28, 2026)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 14, 2026

NOTICE OF ENTRY OF ORDER

TM Rural Water District
c/o Jay Jorgensen
PO Box 445
Parker SD 57053

Dear Mr. Jorgensen,

I am writing in response to action taken by the Water Management Board at the hearing on July 8, 2026, to review Future Use Permit No. 5358-3. The Board allowed the permit to remain in effect for 530 acre-feet of water annually. Future Use Permit No. 5358-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5358-3 is \$105.00 pursuant to SDCL 46-2-13(2). Please make the check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Rachel Rodriguez if you have any questions.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on July 14, 2026, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 14, 2026, involving action taken by the Water Management Board hearing on July 08, 2026:

Future Use Permit No. 524-3

City of De Smet
c/o Gary Wolkow
106 Calumet Avenue SE
De Smet SD 57231

Future Use Permit No. 8400-3

City of Harrisburg
c/o Heath VonEye
301 E Willow Street
Harrisburg SD 57032

Future use Permit No. 558A-3

City of Castlewood
c/o Logan Ruesink
PO Box 17
Castlewood SD 57223

Future Use Permit No. 1407-2

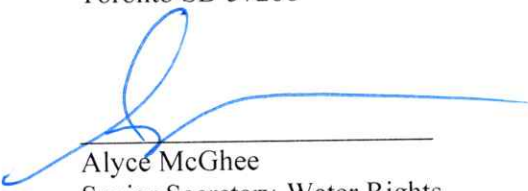
City of Custer
c/o Robert Brown
622 Crook Street
Custer SD 57730

Future Use Permit No. 5358-3

TM Rural Water District
c/o Jay Jorgensen
PO Box 445
Parker SD 57053

Future Use Permit No. 6988-3, 6988A-3, and 6988B-3

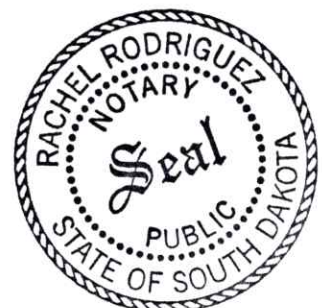
Joint Well Fields Inc.
c/o Reed Andries
PO Box 340
Toronto SD 57268


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of July, 2026.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

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

Application No.: 5358-3

Name of Applicant: TM Rural Water District, Jay Jorgensen

Date of Posting: 5/28/2026

Date of Removal: 7/14/2026

Amanda Dewell, Permitting Administrator

7/14/2026

Date

Subscribed and sworn to before me, a notary public, this 14th day of July, 2026.

Notary Public - South Dakota

My commission expires:
Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



RECEIPT

WATER RIGHTS PROGRAM

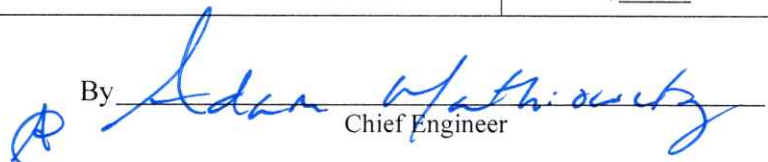
South Dakota Department of Agriculture and Natural Resources

Date July 31, 2026

RECEIVED OF TM Rural Water District 110 North Main Street Parker SD 57053

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>5358-3</u> after period of seven years.	<u>\$105.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$105.00</u>

By 
Chief Engineer