

Considered: _____

WATER PERMIT NO. 5434-3

MAP No. Ph. 794-4201

Name of Applicant Brookings-Deuel Rural Water System

Post Office Address RR2 Box 84 Toronto SD 57268

Amount of Water Claimed 1.0 cfs Total Acres —

Source of Water Supply groundwater (well)

Water to be used for Rural Water System County Brookings

About 2 1/2 miles N of Bruce

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 4/2/90 Fee 325⁰⁰ Remarks Permitted under 2612A3

for 6 months - This application is for the remaining six month period of the
year.

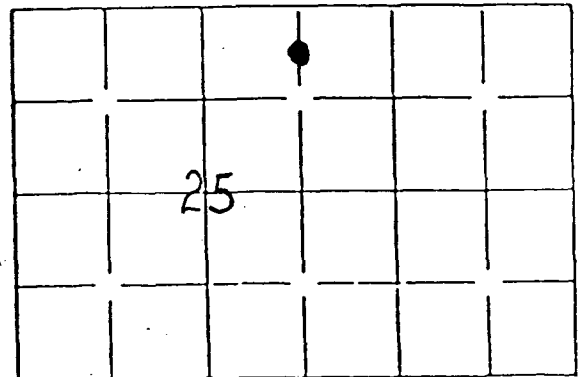
Corrected Application Received _____ Period of Annual Use _____ Oct. 1 - March 31

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

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point N 1/2 NE 1/4 Section 25-112-51

Land to be Irrigated NA



Well Log: Driller Lacey Licensed YES X NO _____

Depth of Well 41' REMARKS well completed 9-16-76

Type of Map Aerial PREPARED BY Doris Schumacher Reviewed and the Number
assigned on 4/5/90 By Eric Gronlund

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

No. 5434-3 Hydrologic Unit 10170202
Map No. _____ Basin Big Sioux River
Newspaper See attached sheet

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. 2612A-3 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. 3982-3-
/Kingbrook

1. Name of Applicant Brookings-Deuel Rural Water System Phone No. 605-794-4201

Post Office Address RR 2 Box 84 Toronto State SD 57268
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 1.0 cfs 434 ac-ft/year total

3. Source of water supply Well

4. Location of point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25-112-51
near the center of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25-T112N-R51W

County Brookings

5. Counties where water will be used Brookings, Deuel, Kingsbury & Moody

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

~~Amending #2612A-3 for remaining 6 months usage:-~~

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 Brookings)^{ss}

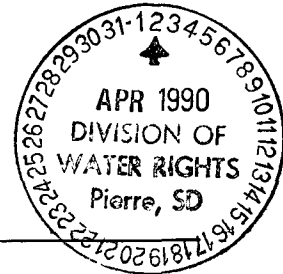
I, Kingbrook RWS/Brookings-Deuel RWS Joint Well Field by Patrick N. Gilligan, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Patrick N. Gilligan

Subscribed and sworn to before me this 30 day of March 19 90

Laurie LaSantwood
Notary Public

Commission
4-87 Expires-5-16-96



SOUTH DAKOTA
WATER PERMIT No. 5434-3

Date of first receipt of application April 2, 1990.

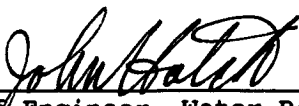
The Water Management Board approved Water Permit Application No. 5434-3 on May 23, 1990 for Brookings-Deuel/Kingbrook Rural Water Systems, RR. 2, Box 84, Toronto, SD 57268 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5434-3 increases the 210 acre feet of water volume authorized by Permit No 2612A-3 and allows water use during the entire year. Permit No. 2612A-3 authorizes a change in water use (1.00 cubic feet of water per second (cfs) from one existing well, 41 feet deep located in the N1/2 NE1/4 Section 25 T112N-R51W) from irrigation use to use by the Brookings - Deuel and Kingbrook Rural Water Systems during the time period from April 1 through September 30. This Permit is to increase the allowable annual water use from 210 acre feet to 434 acre feet and to allow water use throughout the entire year. Use of water during the time period from April 1 through September 30 may exceed the 210 acre feet authorized by Permit No. 2612A-3. No increase in the 1.00 cfs diversion rate is authorized by this application and the water is to be used by the rural water systems.
2. The water appropriated shall be used for the purpose of water supply and may not exceed the amount of water needed for beneficial use for rural water system purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is April 2, 1990.
5. One-fifth of the construction is to be completed on or before November 23, 1992.
6. All construction is to be completed on or before May 23, 1995.
7. Water is to be put to beneficial use on or before May 23, 1999.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Approval of Permit No. 5434-3 authorizes a total annual diversion under Permits No. 5434-3 (224 acre feet) and 2612A-3 (210 acre feet) of 434 acre feet annually.
3. That the rural water systems report to the chief engineer annually the amount of water withdrawn each year under Permit Nos. 2612A-3 and 5434-3.

WATER MANAGEMENT BOARD

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

SEP 12 1990

(date)

(type or print in ink)

a) Drill Hole Diameter 20" Depth 50'

b) Casing Type Steel Diameter 14" Thickness 3/16"

c) Screen Type SS Johnson Slot Diameter 14" Thickness

d) Gravel Pack Thickness 3" Length of Gravel Pack 25'

e) Depth to Top of Water Bearing Material 8'

f) Depth to Water (ground surface to water level) 8'

g) Distance to nearest existing domestic well:

On applicants property 1,300 On property owned by others 80 rods

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

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

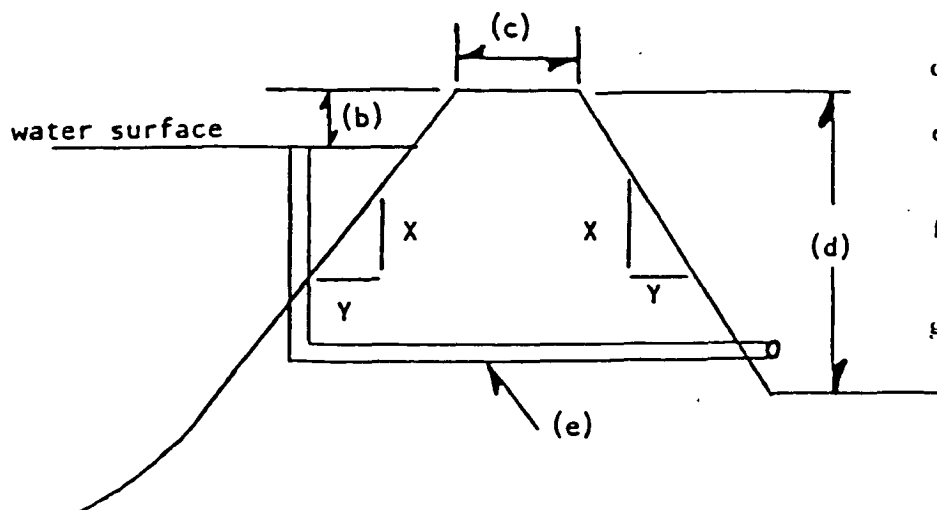
b) Freeboard _____c) Crest Width _____Crest Length _____

d) Height _____

c) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

g) X & Y Slope
Upstream _____

Downstream _____Surface Area of Impoundment _____Storage _____ acre feetDrainage area above dam _____

Signature of Applicant

Conversation or File Documentation

NAME OF PERSON OR FILE: Pat Gilligan - Brookings-Denel RWSADDRESS: RR 2, Box 84, Toronto SD COUNTY _____DATE: April 19, 1990 TELEPHONE 794-4201RE: Annual water use

COMMENTS:

Contacted Pat Gilligan to determine the annual volume of water use and if 210 acre-feet may be exceeded during the period of April 1 - September 30. Mr. Gilligan indicated that water use from the well would be heavy during the summer months due to the close proximity of the well to the treatment facility. During off peak months use from the well would be reduced. Mr. Gilligan believed that 60% of lcf's on an annual basis would be a reasonable acre-feet limitation (434 acre-ft/year). Mr. Gilligan also thought that it may be advisable to be able to pump more than 210 acre-feet during the 6 month summer period.

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

NAME: Don Carroll

Conversation or File Documentation

NAME OF PERSON OR FILE: Brookings Deuel / Kingbrook

ADDRESS: _____ COUNTY _____

DATE: 4/20/90 TELEPHONE 794-4201

RE: _____

COMMENTS:

I talked to Mr. Pat McIligan regarding permit no. 5434-3. This application should be in the name of Brookings Deuel & Kingbrook PWS. Also the counties to publish in are: Hamlin, Brookings, Moody Deuel & Kingsbury.

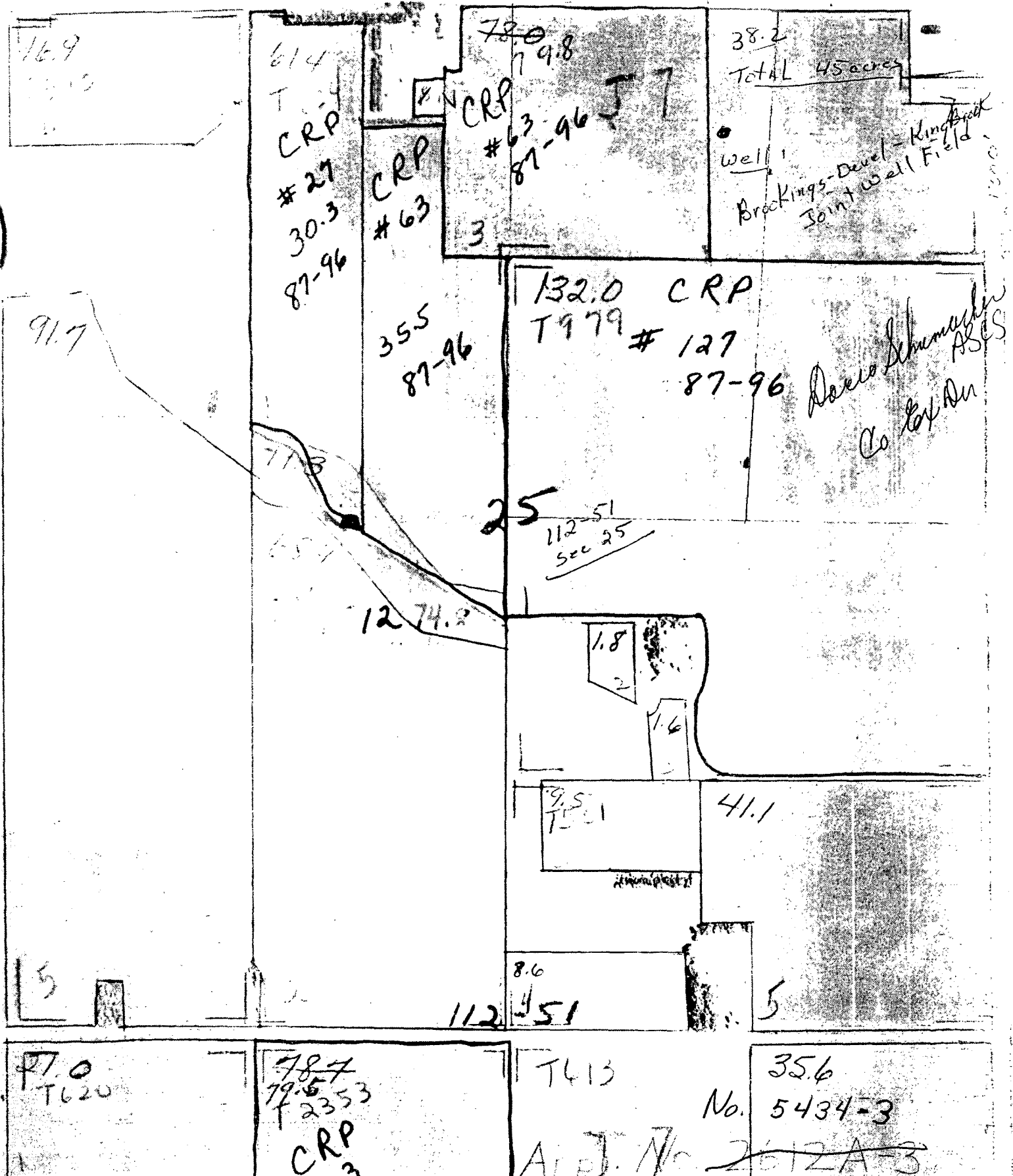
File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hamlin

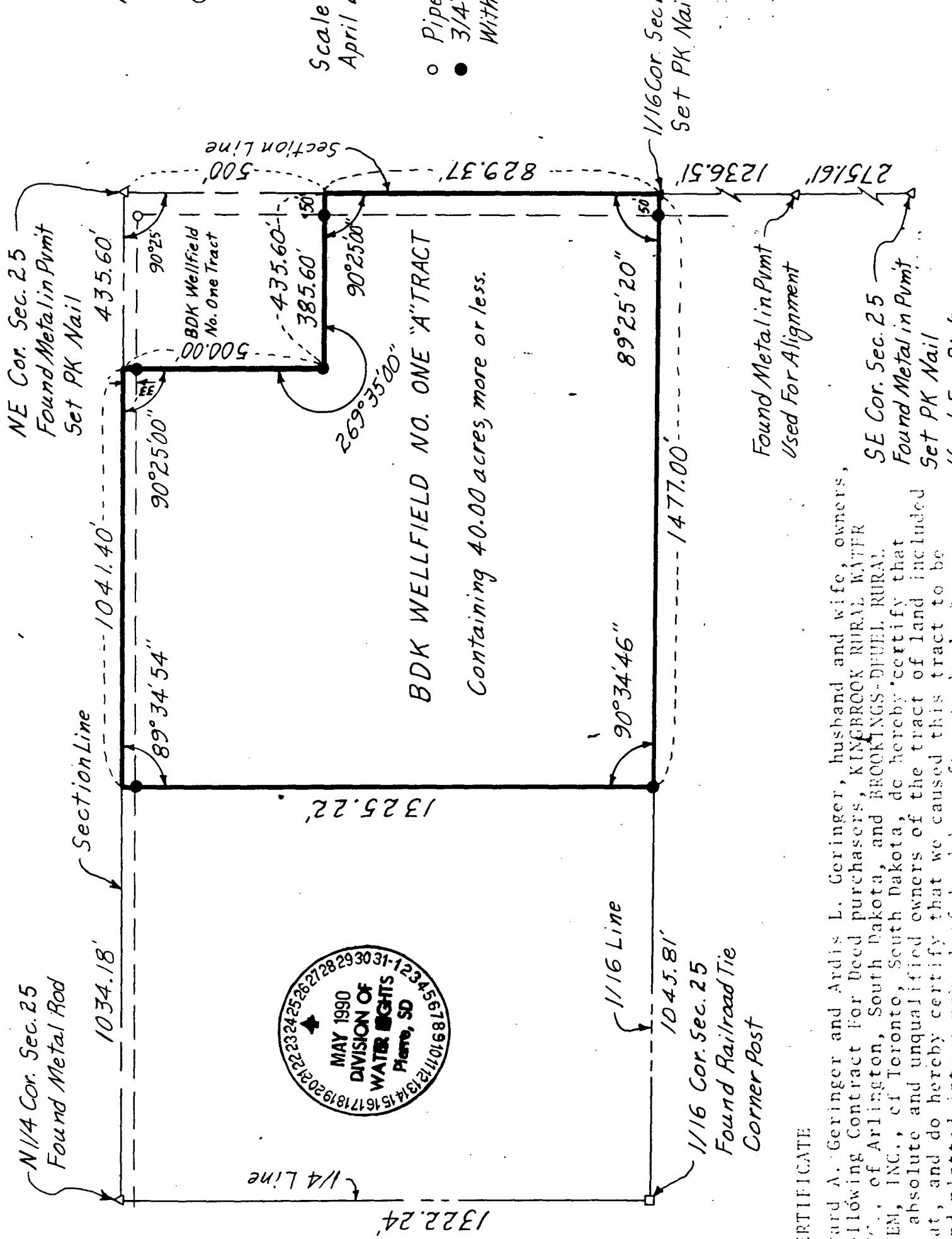
NOT TO SCALE

N ↑

1507.8'



located in the NW 1/4 of Section 25, T112N, R51W of the
PLAT OF BDK WELLFIELD NO. ONE "A" TRACT IN TOWNSHIP 112N, RANGE 51W, COUNTY OF BROOKINGS, S.D.



DEED CERTIFICATE

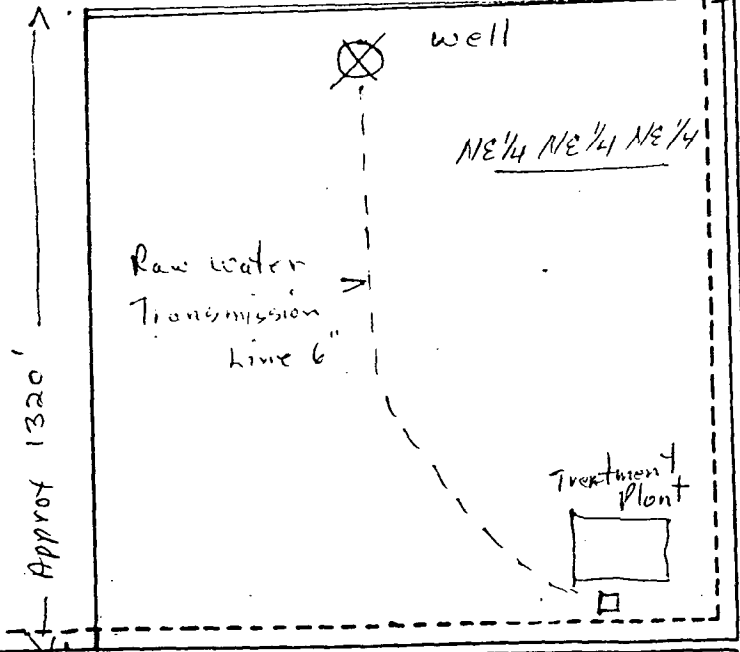
We, Howard A. Geringer and Ardis L. Geringer, husband and wife, owners, of the following Contract For Deed purchasers, KINGBROOK RURAL WATER SYSTEM, INC., of Arlington, South Dakota, and BROOKINGS-DUEL RURAL WATER SYSTEM, INC., of Toronto, South Dakota, do hereby certify that we are the absolute and unqualified owners of the tract of land included in the plat, and do hereby certify that we caused this tract to be



Sec 25 112 N - 51 W
N →

(Not To Scale)

← Approx 1320'



BrKgs Co Rd #7

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: NE 1/4 NE 1/4 Section 25 Township 112 N Range 77 W
 Well owner: Howard Gerling Bruce, South Dakota
 Date well drilling completed: 9-16-76 Purpose of well: Irrigation
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer
0-2 1/2"	Top soil
2 1/2"-4	Sand
4-5	Cemented sand
5-27	Fine br. sand
27-32	Coarse sand
32-41	Very Rocky

Depth to top of water producing aquifer: 8 ft.
 Depth to static water level: 8 ft.
 Name of producing aquifer (if known):
 Total depth of drill hole: 41 ft.
 Depth to bottom of casing: 41 ft.

Casing information in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

27' x 14" x 14" steel casing

Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

15' x 14" x 100 Johnson

If a flowing well, flow of completed well: _____ G.P.M.

Ed H. Loeck & Sons
 Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: WESTERN LAND ROLLER HP 40
 Type of pump: TURBINE Capacity of installed pump: 500 G.P.M.
 Depth of pump placement: _____ ft., Date of pump installation: _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: _____ ft., tube diameter: _____, tube material: _____.

Ed H. Loeck & Sons
 Name of Pump Installation Contractor

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412189

Pierre, April 2, 1990

RECEIVED OF Brookings-Deuel-Kingbrook, Box 84, Toronto, SD 57268-0084

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

Fee for Application for Permit No. <u>2434-3</u> to Appropriate Water, to construct works and to put water to beneficial use	325	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	325 00

By

John Hatch / mra
Chief Engineer

REPORT ON APPLICATION NO. 5434-3
FOR BROOKINGS-DEUEL/KINGBROOK RURAL WATER SYSTEMS
April 13, 1990

This application proposes to appropriate 1.0 cfs of water from an existing well 50 feet deep which is located near the center of the N 1/2 NE 1/4 of section 25, T112N R51W in Brookings County. This application will increase the 210 acre feet authorized by Water Permit No. 2612A-3 during the April 1 to September 30 period and allow water use during the time period October 1 through March 31. This application, if approved, will provide a yearly appropriation of 1.0 cfs and a total of 434 acre feet annually (60% pumping time @ 1.0 cfs).

AQUIFER - BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings (BS-B) is a Pliestocene outwash (sand and gravel) under water table conditions in this area. The BS-B aquifer underlies 74,500 acres and contains 245,850 acre feet of recoverable water in Brookings County (Hedges, 1982). The BS-B is hydraulically connected to the BS-B in Hamlin County and to the Big Sioux River which acts primarily as a discharge area. The USGS estimates that the entire Big Sioux aquifer underlies 470 square miles and contains an estimated 1.9 million acre feet of water in Brookings County (Hamilton, 1988). The reason for the apparent difference in estimated water in storage is that the BS-B is a management unit of the entire Big Sioux aquifer.

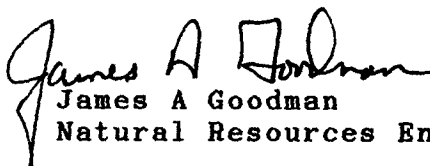
The Division of Water Rights monitors two observation wells approximately 1500 feet from this existing well. These are observation wells BG-75M and BG-75N. Water levels for these wells show good correlation between wet and dry climatic conditions, that is, rising during wet years and declining during dry years. The water level changes seasonally 1-3 feet per year with a total fluctuation of 8 to 10 feet between the highest and lowest recorded for the period of record (Water Rights, 1990).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are other water permits/rights in the area. Rights Nos. 2048-3, 2125-3 and 2437-3 all have diversion points within 1/2 mile of this well. Also, the rural water system has an existing well approximately 1/4 mile northeast of the well for this application (Permit No. 5079-3). Interference is not expected to be a problem. Adequate spacing exists between wells which will minimize the effects of pumping. Pumping high capacity well from the BS-B aquifer does not cause significant drawdowns very far from the production well. This is shown by the observation well record.

CONCLUSIONS

1. Water is available from the BS-B aquifer.
2. Interference should not be a problem.
3. This is a new permit and will have a new priority date.
4. This application will increase the 210 acre feet authorized by No. 2612A-3 during the April to September 30 period and allow pumping from October 1 through March 31 (extend the pumping period to an entire year rather than just the irrigation season) and add an additional 224 acre feet of annual appropriation.
5. No. 2612A-3 should be amended to show that the use of water authorized by No. 2612-3 for irrigation has been changed to rural water system use and that any right to irrigate the 70 acres authorized by No. 2612-3 was abandoned when the change of use was approved.
6. A variance from the well construction standards for this well was issued with Permit No. 2612A-3.
7. The rural water system must report water use.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1988, MAJOR AQUIFERS IN BROOKINGS COUNTY, SD, Inf. Pamphlet No. 40, SD DWR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., 1982, EVALUATION OF GROUND WATER RESOURCES EASTERN SD AND UPPER BIG SIOUX RIVER SD AND IOWA, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1990, OBSERVATION WELL RECORDS FOR THE BS-B AQUIFER IN BROOKINGS COUNTY, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

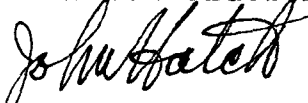
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5434-3, Brookings-Deuel/Kingbrook RWS

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. 5434-3, Brookings-Deuel/Kingbrook Rural Water System, RR 2, Box 84, Toronto SD.

The Chief Engineer is recommending APPROVAL of Application No. 5434-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Approval of Permit No. 5434-3 authorizes a total annual diversion under Permits No. 5434-3 (224 acre-feet) and 2612A-3 (210 acre-feet) of 434 acre-feet annually.
3. That the rural water systems report to the chief engineer annually the amount of water withdrawn each year under Permit Nos. 2612A-3 and 5434-3.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
April 13, 1990



Department of Water & Natural Resources

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

April 19, 1990

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

Patrick Gilligan
Brooking-Deuel/Kingbrook RWS
RR #2 Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

Water Permit Application No. 5434-3 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 Hamlin Co. Herald Enterprise, Daily Reigster, Moody Co. Enterprise, Clear Lake Courier and the Lake Preston Times printed at Hayti, Brookings, Flandreau, Clear Lake and Lake Preston SD respectively. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on or before April 26, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5434-3 to Appropriate Water

Notice is given that Brookings Deuel/Kingbrook Rural Water System, RR #2 Box 84, Toronto, SD 57268 has filed an application for a water permit to increase the 210 acre-feet of water volume authorized by Permit No. 2612A-3 and to allow water use during the entire year. Permit No. 2612A-3 authorizes a change in water use (1.00 cubic feet of water per second from one existing well, 41 feet deep) from irrigation use to use by the Brookings-Deuel and Kingbrook Rural Water Systems during the time period from April 1 through September 30. This application is to increase the allowable annual water use from 210 acre-feet to 434 acre-feet and to allow water use throughout the entire year. Use of water during the time period from April 1 through September 30 may exceed the 210 acre-feet authorized by Permit No. 2612A-3. No increase in the 1.00 cfs diversion rate is authorized by this application and the water is to be used by the rural water systems.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5434-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 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 May 11, 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 May 11, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



Department of Water & Natural Resources

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

April 19, 1990

Daily Register
Box 177
Brookings, SD 57006-0177

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5434-3 to be published twice. Please publish the first notice on or before April 26, 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 Brookings - Deuel/Kingbrook Rural Water System, RR #2 Box 84, Toronto, SD 57268.

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

TO: Eric Gronlund
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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Brookings) ss.

I, Rob James

certify that the attached printed Notice was taken
 from the Brookings Daily Register

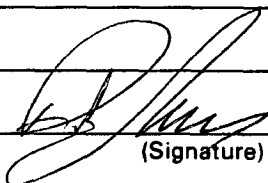
A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

City _____ of Brookings

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

April 26, 1990

May 3, 1990


 (Signature)

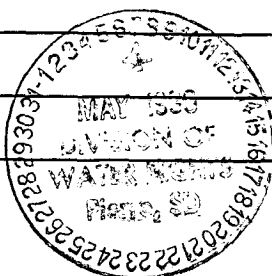
Publisher

(Title)

5/3/90

(Date Signed)

Cost of Printing: \$45.05



Legal 215, 2x, April 26, May 3
 NOTICE OF HEARING
 on Application No. 5434-3 to
 Appropriate Water

Notice is given that Brookings Deuel/Kingbrook Rural Water System, RR #2 Box 84, Toronto, SD 57268 has filed an application for a water permit to increase the 210 acre-feet of water volume authorized by Permit No. 2612A-3 and to allow water use during the entire year. Permit No. 2612A-3 authorizes a change in water use from one existing well, 41 feet deep) from irrigation use to use by the Brookings-Deuel and Kingbrook Rural Water Systems during the time period from April 1 through September 30. This application is to increase the allowable annual water use from 210 acre-feet to 434 acre-feet and to allow water use throughout the entire year. Use of water during the time period from April 1 through September 30 may exceed the 210 acre-feet authorized by Permit No. 2612A-3. No increase in the 1.00 cfs diversion rate is authorized by this application and the water is to be used by the rural water systems.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5434-3 because 1) unappropriated water is available, 2) existing rights will not be unduly impaired, 3) it is 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 Public Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 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 May 11, 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 May 11, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



Department of Water & Natural Resources

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

April 19, 1990

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

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5434-3 to be published twice. Please publish the first notice on or before April 26, 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 Brookings - Deuel/Kingbrook Rural Water System, RR #2 Box 84, Toronto, SD 57268.

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

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

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Moody) ss.

I, Angela Nibbelink

certify that the attached printed Notice was taken
 from the Moody County Enterprise

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

City of Flandreau

County of Moody and State of South Dakota;

that the said notice was published in said _____
 following two dates:

April 25, 1990

May 2, 1990

Angela Nibbelink
 (Signature)

Brookings
 (Title)

May 3, 1990
 (Date Signed)

Cost of Printing: 41.11

NOTICE OF HEARING
On Application No. 5434-3
to Appropriate Water

Notice is given that Brookings Deuel/Kingbrook Rural Water System, RR No. 2, Box 84, Toronto, SD 57268 has filed an application for a water permit to increase the 210 acre-feet of water volume authorized by Permit No. 2612A-3 and to allow water use during the entire year. Permit No. 2612A-3 authorizes a change in water use (1.00 cubic feet of water per second from one existing well, 41 feet deep) from irrigation use to use by the Brookings-Deuel and Kingbrook Rural Water Systems during the time period from April 1 through September 30. This application is to increase the allowable annual water use from 210 acre-feet to 434 acre-feet and to allow water use throughout the entire year. Use of water during the time period from April 1 through September 30 may exceed the 210 acre-feet authorized by Permit No. 2612A-3. No increase in the 1.00 cfs diversion rate is authorized by this application and the water is to be used by the rural water systems.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5434-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 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 May 11, 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.





Department of Water & Natural Resources

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

April 19, 1990

Hamlin Co. Herald Enterprise
Box 207
Hayti, SD 57241

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5434-3 to be published twice. Please publish the first notice on or before April 26, 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 Brookings Deuel/Kingbrook Rural Water System, RR #2 Box 84, Toronto, SD 57268.

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

TO: Eric Gronlund
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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.



I, Carla Clarke

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

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

City of Hart

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

April 26
May 13

Carla Clarke
(Signature)

Publisher
(Title)

5/3/90
(Date Signed)

Cost of Printing: 99 lines @ 24.4¢ = \$24.16
2nd run @ 80% = 19.33
Total \$43.49

83-2x-April 26 & May 3

NOTICE OF HEARING
on Application No. 5434-3 to
Appropriate Water

Notice is given that Brookings Deuel Rural Water System, Inc., RR #2, Box 84, Toronto, SD 57268, has filed an application for a water permit to increase the 210 cubic-feet of water volume authorized by Permit No. 2612A-3 and to allow water use during the entire year. Permit No. 2612A-3 authorizes a change in water use (1.00 cubic feet of water per second from one existing well, 41 feet deep) from irrigation use to use by the Brookings-Deuel and Kingbrook Rural

Water Systems during the time period from April 1 through September 30. This application is to increase the allowable annual water use from 210 acre-feet to 434 acre-feet and to allow water use throughout the entire year. Use of water during the time period from April 1 through September 20 may exceed the 210 acre-feet authorized by Permit No. 2612A-3. No increase in the 1.00 cfs diversion rate is authorized by this application and the water is to be used by the rural water systems.

Pursuant to SDCL46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5434-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. The application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD, on May 23, 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 May 11, 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 information on this application to assure access to the hearing by the handicapped.

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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,

Handwritten notes and stamps at the bottom left of the page, including a circular official seal.



Department of Water & Natural Resources

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

April 19, 1990

Clear Lake Courier
Box 277
Clear Lake, SD 57226-0277

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5434-3 to be published twice. Please publish the first notice on or before April 26, 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 Brookings - Deuel/Kingbrook Rural Water System, RR #2 Box 84, Toronto, SD 57268.

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

TO: Eric Gronlund
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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Deuel) ss.



I, Gary DeJong

certify that the attached printed Notice was taken
 from the Clear Lake Courier

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

city _____ of Clear Lake

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

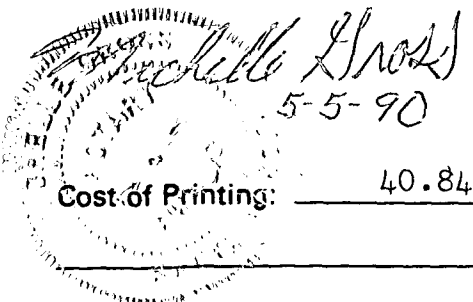
April 25 1990

May 2 1990

Gary DeJong
 (Signature)

Publisher
 (Title)

5/3/90
 (Date Signed)



Cost of Printing: 40.84

My Commission Expires
 January 29, 1998

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, 46-6-30.2, 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.
 Apr. 25 & May 2

NOTICE OF HEARING APPLICATION NO. 5434-3 APPROPRIATE WATER

Notice is given that Brookings Deuel/
 Kingbrook Rural Water System, RR #2
 Box 84, Toronto, SD 57268 has filed an
 application for a water permit to increase
 the 210 acre-feet of water volume
 authorized by Permit No. 2612A-3 and
 to allow water use during the entire year.
 Permit No. 2612A-3 authorizes a change
 in water use (1.00 cubic feet of water per
 second from one existing well, 41 feet
 deep) from irrigation use to use by the
 Brookings-Deuel and Kingbrook Rural
 Water Systems during the time period
 from April 1 through September 30. This
 application is to increase the allowable
 annual water use from 210 acre-feet, to
 434 acre-feet and to allow water use
 throughout the entire year. Use of water
 during the time period from April 1
 through September 30 may exceed the
 210 acre-feet authorized by Permit No.
 2612A-3. No increase in the 1.00 cfs
 diversion rate is authorized by this
 application and the water is to be used
 by the rural water systems.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer of the Water Rights Division
 recommends APPROVAL of Applica-
 tion No. 5434-3 because 1) unappropri-
 ated water is available, 2) existing rights
 will not be unlawfully impaired, 3) it is a
 beneficial use of water and 4) it is in the
 public interest. This application will be
 considered by the Water Management
 Board in the Pelican Room, Ramkota
 Inn, Hwy 212, Watertown, SD on May
 23, 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 May 11, 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 pro-
 ceeding. 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 automati-
 cally 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 May 11, 1990.



Department of Water & Natural Resources

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

April 19, 1990

Lake Preston Times
Box 368
Lake Preston, SD 57249-0368

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5434-3 to be published twice. Please publish the first notice on or before April 26, 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 Brookings - Deuel/Kingbrook Rural Water System, RR #2 Box 84, Toronto, SD 57268.

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

TO: Eric Gronlund
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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Kingsbury) ss.



I, Ardaek Nessem

certify that the attached printed Notice was taken
 from the Lake Preston Times

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

Lake Preston of South Dakota

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

April 26, 1990

May 3, 1990

Ardaek Nessem

(Signature)

office manager

(Title)

May 3, 1990

(Date Signed)

Public notice

NOTICE OF HEARING on Application No. 5434-3 to Appropriate Water

Notice is given that Brookings
 Deuel/Kingbrook Rural Water System,

RR #2 Box 84, Toronto, SD 57268 has
 filed an application for a water permit
 to increase the 210 acre-feet of water
 volume authorized by Permit No.
 2612A-3 and to allow water use during
 the entire year. Permit No. 2612A-3 au-
 thorizes a change in water use (1.00 cu-
 bic feet of water per second from one
 existing well, 41 feet deep) from irriga-
 tion use to use by the Brookings-Deuel
 and Kingbrook Rural Water Systems
 during the time period from April 1
 through September 30. This application
 is to increase the allowable annual wa-
 ter use from 210 acre-feet to 434 acre-
 feet and to allow water use throughout
 the entire year. Use of water during the
 time period from April 1 through
 September 30 may exceed the 210 acre-
 feet authorized by Permit No. 2612A-3.
 No increase in the 1.00 cfs diversion
 rate is authorized by this application
 and the water is to be used by the rural
 water systems.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer of the Water Rights Division
 recommends APPROVAL of Applica-
 tion No. 5434-3 because 1) unappropri-
 ated water is available, 2) existing
 rights will not be unlawfully impaired,
 3) it is a beneficial use of water and 4) it
 is in the public interest. This application
 will be considered by the Water Man-
 agement Board in the Pelican Room,
 Ramkota Inn, Hwy 212, Watertown, SD
 on May 23, 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 pre-
 sented at the public hearing.

Any interested person that intends to
 participate in the hearing before the
 Board by presenting evidence or cross-

Cost of Printing: 93X 24.75 = 22.12

80% = 18.18

40.90

examining witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Ross Building, 223 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.

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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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

4-26; 5-3



Department of Water & Natural Resources

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

April 27, 1990

Patrick Gilligan
Brookings-Deuel/Kingbrook RWS
RR 2, Box 84
Toronto SD 57268

Dear Mr. Gilligan:

Enclosed is the Report and Recommendation of the Chief Engineer
for Water Permit Application No. 5434-3.

Sincerely,

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

KAREN SCHLAAK
Senior Secretary
Water Rights Division
605 773-3352

enclosures



Department of Water & Natural Resources

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

5434-3

SEP 12 1990

Patrick Gilligan
Brookings-Deuel/Kingbrook RWS
RR #2 Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

Enclosed is Water Permit No. 5434-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with a large initial "J" and a stylized "H".

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date September 14, 1990

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

FROM: Brookings-Deuel/Kingbrook Joint Well Field Box 84 Toronto, SD 57268
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5434-3.

Water Permit No. 5434-3 states that the diversion system is to be constructed by 5-23-1995, and that the water it put to beneficial use by 5-23-1999.

The diversion system was completed on August 1, 1990.

Applying the water to beneficial use was completed on Aug 8-1990.

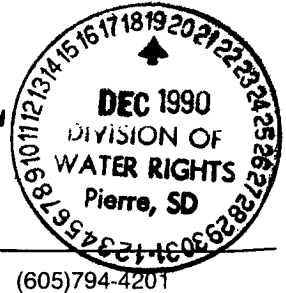
You may schedule an inspection so that the Water License may be issued.

Patricia M. Lacey
signature



BROOKINGS-DEUEL

Rural Water System, Inc.



R.R. 2 Box 84

Toronto, South Dakota 57268

(605)794-4201

December 17, 1990

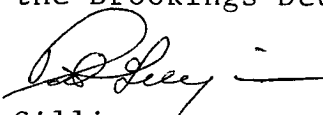
South Dakota Department of
Water & Natural Resources
Attention: Ron Duvall
Natural Resource Engineer
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Ron:

The water withdrawal on water rights/permits 2612A-3
and 5434-3 for 1990 is 58,796,000 gallons.

Usage on this well was commenced approximately July 15,
1990. Withdrawal rate is approximately 300 gpm.

For the Brookings-Deuel/Kingbrook Joint Well Field,


Pat Gilligan

PG:lt

5434-3



BROOKINGS-DEUEL

Rural Water System, Inc.

R.R. 2 Box 84

Toronto, South Dakota 57268

(605)794-4201

January 22, 1992

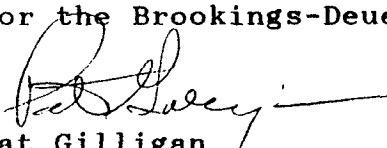


Ron Duvall
DENR
523 East Capitol
Joe Foss Building
Pierre, SD 57501

Dear Ron:

Withdrawals for permit/rights on numbers 2612A-3 and 5434-3 at the Brookings-Deuel/Kingbrook Joint Wellfield is 85,092,000 gallons for 1991.

For the Brookings-Deuel/Kingbrook Joint Wellfield,


Pat Gilligan

PG:ta

We have changed over the years, the method of handling water from an open well with a rope and a bucket to electric pumps, but rural water systems have provided the only real improvement in the quality of the water in rural areas, a factor that makes the effort worthwhile.

5434-3



BROOKINGS-DEUEL

Rural Water System, Inc.

R.R. 2 Box 84

Toronto, South Dakota 57268

(605)794 4201

December 28, 1992



Ron Duvall
Natural Resources Engineer
DENR - Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Ron:

Withdrawal under permits 2612A-3 and 5434-3 is 80,640,000 gallons for 1992.

Should you have any questions or need any additional information please contact me.

For the Brookings-Deuel/Kingbrook Joint Well Field,

Pat Gilligan

PG:lt



5434-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1994

Patrick Gilligan
Brookings-Deuel & Kingbrook Rural Water System
Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

Pursuant to a qualification on Water Permit/Right No. 2612A-3 & 5434-3, I am requesting that the Brookings-Deuel & Kingbrook Rural Water System report the total amount of water diverted from each permit during 1993. Please respond by January 31, 1994.

If you have any questions concerning this or other water rights questions, please contact Barry McLaury, Natural Resources Analyst, (605) 773-3352.

Sincerely,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division



BROOKINGS-DEUEL

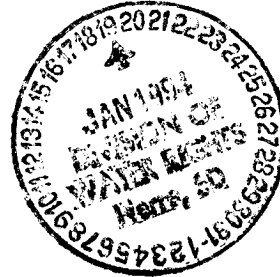
Rural Water System, Inc.

R.R. 2 Box 84

Toronto, South Dakota 57268

(605)794-4201

January 17, 1994



Ron Duvall
DENR
523 East Capitol
Joe Foss Building
Pierre, SD 57501

Dear Ron:

Withdrawals for permit/rights on numbers 2612A-3 and 5434-3 at the Brookings-Deuel/Kingbrook Joint Wellfield is 69,405,000 gallons for 1993.

For the Brookings-Deuel/Kingbrook JWF,

Patrick Gilligan

PG:lt



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 1995

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

Dear Mr. Elcock:

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

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

A couple points to consider when reviewing this list:

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

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

December 15, 1995

Permit No. 5434-3
X River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 8 May 1996, made a thorough examination of the water use system constructed by Howard Geringer and transferred to Brookings-Deuel Rural Water System Inc. of RR2 Box 84 Toronto SD holder of Permit No. 5434-3, bearing the priority of 2 April 1990 authorizing the diversion of 1.0 cu. ft. per second and 224 acre-feet of the waters of the Big Sioux-Brookings Aquifer for rural water purposes, in Brookings County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One 41 foot well located approximately 1400 feet west and 650 feet south of the northeast section corner of section 25 T112N R51W and licensed under water permit number 2612A-3.

B. Works used to transport water to place of use:
reported as 1300 feet of 6 inch pvc pipe

C. Works used to apply water to beneficial use:
rural water system distribution lines.

The system is in the following condition excellent. The point of diversion is located approximately 1400 feet west and 650 feet south of the northeast section corner of section 25 T112N R51W. The works are capable of diverting and conveying to the place of use 210 acre feet of water from 2612A-3 and 224 acre feet from 5434-3 with 1.0 cu. ft. per second of water which is to be used for rural water system use. Water has been put to beneficial use to the maximum extent as follows:

5434-3 authorizes the use of water from October 1 to March 31 of each year, 2612A-3 authorizes water use from April 1 to September 30 of each year. The total amount of water that can be utilized for 2612A-3 is 210 acre feet and for 5434-3 is 224 acre feet for a total of 434 acre feet of water.

Map within the permit file is correct.

the license should be issued for 1.0 cfs and 434 acre-feet.
Applicable permit qualifications have been complied with: Yes X

Date Report Completed: 8 May 1996



Gale N. Selken, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5434-3

Other permit(s) associated with the project: 2612A-3

DATE OF INSPECTION: 8 May 1996

NAME & ADDRESS OF INSPECTION CONTACT/ Pat Gilligan

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Manager

NAME & ADDRESS OF PERMIT HOLDER: Brookings Deuel Rural Water System Inc. RR2 Box 84
Toronto SD

DIVERSION POINT LEGAL LOCATION: approximately 1400 feet west and 650 feet south of the
northeast section corner of section 25 T112N R51W. Distances are approximate as the legal
section corner was not physically located in the field.

WELL INFORMATION:

: All well information is provided under water permit license 2612A-3

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit na
- 2) Special qualifications to permit being abided by yes, a variance was granted for the well
construction
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of
construction period na

5434-3 authorizes the use of water from October 1 to March 31 of each year, 2612A-3 authorizes
water use from April 1 to September 30 of each year. The total amount of water that can be
utilized for 2612A-3 is 210 acre feet and for 5434-3 is 224 acre feet for a total of 434 acre feet
with a diversion rate of 1.0 cubic feet per second of waters from the Big sioux-Brookings
Aquifer.

Mr. Gillian reported that license items under 2612A-3 are correct.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 4, 1997

5433-3

5434-3

5602-3

Patrick Gilligan, Manager
Brookings-Deuel RWS
RR 2, Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5433-3, 5434-3 and 5602-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee per license (\$150.00 total) from you, we will begin processing your Water Licenses.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.

RECEIPT

415311

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 11, 1997

RECEIVED OF Brookings-Deuel-Kingbrook, RR 2 Box 84, Toronto SD 57268

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. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5434-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

JOHN HATCH

ks

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5434-3**

(1) The Brookings-Deuel/Kingbrook Rural Water System Inc., RR 2 Box 84, Toronto, SD 57268 made Application No. 5434-3, April 2, 1990 for a water permit to increase the volume of water authorized by Water Right No. 2612A-3 from 210 acre feet annually to 434 acre feet annually and allow use of water during the entire year. Water Permit No. 5434-3 did not allow for an increase in the 1.00 cubic feet of water per second diversion rate from the existing well located in Brookings County, South Dakota. Permit No. 5434-3, with a priority date of April 2, 1990 was approved May 23, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 23, 1995 and for the application to beneficial use of said water on or before May 23, 1999.

Other permits or rights associated with this project are:

1. Water Permit No. 2612-3 (priority date of March 1, 1976) authorizing diversion of 1.00 cfs from a 41 foot deep well to be used for irrigation purposes from April 1 - September 30 each year.
2. Water Right No. 2612A-3 (priority date of March 1, 1976) authorizing a change in use of the 1.00 cfs described in No. 2612-3, from irrigation purposes to rural water system use. No. 2612A-3 authorized a maximum annual withdrawal of 210 acre feet. Use of water was authorized from April 1 to September 30 each year.

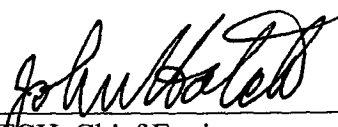
The applicable portions of Water Permit No. 2612-3 and Water Right No. 2612A-3 are incorporated into this Water License No. 5434-3. Priority dates retained for Water License No. 5434-3 are as follows:

- **March 1 1976, as established under Nos. 2612-3 & 2612A-3, for 210 acre feet of water annually;**
- **April 2, 1990, as established under No. 5434-3, for 224 acre feet annually.**

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.00 cubic feet of water per second for beneficial use with an annual limitation of 434 acre feet. The location of the diversion point is 1,400' W and 650' S of the NE corner of Section 25, T112N, R51W (NW¼ NE¼ Section 25).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Brookings-Deuel/Kingbrook Rural Water System, Inc., the holder and/or owner of Incorporated Water Permit No. 5434-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second with a volume limitation of 434 acre feet annually from ground water (one well) with priority dates of March 1, 1976 (210 acre feet) and April 2, 1990 (224 acre feet) to be used for rural water system. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5434-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

5433-3
5434-3
5602-3

Pat Gilligan, Manager
Brookings-Deuel Rural Water System
RR 2, Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

Enclosed are Water License Nos. 5433-3, 5434-3 and 5602-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415310, 415311 and 415312 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5433-3, 5434-3 and 5602-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2612-3 and Water Right No. 2612A-3 are incorporated into this Water License No. 5434-3.