

WATER PERMIT NO. 5608A-3

Name of Applicant: TM Rural Water District

Address: PO Box 455, Parker SD 57053

Phone: 297-3334

Amount of Water Claimed: no additional

Total Acres: NA

Source of Water Supply: groundwater

Depth of Well: NA

Water to be used for: rural water system use

County: Hutchinson, McCook, Miner

Location:

Turner & Minnehaha

Type of Waste Disposal System: NA

PRIORITY

Date Received: 7-27-95

Fee: \$50.00

Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks: Connect City of Hurley to TM, authorizes existing connection serving the Town of Dolton and authorize existing bulk service to distribution system at Swan Lake operated by Derrol Pasco

Diversion Point: see Permit Nos. 4988-3 and 5608-3

Land to be Irrigated: NA

Reviewed and the Number Assigned on: 7-27-95

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5608A-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper see list
(office use only)



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____
Connect City of Hurley to TM Rural Water District, Authorize existing connection serving the Town of Dolton, and authorize existing bulk service to distribution systems at Swan Lake operated by Derrol Pasco.

- Name of Applicant TM Rural Water District Phone 297-3334
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 445 Parker State SD 57053
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed - *CFS or - **GPM - ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
See Permit Nos. 4988-3 and 5608-3
_____ County _____
- County or counties where water will be used Hutchinson, McCook, Miner, Turner and Minnehaha
- Annual period during which water is to be used January 1 - December 31
- Give a description of the 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)

Connect City of Hurley to TM Rural Water District, Authorize existing connection serving the Town of Dolton, and authorize existing bulk service to distribution systems at Swan Lake operated by Derrol Pasco.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Turner)^{SS}

I, KEN PEDERSEN, 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 Ken Pedersen, Manager
Subscribed and sworn to before me this 24th day of July 19 95
Rudolph Konda
Notary Public

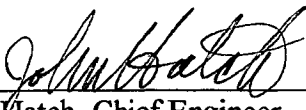
SOUTH DAKOTA
WATER PERMIT NO. 5608A-3

Date of first receipt of application July 27, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5608A-3 to TM Rural Water District, PO Box 445, Parker SD 57053 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. 5608A-3 authorizes connection of the City of Hurley to the TM Rural Water District. This permit also authorizes the existing connection serving the Town of Dolton and the existing bulk service to distribution system at Swan Lake operated by Derrol Pasco to the TM Rural Water District. Water Permit Nos. 5608-3 and 4988-3 appropriate a total of 4.68 cubic feet of water per second from groundwater which serves users in Hutchinson, McCook, Miner, Turner and Minnehaha Counties. TM Water District is currently authorized to connect to B-Y Water District to supplement its water supply. No increase in the diversion rate is authorized by this permit.
2. The water appropriated shall be used for the purpose of supplying a rural water system and may not exceed the amount of water needed for beneficial use for rural water system use.
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. 5608A-3 is September 5, 1995.
5. The date from which applicant may claim right is October 11, 1989 (established by Permit No. 5608-3).
6. One-fifth of the construction is to be completed on or before March 5, 1998.
7. All construction is to be completed on or before September 5, 2000.
8. Water is to be put to beneficial use on or before September 5, 2004.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date



RECEIPT

414565

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 27, 1995

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

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

Fee for Application for Permit No. <u>5608H-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 1995

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

Dear Ken:

I reviewed water permit and future use permits held by TM Rural Water District. The purpose of the review is to determine which communities are currently included on TM's water permits. It is my understanding TM will be receiving supplemental water from the B-Y Water District. Additionally, TM is in the process of connecting the Town of Hurley to its water distribution system.

Board Rule 74:-2:01:03.01 states that "... A new water permit is required to connect a separate water distribution system, located within or outside of the system area, to the water distribution system".

The following is a brief synopsis of TM's existing permits:

Future Use Permit No. 4979-3 - originally reserved 4.0 cubic feet of water per second (cfs) from the Dolton Aquifer. Currently, 287 acre feet of water remains in reserve.

Water Permit No. 4988-3 - authorized construction and placement to beneficial use of 3.34 cfs reserved by FU Permit No. 4979-3. This Permit included an annual volume limitation of 610 acre feet of water annually beginning in 1989 with a 6% increase annually unless determined otherwise by the Water Management Board. The application stated the communities of Canistota, Davis and Viborg will be served.

Future Use Permit Application No. 5072-3 - proposed to reserve 3.34 cfs from wells (less than 155 feet deep) to be located in the SW1/4 Section 25, T101N, R55W. This application is on deferred status.

Future Use Permit No. 5358-3 - reserves 1500 acre feet of water from the basal aquifer below the Dolton Aquifer.

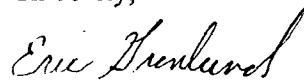
Water Permit No. 5608-3 - authorizes construction and placement to beneficial use of 1.34 cfs (970 acre feet annually) from water reserved by FU Permit No. 5358-3.

It appears from a review of TM's permits that the communities specified are Canistota, Davis and Viborg. The counties included on the permits include: Hutchinson, McCook, Miner, Minnehaha and Turner counties.

I have enclosed application forms to include the Town of Hurley to TM's water distribution system. If there are any other separate distribution systems or other counties served that are not listed above, they should be included in the application. The application filing fee for connecting a separate water distribution system is \$50. The District will also be responsible for the cost of newspaper publication of the notice of hearing in counties served by the District.

I hope this addresses the issues discussed during our conversation. Please let me know if I may be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
605 773-3352

enclosure

Report on Water Permit Application No. 5608A-3
TM Rural Water District
August 1, 1995

Background

Water Permit Application No. 5608A-3 requests to connect the City of Hurley to the TM Rural Water District. The application also requested authorization of the existing connection serving the Town of Dolton and the existing bulk service to distribution systems at Swan Lake operated by Derrol Pasco to the TM Rural Water District. The District currently holds Water Permit Nos. 5608-3 and 4988-3 which appropriate a total of 4.68 cubic feet of water per second (cfs) from groundwater which serves users in Hutchinson, McCook, Miner, Turner and Minnehaha Counties. The District is currently authorized to connect to the B-Y Water District to supplement its water supply.

Regulatory Requirement

TM Rural Water District filed this application to add connections to the water distribution system to comply with Administrative Rule 74:02:01:03.01. This rule states:

"The addition of connections to a water distribution system does not require an application for a water permit if there is no increase in the authorized and developed diversion rate and the connections are within or contiguous to the service area of the system. **A new water permit is required to connect a separate water distribution system, located within or outside of the system area, to the water distribution system.**" (emphasis added)

Review of Permits

Water Permit No. 4988-3 approved in 1984 appropriates 3.34 cfs from wells located in the Dolton Aquifer. The Permit was amended by the Water Management Board in 1990 to: 1) limit annual withdrawal of water to 610 acre-feet with an increase of up to 6% per year; 2) require annual reporting of water withdrawn from the Dolton Aquifer each year; 3) subject the permit to annual review by the Board; and 4) require the District to diligently seek a supplemental or alternative source of water.

Water Permit 5608-3 authorized construction and placement to beneficial use of 1.34 cfs (970 acre-feet annually) from one well (Upper Vermillion Missouri Aquifer also known as Unnamed Pleistocene Basal Aquifer). This water was appropriated and reserved by Future Use Permit No. 5358-3.

The B-Y Water District obtained Water Permit No. 5824-3 to appropriated 6.95 cfs from the Missouri River. B-Y Water District then amended Permit No. 5824-3 to authorize connection

of the Hanson Rural Water System and the TM Rural Water District. The purpose of this Permit is to provide supplemental water service to the Hanson RWS and TM RWD.

Discussion

The current water permits authorize TM Rural Water District to provide water service to the communities of Canistota, Davis and Viborg. The District has been serving the Town of Dolton and providing bulk service to the distribution system at Swan Lake operated by Derrol Pasco. The District also plans to now provide water service to the City of Hurley.

The Water Management Board directed TM Rural Water District to seek a supplemental or alternative water source. The District has complied with the Board's intent by reaching agreement with the B-Y Water District for supplemental water needs.

Conclusions

1. Water Permit Application No. 5608A-3 was filed to comply with ARSD 74:02:01:03.01.
2. Approval of Permit No. 5608A-3 will authorize connection of City of Hurley, Town of Dolton and existing bulk service to the distribution system at Swan Lake operated by Derrol Pasco.
3. The notice of hearing should be published in all the counties served by the TM Rural Water District.
4. Water Permit Application No. 5608A-3 should be approved without qualification.


Eric Gronlund
Natural Resources Engineer

Approved By:


Gale Selken
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5608A-3, TM Rural Water District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5608A-3, TM Rural Water District, c/o Ken Pedersen, PO Box 445, Parker, SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 5608A-3 because 1) the proposed connection of separate water distribution systems can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
August 8, 1995



**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.

August 9, 1995

Ken Pedersen
TM Rural Water District
PO Box 455
Parker, SD 57053

Dear Mr. Pedersen:

Water Permit Application No. 5608A-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Freeman Courier printed at Freeman, SD (Ph # 605-925-7033), Salem Special printed at Salem, SD (Ph # 605-425-2361), Miner Co. Pioneer printed at Howard, SD (Ph # 605-772-5644), The New Era printed at Parker, SD (Ph # 605-297-4419), and Argus Leader printed at Sioux Falls, SD (Ph # 605-331-2200). 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

August 9, 1995

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5608A-3 to be published twice. Please publish the first notice on August 16, 1995, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is TM Rural Water District, PO Box 455, Parker, SD 57053 (Ph # 605-297-3334).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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

August 9, 1995

Salem Special
PO Box 220
Salem, SD 57058-0220

ATTENTION: Legal Department

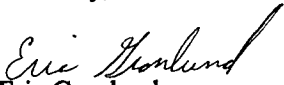
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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 9, 1995

Miner County Pioneer
Box P
Howard, SD 57349

ATTENTION: Legal Department

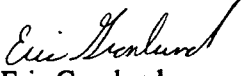
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Natural Resources Engineer
605 773-3352

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TO: Eric Gronlund
Water Rights Program
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

August 9, 1995

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

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Natural Resources Engineer
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 9, 1995

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

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Name

Newspaper

§ 17

Instruction to Newspaper - Publish first Notice on August 16, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5608A-3 to Appropriate Water

Notice is given that TM Rural Water District, PO Box 455, Parker, SD 57053 has filed an application for a water permit to request connection of the City of Hurley to the TM Rural Water District. This application also request authorization of the existing connection serving the Town of Dolton and the existing bulk service to distribution system at Swan Lake operated by Derrol Pasco to the TM Rural Water District. Water Permit Nos. 5608-3 and 4988-3 appropriate a total of 4.68 cubic feet of water per second from groundwater which serves users in Hutchinson, McCook, Miner, Turner and Minnehaha counties. TM Rural Water District is currently authorized to connect to B-Y Water District to supplement its water supply. No increase in the diversion rate is authorized by this permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5608A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 5, 1995.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Minnehaha)

I, D. Reicher

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

printed and published in Sioux Falls

County of Minnehaha and State of

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

Wednesday, August 16, 1995

Wednesday, August 23, 1995

Cost of Printing: \$83.49

D. Reicher
 (Signature) *DR*

Assistant Controller
 (Title)

8/23/95
 (Date Signed)



NOTICE OF APPLICATION
 NO. 5608 A-3 to Appropriate Water
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 Capitol, Pierre, SD 57501 (605
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 scribing the petitioner's interest in
 the application, the petitioner's rea-
 sons 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. Contact
 Eric Gronlund at the above Water
 Rights Program address to request
 copies of information pertaining to
 this application.

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

7715

Aug. 16, 23, 1995

Affidavit of Publication



NOTICE OF APPLICATION NO. 5608A-3 to Appropriate Water

Notice is given that TM Rural Water District, P.O. Box 445, Parker, S.D. 57053, has filed an application for a water permit to request connection of the City of Hurley to the TM Rural Water District. This application also requests authorization of the existing connection serving the Town of Dolton and the existing bulk service to distribution system at Swan Lake operated by Derrol Pasco to the TM Rural Water District. Water Permit Nos. 5608-3 and 4988-3 appropriate a total of 4.68 cubic feet of water per second from groundwater which serves users in Hutchinson, McCook, Miner, Turner and Minnehaha counties. TM Rural Water District is currently authorized to connect to B-Y Water District to supplement its water supply. No increase in the diversion rate is authorized by this permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5608A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, S.D. 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 September 5, 1995.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

#1057, August 17 and 24, 1995.

Publication Fees - - - \$ 39.78
Notary Fees - - - - - \$
Total - - - - - \$ 39.78
Received Payment, _____

STATE OF SOUTH DAKOTA }
COUNTY OF TURNER } ss.

Brenda Hantz of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon-Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the

undersigned, the affiant, is the Office mgr. of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement

headed Notice of Application to
Appropriate Water #1057
printed copy of which hereunto attached, was printed and published in the

said newspaper for 2 successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday the 17 day of August, 19 95;

On Thursday the 24 day of August, 19 95;

On _____, the _____ day of _____, 19 _____;

On _____, the _____ day of _____, 19 _____;

On _____, the _____ day of _____, 19 _____;

On _____, the _____ day of _____, 19 _____;

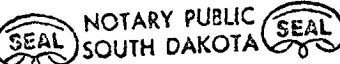
On _____, the _____ day of _____, 19 _____;

That \$ 39.78 being the full amount of the fees for publication of the attached notice insures solely for the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Brenda Hantz

Subscribed and sworn to before me this 25th
day of Aug., 19 95.

ANITA KOLLER



Notary Public, Turner County, South Dakota.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of McCook) SS

I, Troy Schwans

certify that the attached printed Notice was

taken from the Salem Special

printed and published in Salem

County of McCook and State of

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

August 17, 1995

August 24, 1995

Cost of Printing: \$41.88

Troy Schwans
 (Signature)

Editor

(Title)

8-24-95

(Date Signed)

**Public Notice****NOTICE OF APPLICATION**

NO. 5608A-3 to

Appropriate Water

Notice is given that TM Rural Water District, PO Box 455, Parker, SD 57053 has filed an application for a water permit to request connection of the City of Hurley to the TM Rural Water District. This application also request authorization of the existing connection serving the Town of Dolton and the existing bulk service to distribution system at Swan Lake operated by Derrol Pasco to the TM Rural Water District. Water Permit Nos. 5608-3 and 4988-3 appropriate a total of 4.68 cubic feet of water per second from groundwater which serves users in Hutchinson, McCook Miner, Turner and Minnehaha counties. TM Rural Water District is currently authorized to connect to B-Y Water District to supplement its water supply. No increase in the diversion rate is authorized by this permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5608A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 5, 1995.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

8/17, 8/24

AFFIDAVIT OF PUBLICATION

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

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Application No 5608A-3 to Appropriate Water** a printed copy of which is hereto attached, was printed and published in the said newspaper for **two** successive issues to-wit:

The first publication on:
August 16, 1995

the second publication on:
August 23, 1995

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$41.12** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$41.12** is the rate for publishing legal notices.

Subscribed and sworn to before me that 5th day of September, 1995

Mary Ann Liskheim
Notary Public
Commission expires: 3/7/96

Publication fee: **\$41.12**
Notary fee:
Total: **\$41.12**



Notice of Application No. 5608A-3 to Appropriate Water

Notice is given that TM Rural Water District, PO Box 455, Parker, SD 57053 has filed an application for a water permit to request connection of the City of Hurley to the TM Rural Water District. This application also request authorization of the existing connection serving the town of Dolton and the existing bulk service to distribution system at Swan Lake operated by Derrol Pasco to the TM Rural Water District. Water Permit Nos. 5608-3 and 4988-3 appropriate a total of 4.68 cubic feet of water per second from groundwater which serves users in Hutchinson, McCook, Miner, Turner and Minnehaha counties. TM Rural Water District is currently authorized to connect to B-Y Water District to supplement its water supply. No increase in the diversion rate is authorized by this permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5608A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

NOTICE OF APPLICATION

NO. 5608A-3 to

Appropriate Water

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Nettie H. Myers
Secretary
Department of Environment
and Natural Resources
(Aug. 17-24)

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 Application No. 5608A-3

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

successive weeks, the first publication being made on the 17 day of Aug 1995,

and the last publication on the 24 day of Aug 1995

The first publication being made on the 17 day of Aug 1995

The second publication being made on the 24 day of Aug 1995

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.....

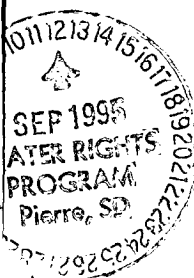
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$50.13 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 10th day of Sept 1995

Brent Mung

Commission expires the 14th day of May 2002





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

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

Dear Mr. Pedersen:

Enclosed is Water Permit No. 5608A-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 Program
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 9-30-96

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

FROM: TM RURAL WATER DISTRICT Box 445, 110N Main
(name) (address)
PARKER SD 57053 605-297-3334
(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. 5608A-3.

Water Permit No. 5608A-3 states that the diversion system is to be constructed by Sept 5, 2000, and that the water is put to beneficial use by Sept 5, 2004.
(date) (date)

The diversion system was completed on June 20, 1996.
(date)

Applying the water to beneficial use was completed on Sept 11, 1996.
(date)

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

Ken Pedersen, Manager
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

APR 10 2000

4988-3
5608-3

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

Dear Mr. Pedersen:

Enclosed are Water License Nos. 4988-3 and 5608-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 416409 and 416410 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. 4988-3 and 5608-3, 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.

Sincerely,

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

ks
enclosures

NOTE: The applicable portions of No. 5608A-3 are incorporated into Water License No. 5608-3.