

Considered: _____

WATER PERMIT NO. 5602-3

Phone: 794-4201

Name of Applicant: Brookings-Deuel/Kingbrook Joint Well Field

Post Office Address: RR 2, Box 84, Toronto SD 57268

Amount of Water Claimed: 1.0 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: RWS County: Brookings

About 2 miles North of Bruce

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 10-4-91 Fee: \$325 Remarks Water reserved

by Future Use Permit No. 3932-3

Corrected Application Received 12-19-91 Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: NE 1/4 NE 1/4 Sec 25-112-51

Land to be Irrigated: _____

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 50' REMARKS _____

Type of Map: plat PREPARED BY: Bruce Jennings, PE Reviewed and the Number

Assigned on 12-19-91 By Karen Schlaak



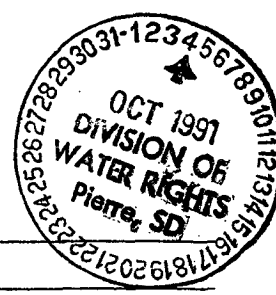
Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 5602-3 Hydrologic Unit 10170202
Map No. _____ Basin Big Sioux River
Newspaper see list

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. 3982-3

1. Name of Applicant Brookings-Deuel/Kingbrook Joint Well Field Phone No. 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 (724 acre ft)
 3. Source of water supply well
 4. Location of point of diversion NE 1/4 Section 25 T112N R51W Brookings County

_____ County Brookings

5. Counties where water will be used Brookings - Deuel - Kingsbury - Hamlin - Moody
Minnehaha - McCook - Miner - Lake - Clark
 6. Annual period during which water is to be used year around 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)
 The additional water rights for a production well are in conjunction with our 1992 construction project. This project will serve the city of Bruce and community of Bushnell in addition to approximately 70 new rural users from this treatment plant.

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, B-Deuel/Kingbrook JWF by Patrick N. Gilligan, agent, 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 [Signature]

Subscribed and sworn to before me this 2nd day of October 19 91

Laurie L. Sandhu
Notary Public

Expires- 5/16/96

SOUTH DAKOTA
WATER PERMIT No. 5602-3

Date of first receipt of application October 4, 1991.

Date of return to applicant for corrections, amendments or changes
October 8, 1991.

Date of receipt of corrected application December 19, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5602-3 to the Brookings-Deuel/Kingbrook Joint Well Field, 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. 5602-3 authorizes construction and beneficial use of 1.0 cubic feet of water per second (434 acre-feet) from one well (Big Sioux:Brookings Aquifer) 50 feet deep located in the NE 1/4 NE 1/4 Section 25-T112N-R51W. This water was appropriated and reserved by future use Permit No. 3982-3.
2. The water appropriated shall be used for the purpose of supplying water to the Brookings-Deuel and Kingbrook Rural Water System which will serve the cities of Bruce and Bushnell and any new rural users 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 of approval of Permit No. 5602-3 is April 15, 1992.
5. The date from which applicant may claim right is June 6, 1977.
6. One-fifth of the construction is to be completed on or before October 15, 1994.
7. All construction is to be completed on or before April 15, 1997.
8. Water is to be put to beneficial use on or before April 15, 2001.
9. 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.

(continued)

2. The well authorized by Permit No. 5602-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
3. Approval of Permit No. 5602-3 authorizes a total annual diversion of 434 acre-feet annually.
4. The Brookings-Deuel/Kingbrook Joint Well Field shall report to the chief engineer annually the amount of water withdrawn each year from the Big Sioux:Brookings Aquifer.

WATER MANAGEMENT BOARD

By: _____

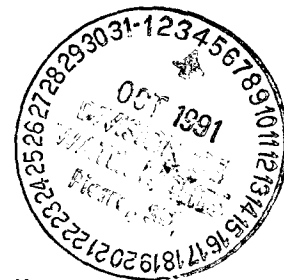
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 6 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 50'
- b) Casing Type steel Diameter 12" Thickness 3/16"
- c) Screen Type Johnson slot Diameter 10" Thickness .100
- d) Gravel Pack Thickness 9" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 10'
- f) Depth to Water (ground surface to water level) 9'
- g) Distance to nearest existing domestic well:
 On applicants property 800 ft On property owned by others 1,320 ft

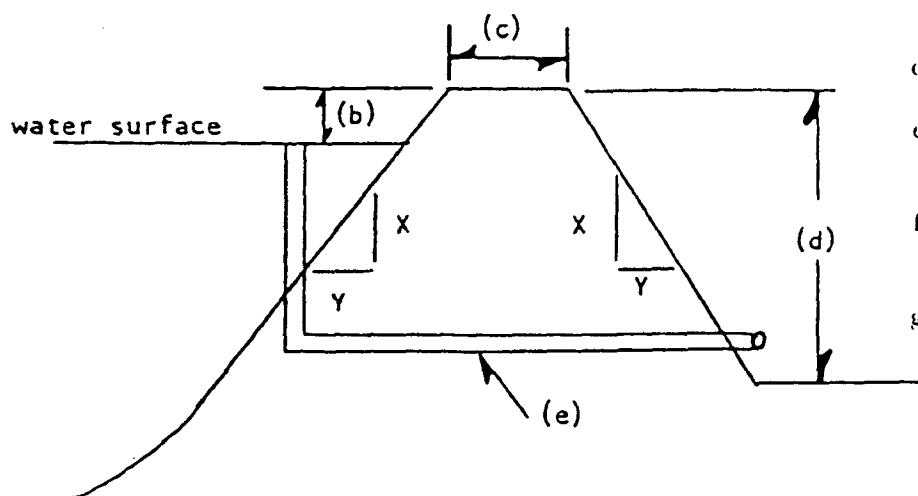
2. Dugout Information Estimates

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

3. Water Storage Dams

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

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



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

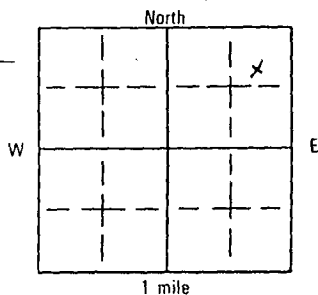
Signature of Applicant _____

Location NE 1/4 NE 1/4 Sec 25 Twp 112-N Rg 51-W

County

Brookings

lease mark well location with an "X"



Well Completion Date 10-27-92

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock ☒ Rural Water

Method of Drilling: 20" FALSE CASING

ASHLING DATA:

☒ Steel ☐ Plastic ☐ Other

Other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>20</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>30</u> FT	<u>20"</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

ROUT:

Was the well grouted? ☒ YES ☐ NO
To what depth? 8' to 6' FEET

What is grouting material? BENTONITE

Cement, number of sacks? _____

Describe grouting procedure BENTONITE PELLETS
IN FALSE CASING ABOVE PUMP
THE FILLER AREA W/ YELLOW CLAY

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 IN Length 12' FEET

Material SS

Slot Size 200 Set From 30 Feet To 42 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information plate bottom

Was a packer or seal used? ☐ YES ☐ NO

so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain chlorinated pack & well

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to GWREY WILL SAMPLE
& SEND IN REPORTS

Well Owner:

Name B-D R.W.S.

Address B84 TOWENT, SD 57268

Well Log:

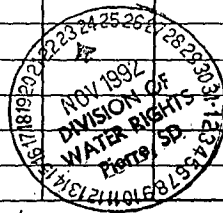
Depth

Formation

From

To

<u>Topsoil</u>	<u>0</u>	<u>2</u>
<u>GRAVEL</u>	<u>2</u>	<u>14</u>
<u>UNIFORM, FINE SAND</u>	<u>14</u>	<u>22</u>
<u>COARSE SAND</u>	<u>22</u>	<u>38</u>
<u>UNIFORM, FINE SAND</u>	<u>38</u>	<u>42</u>



STATIC WATER LEVEL 7' 0" Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped 6 hrs @ 700 gpm

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

22 ft. After 6 Hrs. pumped 700 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

rather typical well for
THE AREA - FINISHED
W 6' bary 12" rather
PITLESS ADAPTER

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm LACEY WELL DRILLING

Signature of License Representative:

James D. Lacey

Signature of Well Owner:

Brookings Decel/Kingbrook

Date 11-10-92

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	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-feet 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	VEF	LC
					SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8-111N-56W		
					SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-111N-56W		
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	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
				1977-06-06			
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-feet 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

CITY OF BRUCE

BRUCE, SOUTH DAKOTA 57220



September 26, 1989

Mr. Pat Gilligan
Brookings-Deuel Rural Water System, Inc.
P. O. Box 84
Toronto, South Dakota 57268

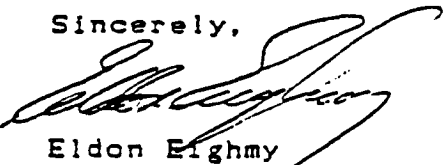
Dear Mr. Gilligan:

As you may be aware, the City of Bruce has been having some problems with the quality of the water that we are delivering to our users. Water tests have shown that we have traces of herbicides in our water supply and at times our nitrate levels exceed the state minimum standards.

We have considered digging a new city well, but water tests show that the relatively high nitrates and traces of herbicides are present in all of the test wells that we drilled.

Earlier this year, the Bruce City Council decided that the best long term solution to our water quality problems would be to lease our existing system to the Brookings-Deuel Rural System, Inc. The City Council believes that with the EPA water quality standards ever-changing, the costs of updating and operating a small system such as ours will continue to increase as the water quality standards become more restrictive and the cost to our users will eventually increase to a level that we will not be able to afford.

Sincerely,



Eldon Eighmy
Mayor

*Report prepared by Dannis Beissel & Assad Baarri
Sept 1976*

GROUND-WATER STUDY FOR THE BROOKINGS-DEUEL RURAL WATER SYSTEM

At the request of the Brookings-Deuel Rural Water System, the South Dakota Geological Survey conducted a ground-water study in three areas: White-Deer Creek, north of Bruce, and Clear Lake. The purpose of the study was to locate sources of water for the Rural Water System. Two weeks of drilling were done in 1974 and three weeks in 1975. In addition, the Survey supervised two aquifer tests in 1975 and 1976 and analyzed the data.

The project was financed by East Dakota Conservancy Sub-District, Brookings County, Deuel County, Brookings-Deuel Rural Water System, and the South Dakota Geological Survey. The following are the results of the study and conclusions for each area.

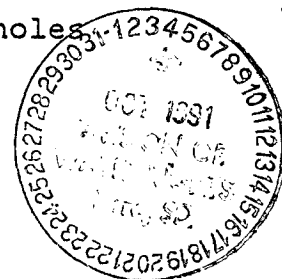
WHITE-DEER CREEK AREA

Seven test holes were drilled in the White-Deer Creek area in 1974. The logs of these test holes are in appendix A and the locations are shown in figure 1. Three water samples were collected from the area and analyzed. The chemical analysis results from these water samples are in table 1 and the locations of the samples are shown in figure 1.

The results of the test hole drilling and water sample analyses were presented to the Board of Directors of the Brookings-Deuel Water System. The long distance from the major water users to this area eliminated it from further consideration.

NORTH OF BRUCE

In the area north of Bruce three auger and two rotary holes were drilled in 1974. The analyses of three water samples



collected from this area are designated by WB-1 through WB-3 in table 2. The Board of Directors of the Brookings-Deuel Rural Water System was informed that there is enough ground water for development for the Rural Water System in this area. It was also recommended that additional test holes be drilled and a pump test conducted after agreement was reached with land owners.

In 1975 the South Dakota Geological Survey drilled 14 test holes and constructed 5 observation wells. Empire Drilling Company was hired and they constructed 6 observation wells. The locations of all the holes drilled in 1974 and 1975 are in figure 2 and the logs are in appendix B.

In October, 1975, on the recommendation of the South Dakota Geological Survey, an aquifer test was conducted in the Big Sioux Aquifer north of Bruce, Brookings County, South Dakota. The test site was located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 25, T. 112 N., R. 51 W., which corresponds to the location of the main well site for the Brookings Deuel Rural Water System (fig. 2). Supervision and analysis of the aquifer test were provided by the South Dakota Geological Survey.

Well and Aquifer Test Description

The test well was 44 feet deep, 12 inches in diameter, with 15 feet of 40 slot screen set at the bottom. The driller's log of the test well was as follows:

0- 2	Topsoil
2-11	Gravel, dirty
11-15	Gravel, coarse
15-27	Sand, coarse
27-37	Sand, fine
37-44	Sand, coarse
44-	Blue clay (till)

Well #1 Production



The well was pumped at an average rate of 470 gpm (gallons per minute) for 116 hours. The saturated thickness of the aquifer was 34 feet. The discharged water was piped to the Big Sioux River about 6,200 feet south of the test well. The four observation wells monitored for the test were located 50 to 100 feet north and south of the test well (fig. 3). These observation wells were partially penetrating (25 feet deep) with sand points at the bottom. Water levels in OB5 (fig. 3) were checked periodically throughout the test, but were not used for determining aquifer characteristics.

Aquifer Test Results

The following table (table 3) shows static water levels, total drawdown, and recovery in the wells used for the aquifer test.

TABLE 3. Summary of water level measurements for the pump test north of Bruce

	Elevation (Ground Surface) (feet - MSL)	Static Water Level (feet - MSL)	Total Drawdown (116 hours)	Recovery (72 hours after shutoff)
Test Well	1632.21	<u>1623.23</u>	9.41 feet	9.05 feet
OB1	1630.11	1620.78	1.83 feet	1.55 feet
OB2	1629.65	1620.75	2.61 feet	2.11 feet
OB3	1629.43	1620.66	2.39 feet	2.24 feet
OB4	1629.61	1620.63	1.88 feet	1.47 feet

The drawdown data from the test were analyzed using the Theis non-equilibrium formulas. The data were corrected for dewatering

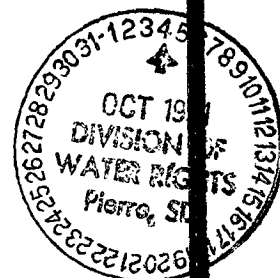
and matched to the non-leaky, artesian, constant discharge type curve. The Jacob time-drawdown method was used for drawdowns measured during the later part of the test. Analysis showed the transmissivity of the aquifer to be approximately 155,000 gpd/ft (gallons per day per foot) and storage coefficient to be 0.11. With a saturated thickness of 34 feet, the permeability was found to be 4560 gpd/ft². The specific capacity of the test well was 50 gpm/ft (gallons per minute per foot).

Using the aquifer characteristics determined above and the distribution of drawdowns during test pumping, it is estimated that the aquifer can safely yield at least 500 gpm (gallons per minute) without causing interference in existing wells. It is suggested that any new wells be at least 800 feet away from the well at the test site.

For specific details about the aquifer test and analysis, the reader may contact the South Dakota Geological Survey. The results of chemical analysis of a water sample collected during the test are designated by WB-4 in table 2.

CLEAR LAKE AREA

In 1974, the Brookings-Deuel Rural Water System requested the assistance of the South Dakota Geological Survey (SDGS) in finding a ground-water supply in Deuel County for the northern part of the water system. The South Dakota Geological Survey was conducting a geology and water resource study of Deuel County at that time and was therefore able to provide general test hole and water quality information. Based on this, two areas in the County were considered for further investigation: (1) a buried aquifer



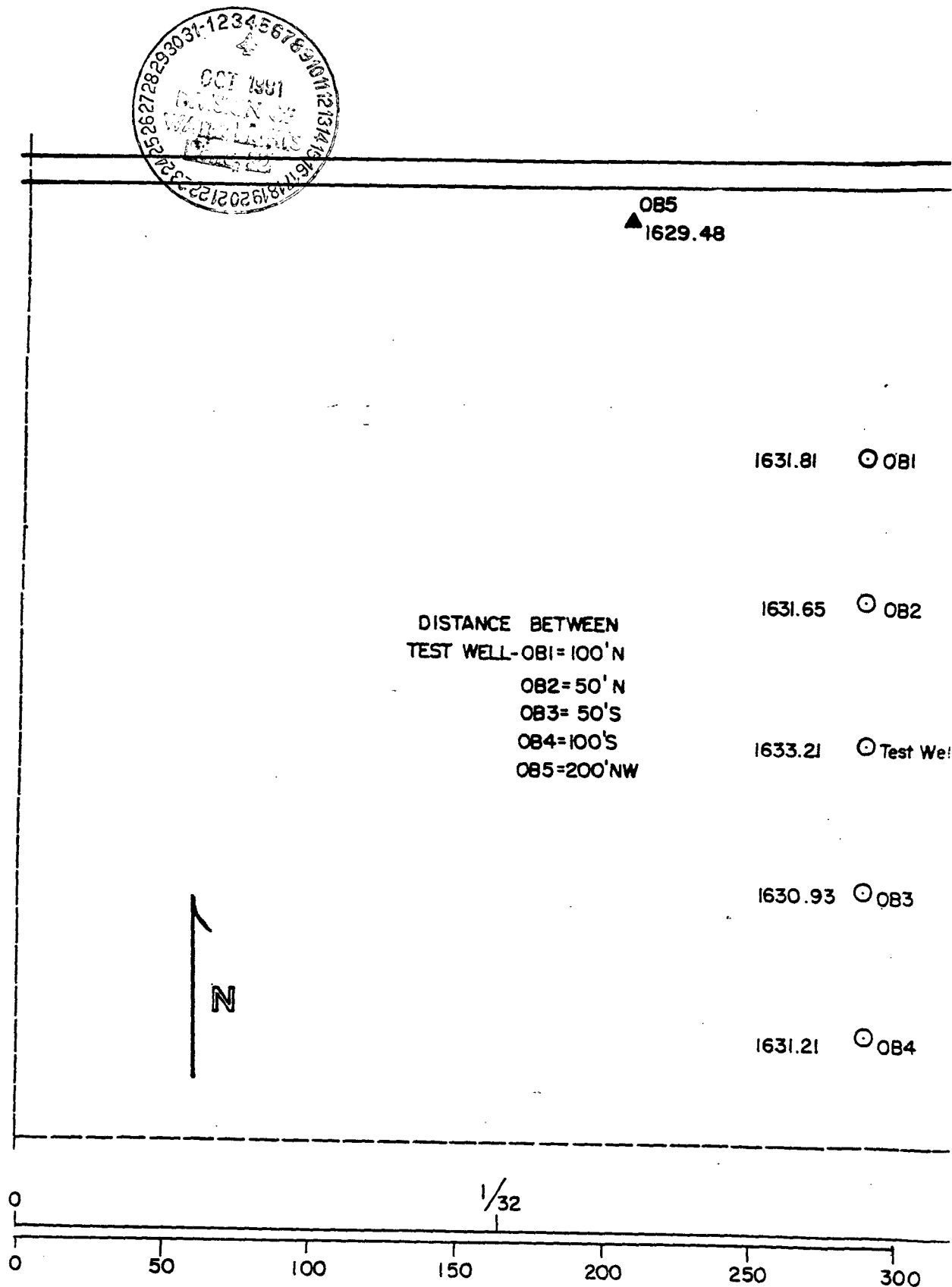


FIGURE 3-- Well configuration and elevations at the Brookings-Deuel rural water system test site, NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SEC. 25, T. 112N; R. 51 W; Brookings county, South Dakota.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

October 8, 1991

Patrick Gilligan
Brookings-Deuel/Kingbrook Joint Well Field
RR 2, Box 84
Toronto SD 57268

Dear Mr. Gilligan:

In regard to the water permit application received on October 4, 1991, the following information needs to be submitted and clarified in order to process your application.

1. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. Enclosed is the check in the amount of \$275.00. The filing fee, based on the 724 acre feet of water claimed, will be \$325.00.
3. Item No. 4 of the application states the well will be located in the N 1/4 NE 1/4 Section 25. Looking at the map submitted with the application, it appears the well will be located in the NE 1/4 NE 1/4 Section 25-T112N-R51W. Is this location correct?

Upon receipt of the above, further processing of the application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS - TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED ()
Complete Items 1 thru 27 and applicable items 28 thru 40. See FmHA 3 Tabs 2 Spaces.

1. CASE NO. St Co Borrower's ID A 7 0 1 0 0 1 4 6 0 3 2 1 7 5 3		LOAN NO. (Finance Office Only)		FISCAL YEAR (Finance Office Only)	
2. BORROWER NAME B L O O K I N G S I D M U R R I L L (1) W E R N O I D A T E D O L I E S S I T E M (2) I N M A (3)		3. NO. NAME FIELDS 2 (1, 2, or 3 from Item 2)		4. STATE NAME N I O T H I A D I A L I G I T I A L	
		5. COUNTY NAME O R I G I N E L			
GENERAL BORROWER/LOAN INFORMATION					
6. RACE/ETHNIC CLASSIFICATION 1 = White 2 = Black 3 = AI/AN 4 = Hispanic 5 = A/PI		7. SEX CODE 1 = Male 2 = Female 3 = Family Unit 4 = Organization-Male Owned 5 = Organization - Female Owned 6 = Public Body			
8. MARITAL STATUS 1 = Married 3 = Unmarried 2 = Separated	9. VETERAN CODE 1 = Yes 2 = No	10. CREDIT REPORT 1 = Yes 2 = No		11. DIRECT PAYMENT 1 = County Office 3 = No 2 = Finance Office	
12. TYPE OF PAYMENT 1 = Monthly 3 = Semiannual 2 = Annually 4 = Quarterly	13. FEE INSPECTION 1 = Yes 2 = No	14. INTEREST CREDIT 1 = Yes (SFH & MFH Only) 2 = No		15. COMMUNITY SIZE 1 = 10,000 or less (SFH & MFH Only) 2 = Over 10,000	
COMPLETE FOR OBLIGATION OF FUNDS					
16. TYPE OF ASSISTANCE		17. PURPOSE CODE		18. TYPE OF FUNDS (See FMI)	
19. PERCENT OF LOAN GUARANTEED (Complete if Item 18 equals 1, 3, 4, or 5)		19A. TERM OF INTEREST RATE BUYDOWN (See FMI)		20. TYPE OF ACTION 1 = Obligation Only 2 = Obligation/Check Request 3 = Correction of Obligation	
21. TYPE OF SUBMISSION 1 = Initial (Enter Code 2 if subsequent loan associated with Credit Sale or Assumption) 2 = Subsequent		22. AMOUNT OF LOAN \$ 866,000.00		23. AMOUNT OF GRANT \$ 11,050,000.00	
24. AMOUNT OF IMMEDIATE ADVANCE \$ 0.00		25. DATE OF APPROVAL MO DA YR		26. INTEREST RATE 06.9900 (%)	
				27. REPAYMENT TERMS 40 (No. of Years)	
COMPLETE FOR SINGLE FAMILY HOUSING ONLY					
28. INCOME CATEGORY CODES 1 = Very Low 2 = Low 3 = Moderate 4 = Above Moderate		29. LOW INCOME LIMIT-MAX. \$ 0.0		30. ADJUSTED FAMILY INCOME \$ 0.0	
31. R. E. INSURANCE \$ 0.0		32. R. E. TAXES - 1st YEAR \$ 0.0		33. R. E. TAXES - 2nd YEAR \$ 0.0	
34. NOTE INSTALLMENT INELIGIBLE \$ 0.0		35. TYPE OF UNIT 1 = Farm Tract 2 = Non-Farm Tract		36. DWELLING CODE 1 = Build 2 = Purchase New 3 = Purchase Old 4 = Refinance 5 = Repair 6 = Purchase Old-Repair 7 = Refinance-Repair	
COMPLETE FOR COMMUNITY PROGRAMS AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS					
37. TYPE OF APPLICANT 1 = Individual 3 = Corporation 5 = Assn. of Farmers 7 = Other 2 = Partnership 4 = Public Body 6 = Organ. of Farm Workers		38. PROFIT TYPE 1 = Full Profit 2 = Limited Profit 3 = Non-Profit			
COMPLETE FOR EM LOANS ONLY					
39. DISASTER DESIGNATION NUMBER (See FMI)		40. TYPE OF SALE 1 = Credit Sale Only 3 = Credit Sale/Subsequent Loan 2 = Assumption Only 4 = Assumption/Subsequent Loan			

COPY 1 - Applicant/Lender/Transferee

Position 2

FmHA 1940-1 (Rev. 9-88)

A circular ink stamp from the National Archives and Records Administration. The outer ring contains the text "NATIONAL ARCHIVES AND RECORDS ADMINISTRATION" at the top and "COLLEGE PARK, MARYLAND" at the bottom. In the center, the date "1967-12-31" is stamped.

I.

Systems utilizing groundwater sources are required to submit compliance samples once every three years. The City submitted a compliance sample in April, 1989 with the results being 13.7 mg/l. In addition, the City is also monitoring monthly for nitrates. The past 12 monthly samples show considerable variation from a high of 15.6 mg/l to a low of 7.5 mg/l with an average of 11.2 mg/l.

The purpose of this Agreement is to require the City to comply with the maximum nitrate contaminant level of 10 mg/l NO₃ as N. This Agreement will establish the actions which the system must take to comply with SDCL Chapter 34A-3A and the regulations adopted thereunder (ARSD Section 74:04:05),

and will establish a timetable for accomplishing those actions.

II. Solutions to the Violation

The solutions available to the City for their nitrate contamination entails locating other groundwater sources or connection to another system.

In the past, the City has performed groundwater investigations in an effort to locate alternate sources of water. The finding of these studies have caused the City to believe their best solution would be connection to another system. The City has approached the Brooking-Deuel Rural Water System and indicated an interest in service from the rural system. This would provide the City with a water quality meeting the state drinking water standards.

III. The City agrees to perform the necessary activities as soon as possible but in no event shall the performance be later than the date stated:

Activity

Date

1. Connect to and receive
water service from the
Brooking-Deuel Rural
Water System.

December 1, 1991

IV. Interim Measures

The City agrees to perform the following activities until all water users are provided with drinking water which complies with the drinking water standards:

1. Supply bottled water for drinking and cooking purposes to pregnant women, infants 1 year of age and under, and women breast-feeding infants 1 year of age and under.
2. On a continued basis, through public notice, inform users of the nitrate violation. The users shall be notified through posting of the notice in a public place, through direct mailing or publication in a local newspaper. The notice shall explain the nature of the violation, a statement that a drinking water standard has been violated, preventive measures which may be taken by the public, and the availability of bottled water. Copies of the Notice shall be supplied to the department within two weeks after notice.

V. Amendment Process

1. This agreement may be amended by either party upon submission of a formal petition requesting amendment and stating the reason(s) for the proposed amendment(s). An amendment to this Agreement must be in writing and executed by both parties.

VI. Compliance

1. Any failure to comply with the requirements stated herein will result in the initiation of enforcement, injunctive and civil penalty action by the Department. Such action could result in civil penalties of up to \$500.00 per day of violation.

City of Bruce

Department of Water and
Natural Resources


Eldon Eighmy, Mayor


Floyd Matthew, Secretary

5-7-90
Date

5/10/90
Date



STATE OF SOUTH DAKOTA

GEORGE S. MICKELSON
GOVERNOR

EXECUTIVE OFFICE
STATE CAPITOL
PIERRE, SOUTH DAKOTA
5/501
(605)773-3212

November 26, 1990

Mr. Lloyd Sterud
Chairman, Brookings County Commission
314 6th Avenue
Brookings, SD 57006

Dear Mr. Sterud:

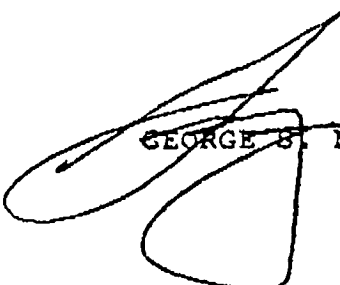
A number of excellent applications for a variety of projects were submitted for funding from the Community Projects Account. This makes the allocation of a limited amount of public funds one of my most difficult responsibilities as Governor.

I was impressed with your Community Development Block Grant proposal and am pleased to inform you that I have reserved up to \$300,000 in CDBG funds for the expansion of the Brookings-Deuel Rural Water System.

The Governor's Office of Economic Development will soon be sending you notice of a grantees workshop and a formal funding offer. It will specifically describe the conditions under which you can receive the grant.

Congratulations! I hope this grant will help expedite the successful completion of your project.

Very truly yours,


GEORGE S. MICKELSON

GSM:FB

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412968

Pierre, December 19, 1991

RECEIVED OF Brookings-Deuel-Kingbrook Joint Wellfield, R 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. <u>5602-3</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 J. H. Hatcher
Chief Engineer

REPORT ON APPLICATION NO. 5602-3
for Brookings-Deuel/Kingbrook Joint Well Field
February 13, 1992

Application No. 5602-3 proposes to construct and place to beneficial use 1.0 cfs (724 acre feet annually) from one well approximately 50 feet deep located in the NE 1/4 NE 1/4 of section 25, T112N R51W in Brookings County. This water was reserved by Future Use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel and Kingbrook Rural Water Systems and to serve the towns of Bruce and Bushnell in addition to approximately 70 new rural users.

AQUIFER - BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is glacial outwash (sand and gravel) under predominantly unconfined (water table) conditions. The Big Sioux Brookings underlies 74,500 acres and contains an estimated 245,850 acre feet of recoverable water in Brookings County (Hedges, 1982). The Big Sioux Brookings is hydraulically connected to and extends into Hamlin County and to the Big Sioux River which acts primarily as a discharge zone. The USGS estimates that the entire Big Sioux aquifer underlies 540 square miles and contains an estimated 2.0 million acre feet of water in storage in Brookings County (Hamilton, 1988). The reason for the difference in estimates is that the Big Sioux Brookings is a management unit of the entire aquifer and it is appropriate to consider only this portion for management purposes. Hydraulically what happens in other management units has very little impact on this area. Also, the USGS estimates total water in storage and the Hedges estimate is for recoverable water. This means that the USGS estimate is always higher usually by a factor of 25%. The Hedges estimate reflects what water the aquifer is capable of releasing to wells and would be appropriate for management purposes.

Recharge to the Big Sioux Brookings aquifer has been estimated to range between 2.7 and 6.9 inches per year (16,762 and 42,837 AF/YR) (Hedges, 1983). Irrigation water use from the Big Sioux Brookings aquifer was reported as 2111 acre feet in 1990, 5263 acre feet in 1989, 8818 acre feet in 1988 and 4833 acre feet in 1987. The Brookings-Deuel/Kingbrook Joint Well Field reported using 905 acre feet in 1991. This would indicate that estimated recharge to the aquifer is in excess of the water used.

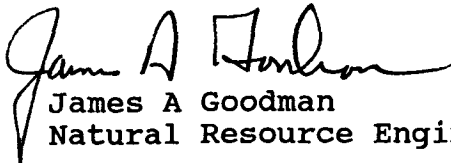
The Division of Water Rights monitors two observation wells within 1500 feet of this proposed well. These are BG-75M and BG-75N and hydrographs for these wells are included with this report. Water levels for these wells show good response to climatic conditions, that is rising rapidly during wet years (recharge) and gradually declining during dry years due to natural discharge and pumping. The water level record indicates a total magnitude of 8 to 10 feet fluctuation between highest and lowest water levels ever recorded and an annual fluctuation of 1 to 3 feet. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing wells (#1 and #5) for the rural water system which are approximately 800 feet from this proposed diversion. Also there is one existing irrigation well (Water Right No. 2048-3) which is located approximately 1700 feet south of this proposed well. Interference is not expected to be a concern. Drawdown caused by pumping does extend very far from individual production wells. This is shown by the observation well record. The observation wells are located within a short distance of existing rural water system production wells.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.
2. Interference is not expected to be a problem. Even though there are many high capacity wells located in this area there have never been any problems. The aquifer is under water table conditions and significant drawdown caused by pumping does not extend very far from an individual production well.
3. The rural water system must report annual water use for this application if approved.
4. Any well authorized by this application must be completed in accordance with SD Well Construction Standards.
5. Approval of this application will result in decreasing the amount of water reserved by Future Use Permit No. 3982-3 to 1.20 cfs. Future Use Permit No. 3982-3 has never been quantified in terms of volume. Following the formula established by the Division of Water Rights this should leave 521 acre feet remaining under Future Use Permit No. 3982-3.
6. It is unlikely that the well authorized by this application would ever produce 724 acre-feet per year and should be limited to 434 acre-feet per year.



James A Goodman
Natural Resource Engineer

BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, USGS WRI 88-4185, USGS, Huron, SD, 57350.

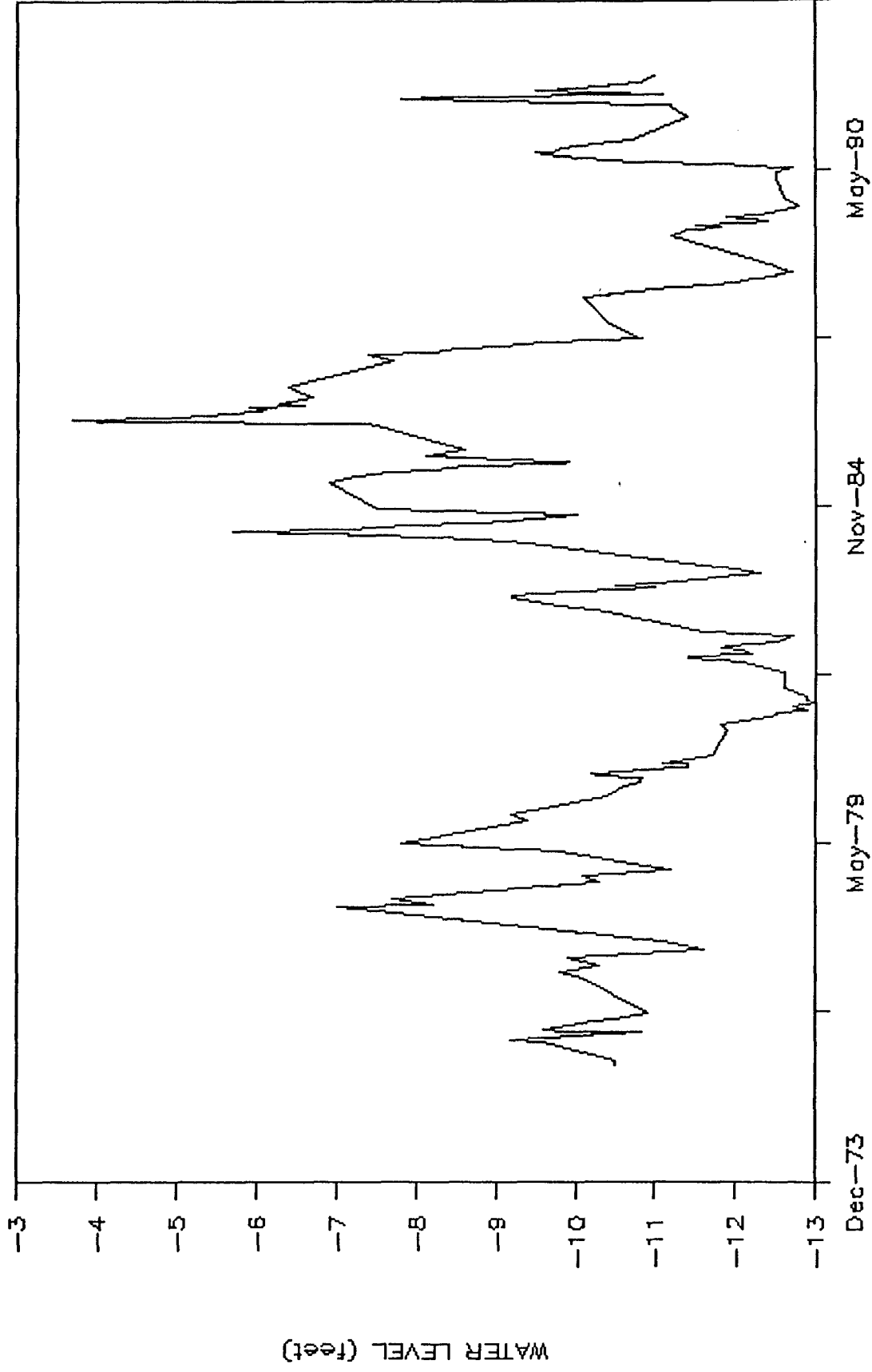
Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., 1983, same, Task 7, Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1992, Observation Well Records for the Big Sioux Brookings Aquifer in Brookings County, unpublished, SD DENR, Division of Water Rights, Pierre, SD, 57501.

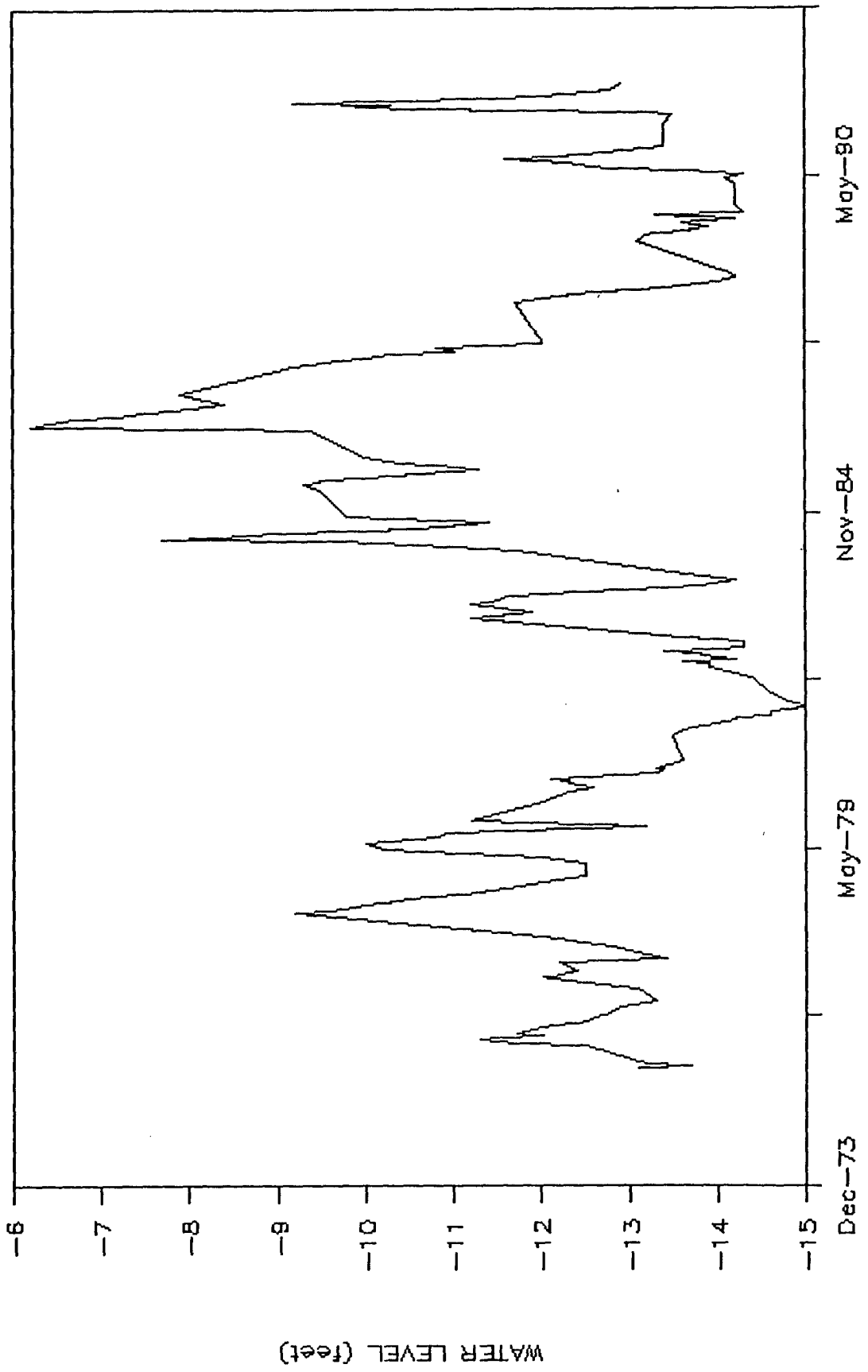
WATER RIGHTS OBSERVATION WELL

BG75M



WATER RIGHTS OBSERVATION WELL

BG75N



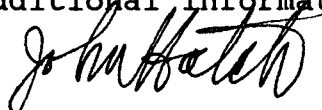
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5602-3, Brookings-Deuel/Kingbrook Well Field

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5602-3, Brookings-Deuel/Kingbrook Well Field, c/o Patrick Gilligan, RR 2 Box 84, Toronto SD 57268.

The Chief Engineer is recommending APPROVAL of Application No. 5602-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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. The well authorized by Permit No. 5602-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
3. Approval of Permit No. 5602-3 authorizes a total annual diversion of 434 acre-feet annually.
4. The Brookings-Deuel/Kingbrook Joint Well Field shall report to the chief engineer annually the amount of water withdrawn each year from the Big Sioux:Brookings Aquifer.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 14, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 11, 1992

Patrick Gilligan
Brookings-Deuel/Kingbrook Joint Well Field
RR 2 Box 84
Toronto SD 57268

Dear Mr. Gilligan:

Water Permit Application No. 5602-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. We believe this notice needs to be published in all the counties served by Brookings-Deuel Rural Water System and the Kingbrook Rural Water System. A notice of hearing has been sent to the Publisher of the Brookings Daily Register printed at Brookings, SD; Clear Lake Courier printed at Clear Lake, SD; Arlington Sun printed at Arlington, SD; Estelline Journal printed at Estelline, SD; Moody County Enterprise printed at Flandreau, SD; Argus Leader printed at Sioux Falls, SD; Salem Special printed at Salem, SD; Miner County Pioneer printed at Howard, SD; Daily Leader printed at Madison, SD; and Clark County Courier printed at Clark, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1992

Clark County Courier
Box 189
Clark, SD 57225

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5602-3 to be published twice. Please publish the first notice on March 18, 1992, 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 Joint Well Field, 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1992

Daily Leader
PO Box 348
Madison, SD 57042

ATTENTION: Legal Department

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605 773-3352

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1992

Miner County Pioneer
Box P
Howard, SD 57349

ATTENTION: Legal Department

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Natural Resources Engineer
605 773-3352

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1992

Salem Special
Box 220
Salem, SD 57058

ATTENTION: Legal Department

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605 773-3352

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and NATURAL RESOURCES**

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

March 11, 1992

Argus Leader
PO Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

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and NATURAL RESOURCES**

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

March 11, 1992

Moody County Enterprise
Box 71
Flandreau, SD 57028

ATTENTION: Legal Department

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

March 11, 1992

Estelline Journal
Box 159
Estelline, SD 57234

ATTENTION: Legal Department

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605 773-3352

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Pierre SD 57501-3181

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Newspaper _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1992

Arlington Sun
Box 370
Arlington, SD 57212

ATTENTION: Legal Department

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605 773-3352

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1992

Clear Lake Courier
Box 277
Clear Lake, SD 57226

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5602-3 to be published twice. Please publish the first notice on March 18, 1992, 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 Joint Well Field, 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. No action may be taken on the permit application 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 _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1992

Brookings Daily Register
Box 177
Brookings, SD 57006

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Name _____

Newspaper _____

19

Instruction to Newspaper - Publish first Notice on March 18, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5602-3 to develop reserved water

Notice is given that Brookings-Deuel/Kingbrook Joint Well Field, RR 2 Box 84, Toronto SD 57268 has filed an application for a water permit to construct and place to beneficial use 1.0 cubic feet of water per second (724 acre-feet) from one well (Big Sioux:Brookings Aquifer) 50 feet deep located in the NE 1/4 NE 1/4 Section 25-T112N-R51W. This water was appropriated and reserved by future use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel and Kingbrook Rural Water System, which will serve the cities of Bruce and Bushnell and approximately 70 new rural users.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5602-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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For purposes of publishing 1) the notice of hearing on Application No. 5602-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 15, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 15, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 15, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 6, 1992.

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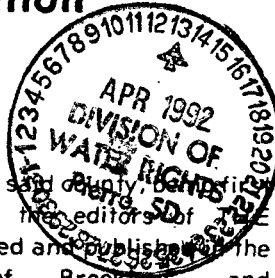
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Affidavit of Publication

State of South Dakota

County of Brookings

ss



Jerry Schrier

of said County, being

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

Legal # 168

132 lines @ .436

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for two

successive weeks, to-wit:

March 18, 1992

19

March 25, 1992

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

Fifty-seven dollars and fifty-five cents

Dollars

Jerry Schrier

Subscribed and sworn to before me this 25th day of

March, 1992

Mary Schrier

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires

1-28, 1999

Exhibit "A"

Legal 168, 2x, March 18, 25
NOTICE OF HEARING on
Application No. 5602-3 to develop
reserved water

Notice is given that Brookings-Deuel/Kingbrook Joint Well Field, RR 2 Box 84, Toronto SD 57268 has filed an application for a water permit to construct and place to beneficial use 1.0 cubic feet of water per second (724 acre-feet) from one well (Big Sioux-Brookings Aquifer) 50 feet deep located in the NE 1/4 NE 1/4 Section 25-T112N-R51W. This water was appropriated and reserved by future use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel and Kingbrook Rural Water System, which will serve the cities of Bruce

and Bushnell and approximately 70 new rural users.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5602-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Deuel) ss.I, Gary DeJongcertify that the attached printed Notice was taken
from the Clear Lake CourierA 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 LakeCounty of Deuel and State of South Dakota,
that the said notice was published in said newspaper on the
following two dates:March 18, 1992March 25, 1992Gary DeJong
(Signature)Publisher
(Title)March 26, 1992
(Date Signed)Cost of Printing: 58.41

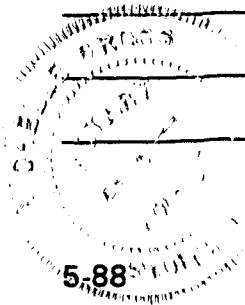
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Michael Brown
My Commission Expires
January 29, 1998



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Mar. 18 & 25

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McCook) ss.



I, Troy Schwans

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

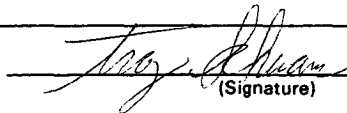
A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the _____

City of Salem

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

March 19, 1992

March 26, 1992


(Signature)

Publisher
(Title)

3-26-92
(Date Signed)

Cost of Printing: \$63.92

Public Notice

NOTICE OF HEARING on Application No. 5602-3 to develop reserved water

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Joe Foss Building, 523 E Capitol Pierre, SD. If this application is opposed or the recommendation contested, the April 15, 1992, hearing date will be rescheduled for a regular scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm hearing date and location. The April 1, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interest person opposing the application. The request for an automatic delay must be filed by April 6, 1992.

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3/19, 3

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 Glendreau

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

March 17, 1992

March 24, 1992

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

3-24-92
(Date Signed)

Cost of Printing: 59.85

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(Mar. 17 & 24, 1992)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Kingsburg) ss.I, Robert Sturges

certify that the attached printed Notice was taken

from the Arlington SunA newspaper which during the whole time of publication said notice herein after stated, has been and is printed and published in the Town of Arlingtonof South DakotaCounty of Kingsburg and State of South Dakota that the said notice was published in said newspaper on the following two dates:March 18, 1992March 25, 1992Robert Sturges

(Signature)

Owner

(Title)

March 25, 1992

(Date Signed)

Cost of Printing: \$ 58.52

Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and the Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights

Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 15, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 6, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 46-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11; 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARS 46-02:01.01 thru 74:02:01.15

3-25-2

NOTICE OF HEARING

**on Application No. 5602-3
to develop reserved water**

Notice is hereby given that Brookings-Deuel/Kingbrook Joint Well Field, RR 2 Box 84, Toronto SD 57268 has filed an application for a water permit to construct and place to beneficial use 1.0 cubic feet of water per second (724 acre-feet) from one well (Big Sioux:Brookings Aquifer) 50 feet deep located in the NE 1/4 NE 1/4 Section 25-T112N-R51W. This water was appropriated and reserved by future use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel and Kingbrook Rural Water System, which will serve the cities of Bruce and Bushnell and approximately 70 new rural users.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-PROVAL of Application No. 5602-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5602-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 15, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the April 15, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and loca-

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Hamilton) ss.

1. Corrie Jensen

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

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

_____ of South Dakota

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

March 19, + 26, 1992

tion. The April 15, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 6, 1992.

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request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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

CONNIE JEAN JENSEN

**My Commission Expires
Sept. 29, 1994**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Minnehaha)

I, M. DEVISH

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 D
 that the said notice was published in said newspaper
 following two dates:

Wednesday, March 18, 1992

Wednesday, March 25, 1992

Mary Devish
 (Signature) Jw
Controller
 (Title)
3/25/92
 (Date Signed)

Cost of Printing: \$123.28
 to be paid by Brookings-Deuel/Kingswood
Joint Well Field.



NOTICE OF HEARING on Application No. 5602-3 to develop reserved water

Notice is given that Brookings-Deuel/Kingbrook Joint Well Field, RR 2 Box 84, Toronto SD 57268 has filed an application for a water permit to construct and place to beneficial use 1.0 cubic feet of water per second (724 acre-feet) from one well (Big Sioux: Brookings Aquifer) 50 feet deep located in the NE 1/4 NE 1/4 Section 25-T112N-R51W. This water was appropriated and reserved by future use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel and Kingbrook Rural Water System, which will serve the cities of Bruce and Bushnell and approximately 70 new rural users.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5602-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5602-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 15, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 15, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 15, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 6, 1992.

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

7163 March 18, 25, 1992

**NOTICE OF HEARING on
Application No. 5602-3
to develop reserve water**

Notice is given that Brookings-Deuel/Kingbrook Joint Well Field, RR 2 Box 84, Toronto, SD 57288 has filed an application for a water permit to construct and place to beneficial use 1.0 cubic feet of water per second (724 acre-feet) from one well (Big Sioux: Brookings Aquifer) 50 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25-T112N-R51W. This water was appropriated and reserved by future use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel and Kingbrook Rural Water System, which will serve the cities of Bruce and Bushnell and approximately 70 new rural users.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5602-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5602-3 and 2) the chief engineer's recommendation, a



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 on Application
No. 5602-3 to develop reserve water

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 19 day of March 1992

and the last publication on the 26 day of March 1992

The first publication being made on the 19 day of March 1992

The second publication being made on the 26 day of March 1992

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

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

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

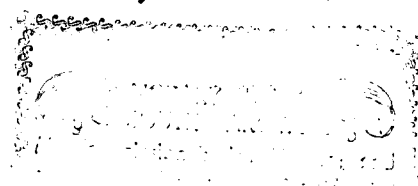
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$63.05 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Danny Schwans

Subscribed and sworn to me this 2nd day of April 1992

Brent Meyer

My Commission expires the 14th day of May 1995



meeting of the Division of Water Rights office to hear this application is scheduled for April 15, 1992 at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the April 15, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 15, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 6, 1992.

If hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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

(March 19-26)

PROOF OF PUBLICATION

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

I, Deanna D. Bergheim

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

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

City _____ of Madison

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

Wednesday, March 18, 1992

Wednesday, March 25, 1992

Deanna D. Bergheim
 (Signature)

Secretary

(Title)

Mar. 25, 1992

(Date Signed)

Cost of Printing: \$54.13

Wed., March 18, 25

NOTICE OF HEARING ON APPLICATION NO. 5602-3 TO DEVELOP RESERVED WATER

Notice is given that Brookings-Deuel/Kingbrook Joint Well Field, RR 2, Box 84, Toronto, S.D. 57268 has filed an application for a water permit to construct and place to beneficial use 1.0 cubic feet of water per second (724 acre-feet) from one well (Big Sioux: Brookings Aquifer) 50 feet deep located in the NE¹/₄ NE¹/₄ Section 25-T112N-R51W. This water was appropriated and reserved by future use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel and Kingbrook Rural Water System, which will serve the cities of Bruce and Bushnell and approximately 70 new rural users.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5602-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5602-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 15, 1992, at 9:00 a.m. in Rom 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the April 15, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 15, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 6, 1992.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Clark)



I, Bert Moritz

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

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

State _____ of South Dakota

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

March 18, 1992

March 25, 1992

Bert Moritz
 (Signature)

Publisher
 (Title)

4/1/92
 (Date Signed)

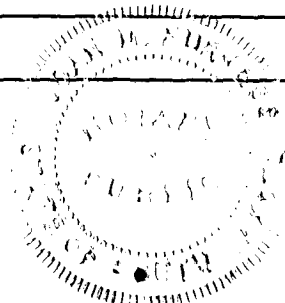
Cost of Printing: \$62.01

116 lines

2 times

*Subscribed & sworn to before me
 this 1st day of April, 1992*

5-88 Joan M. Furness
 My commission expires
 7-15-1999



NOTICE OF HEARING ON Application No. 5602-3 To Develop Reserved Water

Notice is given that Brookings-Deuel/Kingbrook Joint Well Field, RR2 Box 84, Toronto, SD 57268 has filed an application for a water permit to construct and place to beneficial use 1.0 cubic feet of water per second (724 acre-feet) from one well (Big Sioux: Brookings Aquifer) 50 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25-T112N-R51W. This water was appropriated and reserved by future use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel and Kingbrook Rural Water System, which will serve the cities of Bruce and Bushnell and approximately 70 new rural users.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5602-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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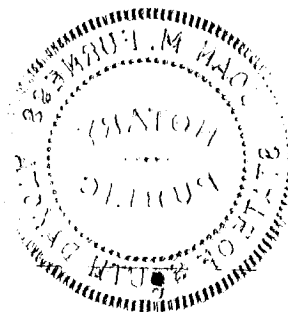
For purposes of publishing 1) the notice of hearing on Application No. 5602-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 15, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the April 15, 1992, hearing date will be rescheduled.

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

3-18-2t





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

Patrick N Gilligan
Brookings-Deuel/Kingbrook Joint Well Field
RR 2 Box 84
Toronto, SD 57268

Dear Mr. Gilligan:

Enclosed is Water Permit No. 5602-3 authorizing construction of your water diversion system and beneficial use of the water, 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,

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 1-10-94

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Brookings-Deuel Kingbrook
Joint Well Field RR 2 Box 84
(name) (address)
Toronto SD 57268 (605) 794-4201
(city) (state) (zip) (phone)

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. _____.

Water Permit No. 5602-3 states that the diversion system is to be constructed by
Oct 15, 1994, and that the water is put to beneficial use by
(date)
April 15, 2001.
(date)

The diversion system was completed on May 1993.
(date)

Applying the water to beneficial use was completed on July 1, 1993.
(date)

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

(signature)



**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,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with the first name "Ron" being more prominent than the last name "Duvall".

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

Permit No. 5602-3
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 **Brookings-Deuel/Kingbrook Rural Water Systems** of **RR2 Box 84 Toronto SD** holder of Permit No. **5602-3**, bearing the priority of **6 June 1996**¹⁹⁷⁷ authorizing the diversion of **1.0** cu. ft. per second and limited to 434 acre-feet annually of the waters of **the Big Sioux Brookings Aquifer** for **rural water** purposes, in **the rural water system service area**.

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

A. Works used to divert the water:

A 42 foot well drilled by Lacey Well Drilling. Mr. Gillian, Brookings Deuel Rural Water System manager reported that the pump is a 20 HP Johnson capable of pumping 450 gallons per minute.

B. Works used to transport water to place of use:

Reported 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 **good**. The point of diversion is located **NE1/4NE1/4 section 25 T112N R51 W or approximately 625 feet west and 400 feet north of the east 1/16 corner of NE1/4 section 25 T112N R51W**. The works are capable of diverting and conveying to the place of use **1.0** cu. ft. per second of water limited to 434 acre-feet 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:

5602-3 utilizes waters from Brookings-Deuel and Kingbrook Rural Water System joint well field to serve the Cities of Bruce and Bushnell and approximately 70 new rural water users.

the license should be issued for **1.0** cfs and limited to 434 acre-feet annually.

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. 5602-3

Other permit(s) associated with the project: 3982-3 future use

DATE OF INSPECTION: 8 May 1996

NAME & ADDRESS OF INSPECTION CONTACT/ Patrick N. Gilligan

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Manager

NAME & ADDRESS OF PERMIT HOLDER: Brookings-Deuel/Kingbrook Joint Well Field RR 2 Box
84 Toronto SD

DIVERSION POINT LEGAL LOCATION: NE1/4NE1/4 Section 25 T112N R51W or approximately
625 feet west and 400 feet north of the east 1/16 corner of NE1/4 section 25 T112N R51W

WELL INFORMATION:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 42 feet
- 4) Well log is available yes
- 5) Comment: Well log indicates that well meets well construction standards

Casing:

- 1) Diameter 12 inches
- 2) Length 30 feet
- 3) Type steel

Screen:

- 1) Type Johnson stainless steel
- 2) Length 12 feet
- 3) Static water level 2 feet

Pump:

- 1) Make Johnson (reported)
- 4) Capacity 450 GPM

Motor:

- 1) Make Johnson (reported)
- 2) Model No. XXX
- 3) Horsepower rating 20 hp

DISTRIBUTION LINES OR CANALS:

1) Type XXXX 2) Size reported 6 inches 3) Length approximately 800 feet

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

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



Gale N. Selken P.E.

Natural Resources Engineer IV

DENR, Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5602-3

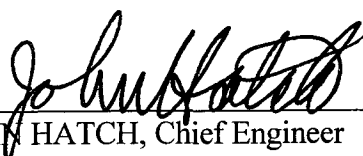
(1) The Brookings-Deuel/Kingbrook Joint Well Field, RR 2 Box 84, Toronto, SD 57268 made Application No. 5602-3, October 4, 1991 for a water permit to divert 1.00 cubic feet of water per second (limited to 434 acre feet annually) from ground water (one well - Big Sioux: Brookings aquifer), Brookings County, South Dakota for rural water system purposes. Permit No. 5602-3, with a priority date of June 6, 1977 (established under Future Use Permit No. 3982-3) was approved April 15, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 15, 1997 and for the application to beneficial use of said water on or before April 15, 2001.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 23, 1992. The "*Notice*" stated the diversion system was completed and the water applied to beneficial use on November 5, 1992.

(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 (with an annual limitation of 434 acre feet) for beneficial use. The location of the diversion point is approximately 625'W and 400'N of the E 1/16 corner of the NE 1/4 Section 25, T112N, R51W (NE 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in supplying the Brookings Deuel/Kingbrook Rural Water System including the cities of Bruce and Bushnell and various rural water users.

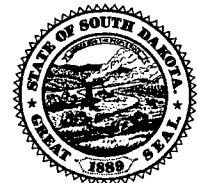
(4) Pursuant to South Dakota Water Law 46-5-30.1 the Brookings-Deuel/Kingbrook Joint Well Field, RR 2 Box 84, Toronto, SD 57268 the holder and/or owner of Water Permit No. 5602-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second (with an annual limitation of 434 acre feet) from ground water (one well) with a priority date of June 6, 1977 from the location specified in (2) of this license, for rural water system purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5602-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 12 1997

date



STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5602-3

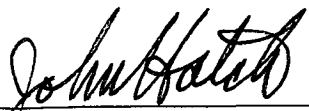
(1) The Brookings-Deuel Kingbrook Joint Well Field, RR 2 Box 84, Toronto SD 57268 was issued Water License No. 5602-3, June 12, 1997 for a water right to appropriate 1.00 cubic feet of water per second (with an annual limitation of 434 acre-feet) from groundwater (one well - Big Sioux:Brookings Aquifer), Brookings County, South Dakota for rural water system purposes. Water License No. 5602-3, with a priority date of June 6, 1977 (established under Future Use Permit No. 3982-3) was approved April 15, 1992 and issued with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water License No. 5602-3 is being reissued to include Water Permit No. 5821-3 with a priority date of May 5, 1994, which authorized the connection of the City of Arlington to the rural water system. The applicable portions of No. 5821-3 have been incorporated into Water License No. 5602-3.

(2) It is certified that the permit holder 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 (with an annual limitation of 434 acre-feet) for beneficial use. The location of the diversion point is approximately 625 feet west and 400 feet north of the E 1/16 corner of the NE ¼ Section 25-T112N-R51W (NE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in supplying the Brookings Deuel/Kingbrook Rural Water System including the cities of Bruce, Bushnell, Arlington and various rural water users.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Brookings-Deuel/Kingbrook Joint Well Field, RR 2 Box 84, Toronto SD 57268 the holder and/or owner of Water Right No. 5602-3 is reissued a license to appropriate water, the right to use 1.00 cubic feet of water per second (with an annual limitation of 434 acre-feet) from groundwater (one well) with priority dates of June 6, 1977 and May 5, 1994 from the location specified in (2) of this license for rural water system purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5602-3 and subject to South Dakota State Law.



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

APR 23 1998

date





**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

415312

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 11, 19 97

RECEIVED OF Brookings-Deuel-Kingbrook, RR 2 Box 34, 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>5602-3</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



**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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

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

Dear Mr. Gilligan:

Enclosed is Reissued Water License No. 5602-3. The water license is being reissued to include Water Permit No. 5821-3 with a priority date of May 5, 1994, which authorized the connection of the City of Arlington to the rural water system. The applicable portions of No. 5821-3 have been incorporated into Water License No. 5602-3.

As long as the rural water system uses the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

ks

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Brookings – Deuel - Kingbrook Rural Water Joint Well Field

ADDRESS: 47602 SD Hwy 28, Toronto SD 57268

DATE: June 7, 2006

TELEPHONE: (605) 794-4201

RE: Expansion of future use area covered by Future Use Permit No. 3982-3

COMMENTS:

As part of a file review of Future Use Permit No. 3982-3 in connection with correcting the amount of water in reserve (see file documentation dated April 19, 2006 in No. 3982-3) it was discovered Permit No. 5602-3 placed water to beneficial use reserved by No. 3982-3 even though No. 5602-3 is outside of the future use area. According to No. 3982-3 the future use area includes the NE¼ NE¼ section 25-T112N-R51W but the well authorized under No. 5602-3 is located in the SE¼ NE¼ NE¼ of section 25.

RECOMMENDED ACTION:

Application No. 6718-3 has been submitted to complete construction of a new well and place water to beneficial use that has been reserved under No. 3982-3. The application is also serving to correct the amount of water in reserve under No. 3982-3. After discussing the situation concerning No. 5602-3 with Pat Gilligan, manager of the rural water system; it was decided to amend Application No. 6718-3 to request an expansion of the future use area authorized by No. 3982-3. Mr. Gilligan indicated that the entire N½ NE¼ section 25 is owned by the rural water system so this is the requested expansion area. If approved, the expanded area will then include the location of the well authorized by No. 5602-3 thus correcting use of No. 3982-3 as the source of water for the well. The proposed expansion of the future use area does not authorize any change in the amount of water reserved by No. 3982-3 nor result in any change to the June 6, 1977 priority date.



Ron Duvall
Natural Resources Engineer
Water Rights Program