

Considered: _____

WATER PERMIT NO. 5643-3

Phone: 605 983-5074

Name of Applicant: Kingbrook Rural Water System, Inc.

Post Office Address: Drawer 299, Arlington SD 57212

Amount of Water Claimed: 850 acre-feet Total Acres: _____

Source of Water Supply: groundwater

Water to be used for: rural water system use County: Lake

About 1 miles N, 1 W of Chester

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-19-92 Fee: \$37.50 Remarks Future Use

application

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

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

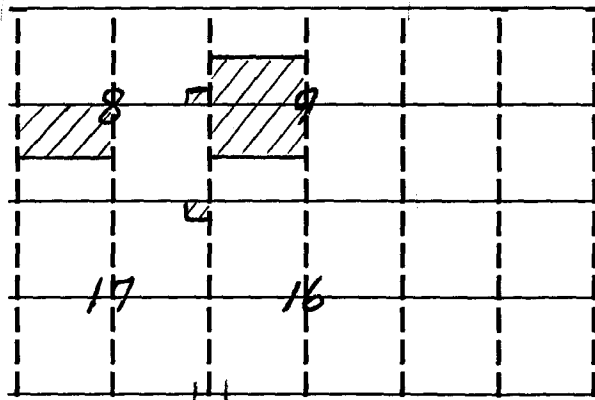
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: S 1/2 SW 1/4, SE 1/4 NE 1/4

Sec 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Sec 9;

NE 1/4 NE 1/4 Sec 17; all ing T105N-R51W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: Bruce Jennings Reviewed and the Number

Assigned on 3-20-92 By Karen Schlaak

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

No. 5643-3 Hydrologic Unit 10170203
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

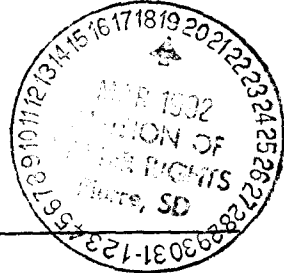
New ☒ Vested Right ☐ Future Use ☒ Change Use ☐

☐ 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. _____



1. Name of Applicant Kingbrook Rural Water System, Inc. Phone No. 605-983-5074

Post Office Address Drawer 299 Arlington, SD State 57212
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 2.0 cfs, 850 acre feet annually

3. Source of water supply Groundwater, upper Skunk Creek aquifer

4. Location of point of diversion S 1/2 of SW 1/4, Sec. 8; S 1/2 of NW 1/4, Sec. 9, N 1/2 of
SW 1/4, Sec. 9; SE 1/4 of NE 1/4, Sec. 8; NE 1/4 of NE 1/4, Sec. 17, all T105N, R51W.

_____ County Lake

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

6. Annual period during which water is to be used continuously January 1 - December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
This application is to reserve a priority date for future use by the Kingbrook Rural Water System at the existing Chester well field and water treatment plant located in the NE 1/4, Sec. 17, T105N, R51W. Future wells will operate with the existing water treatment and distribution system. Average water production over the last five years from existing wells exceeds 425 afa.

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 _____)

I, Kingbrook Rural Water System, Inc. the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Larry Sterling
Larry Sterling, Chairman

Subscribed and sworn to before me this 17th day of March 1992

M. J. Blach
Notary Public

**SOUTH DAKOTA
FUTURE USE WATER PERMIT No. 5643-3**

Date of first receipt of application March 19, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 5643-3 to Kingbrook Rural Water System, Inc., Drawer 299, Arlington SD 57212 subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5643-3 appropriates 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. This permit is not for construction of works or to put the water to beneficial use.
2. The water appropriated shall be used for the purpose of providing future water supplies for the Kingbrook Rural Water System and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The date from which applicant may claim right is March 19, 1992.
4. The date of approval of Permit No. 5643-3 is June 24, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

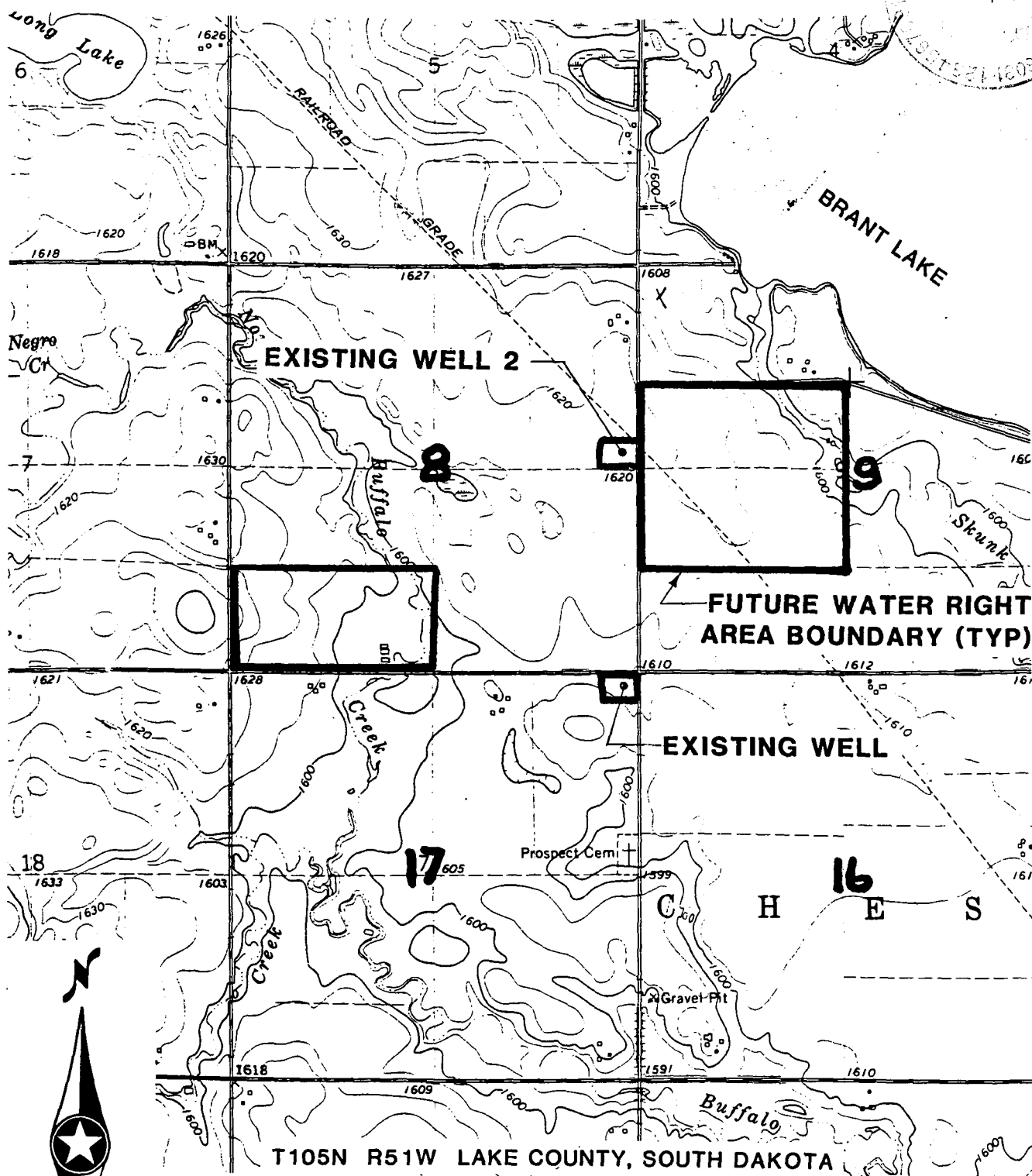
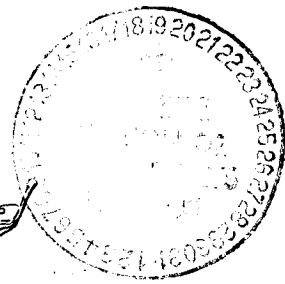
QUALIFICATIONS

1. That Permit No. 5643-3 is approved with the stipulation that the Permit is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the reserved water to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from Big Sioux Northern Skunk Creek Aquifer. Wells will be approximately 70 feet deep.
4. Approval of this Permit reserves 850 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

AUG 6 1992
date



1" = APPROX. 2000'

I hereby certify that this plan, specification, or report was prepared by me or under my direct personal supervision, and that I am a duly Registered Professional Engineer under the laws of the

State of South Dakota Registration No. 3812

By B. J. [Signature] Date March 12, 1992



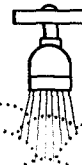
DeWild Grant Reckert
and Associates Company
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date **3-12-92**
Drawn By
Approved
Revised

KINGBROOK RURAL WATER SYSTEM
CHESTER WELL FIELD

KINGBROOK

RURAL WATER SYSTEM



March 18, 1992

Jim Goodman
Water Rights Divison
DENR Foss Building
Pierre, SD 57501



Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

Dear Jim:

Enclosed is the future use permit application for our Chester well field as I visited with you over the phone about. You will also find a check in the amount of \$37.50 which should be the correct fee. We are currently digging test holes at the Chester well field.

In order to locate a well site and when this is complete we will be sending in a permit application for a new well also at that site this should be completed in the next few days.

Also we have done test drilling in our new Phase II well field northwest of De Smet. We will be sending in a permit application for a change of diversion point. It will also list the town of Bancroft to this permit application because they were added to our project at the last moment last year. We will not be asking for more acre feet annually only the change of diversion point.

If you have any questions on these permit applications when they arrive, please feel free to give me a call.

Sincerely,

Morris Elcock
Manager

ME/jk

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413138

Pierre, March 20, 19 92

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

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

Fee for Application for Permit No. <u>5643-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	37	50
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	37 50

By

John H. Hester
Chief Engineer

REPORT ON APPLICATION NO. 5643-3
for Kingbrook Rural Water System
April 21, 1992

Future Use application No. 5643-3 proposes to appropriate 850 acre feet annually. The area reserved is to be located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 of section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 of section 9; NE 1/4 NE 1/4 of section 17; all in T105N R51W in Lake County. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

AQUIFER - BIG SIOUX NORTHERN SKUNK CREEK (BG-NSC)

The Big Sioux Northern Skunk Creek is a predominantly unconfined glacial outwash (sand and gravel). The aquifer is mostly under water table conditions but can be artesian. The aquifer underlies 48 square miles and contains an estimated 196,000 acre feet of water in storage in Lake County (Hansen, 1986). The aquifer is hydraulically connected to area lakes (Madison and Brant) and Skunk Creek. Ground water movement is generally from northwest to southeast and locally towards the lakes and towards Skunk Creek. Average recharge to the Big Sioux Northern Skunk Creek aquifer has been estimated at 3.1 inches per year (7936 acre feet per year) and could range from 2.0 to 5.6 inches per year (Hedges, 1983). Water use from the aquifer for irrigation has been reported as 550 acre feet in 1990, 1106 acre feet in 1989, 1047 acre feet in 1988 and 870 acre feet in 1987. Kingbrook RWS reported a water use of 408 acre feet, Big Sioux RWS reported a water use of 43 acre feet and the City of Madison reported a water use of 829 acre feet in 1991 from the Big Sioux Northern Skunk Creek aquifer. Also a small volume of water is used for domestic purposes and by the Chester Sanitary District. Water use calculations indicate that water is available from the aquifer.

Because of the large lakes, Madison and Brant, which are in the immediate area, the average annual recharge estimate is probably conservative. The lakes, although they are by far the largest water users in the area, also serve to stabilize groundwater levels. The drainage area which provides runoff to the lakes is large and even though groundwater recharge might be below normal, the lakes can still fill with runoff. Although the direct interchange between surface and ground water is not as obvious here as between the Big Sioux Sioux Falls aquifer and Big Sioux River north of Sioux Falls, the hydraulic connection should provide more recharge water than the estimate based upon precipitation.

The Division of Water Rights monitors five observation wells completed into Big Sioux Northern Skunk Creek aquifer. These are LK-79A, LK-79C, LK-79D, LK-79E and LK-81B. Records for these wells indicate that the water levels respond to climatic conditions, that is, rising during wet years due to recharge and gradually declining during dry years due to pumping and natural discharges. The record indicates recharge does occur and that the aquifer is capable of sustaining

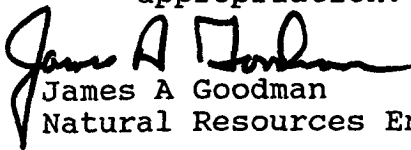
additional withdrawals (Water Rights, 1992). Hydrographs for these wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are six different water permits/rights within 1/2 mile of the area outlined for Future Use. These are permit/right Nos. 4963-3, 4960-3, 4311-3, 5429-3, 5373-3 and 2987-3. Interference is not expected to be a problem. There will be drawdown created by pumping of high capacity wells, but this should not be adverse. The observation well record substantiates this. The wells can be spaced to minimize any potential effects.

CONCLUSIONS

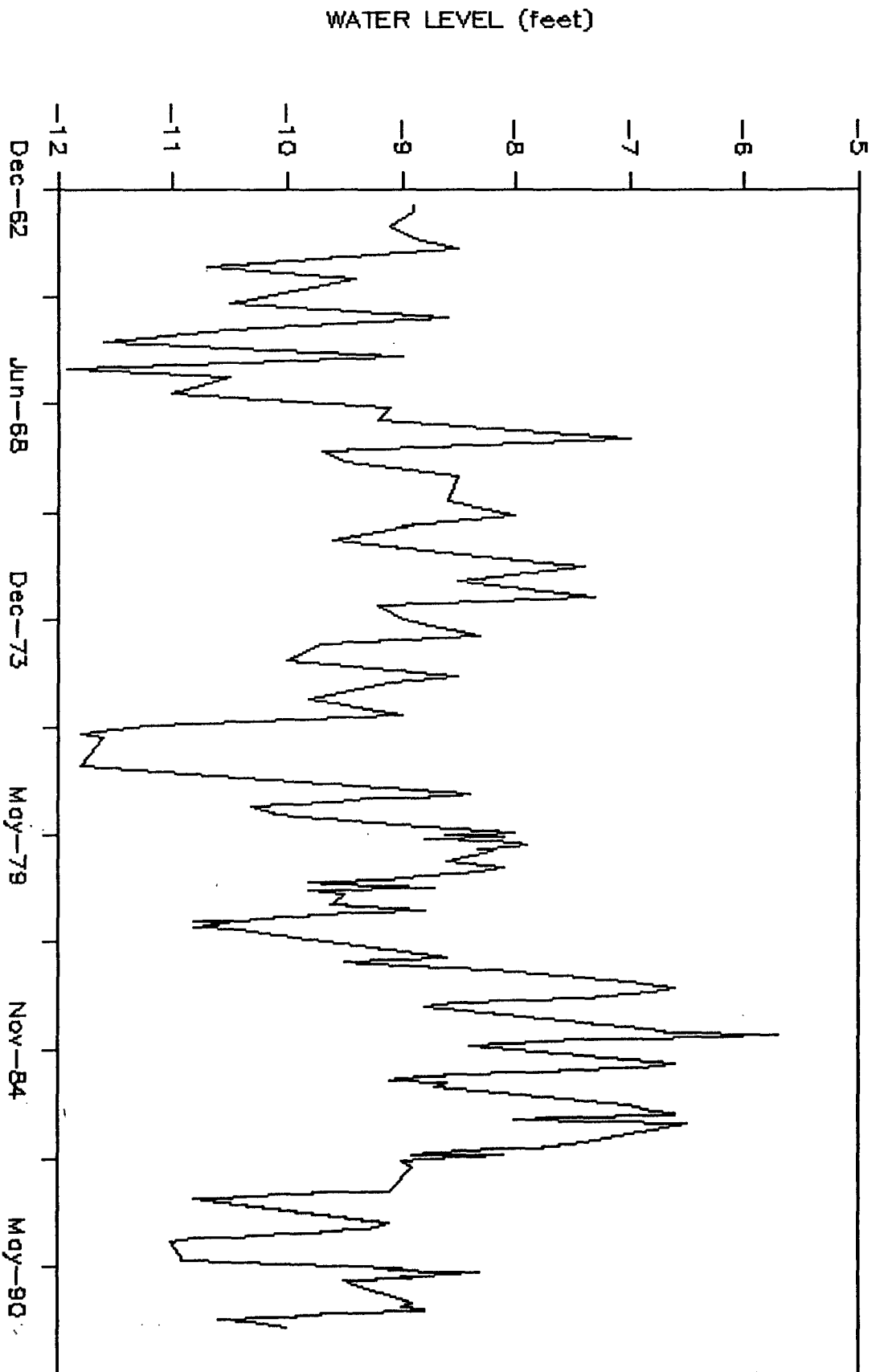
1. Water is available from the Big Sioux Northern Skunk aquifer.
2. The aquifer is under predominantly unconfined conditions. Drawdown caused by pumping is not expected to be adverse. Since this is a future application, the actual diversion points have not been identified.
3. The Kingbrook RWS reported using 408 acre feet from their well field in this area in 1991. Their application indicates that the average water production from the well field exceeds 425 acre feet per year. The request for 850 acre feet annually is reasonable.
4. Water use from the aquifer is approximately 2380 acre feet per year. This is largely dependent upon irrigation use which can vary widely any given year based upon precipitation but this would appear to be a maximum. Average annual recharge is estimated at 7936 acre feet per year. Existing Future Use for the City of Madison totals 2785 acre feet per year (6.41 cfs). There are 5165 acre feet per year committed out of the aquifer. Approval of this application will leave water remaining for appropriation.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

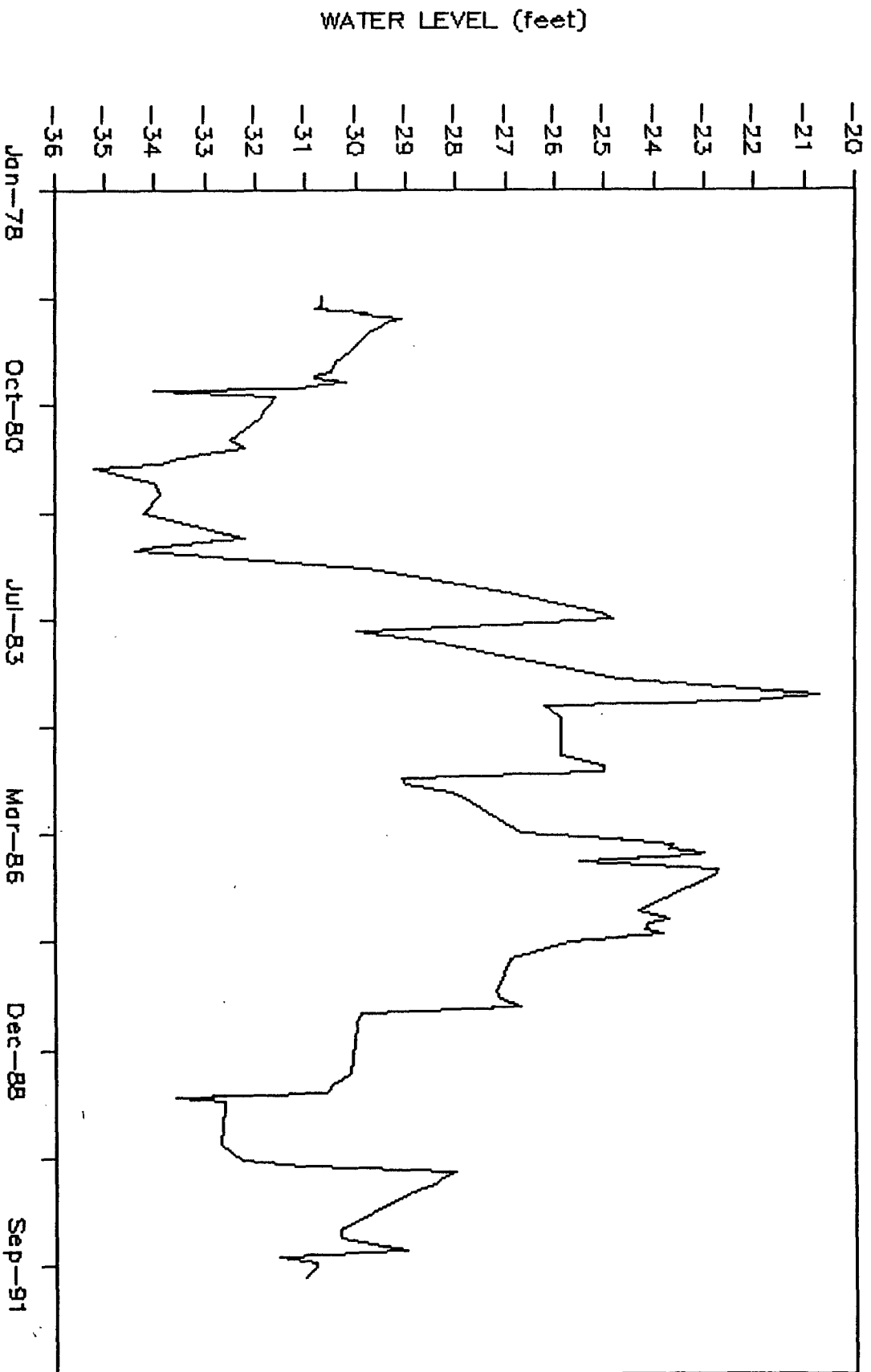
- Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, SD, USGS WRI 84-4209, USGS, Huron, SD, 57350.
- Hedges, L.S., etal, 1983, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Unpublished Observation Well Records for Lake County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL LK-81B



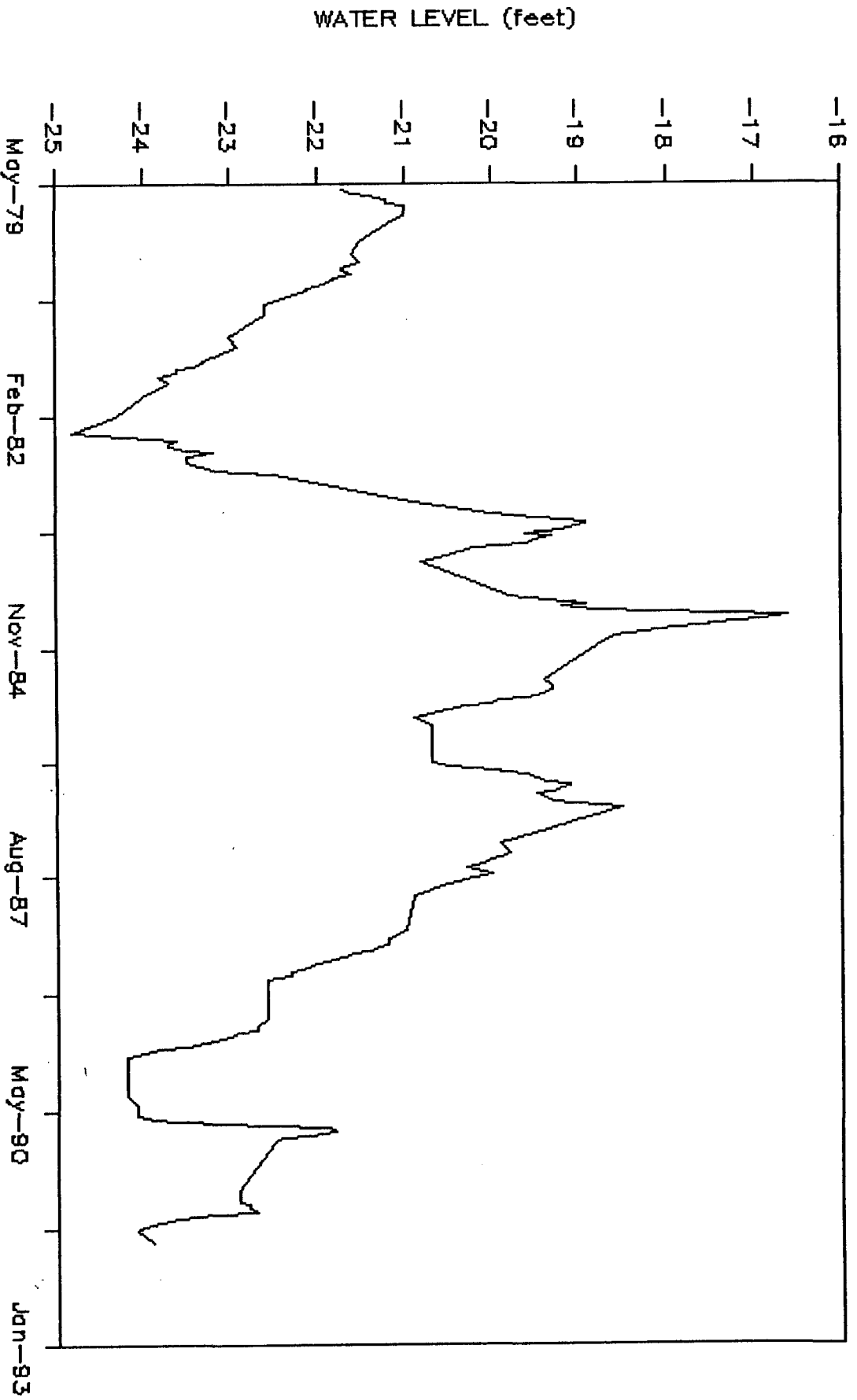
WATER RIGHTS OBSERVATION WELL

LK79E



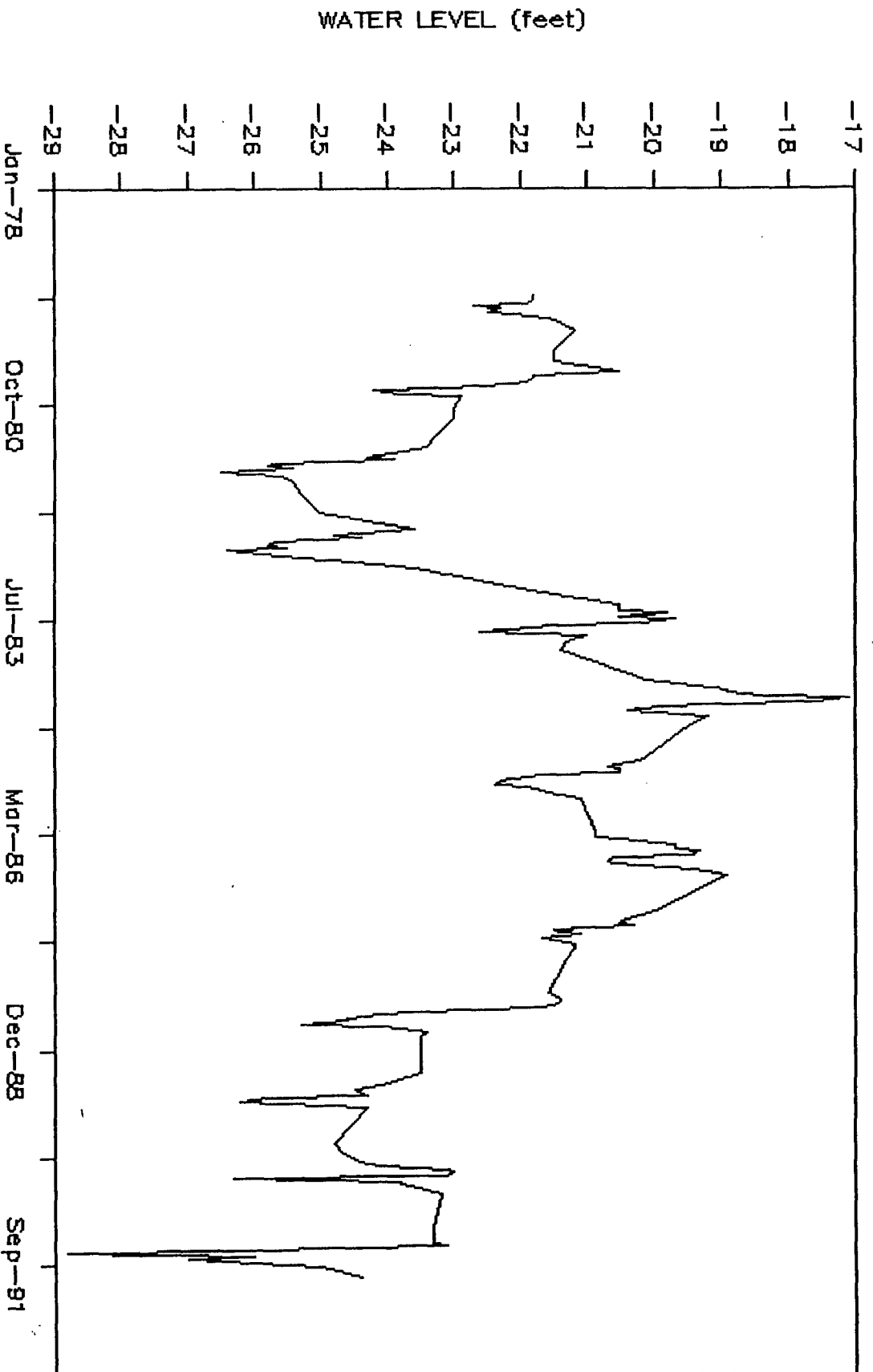
WATER RIGHTS OBSERVATION WELL

LK-79D



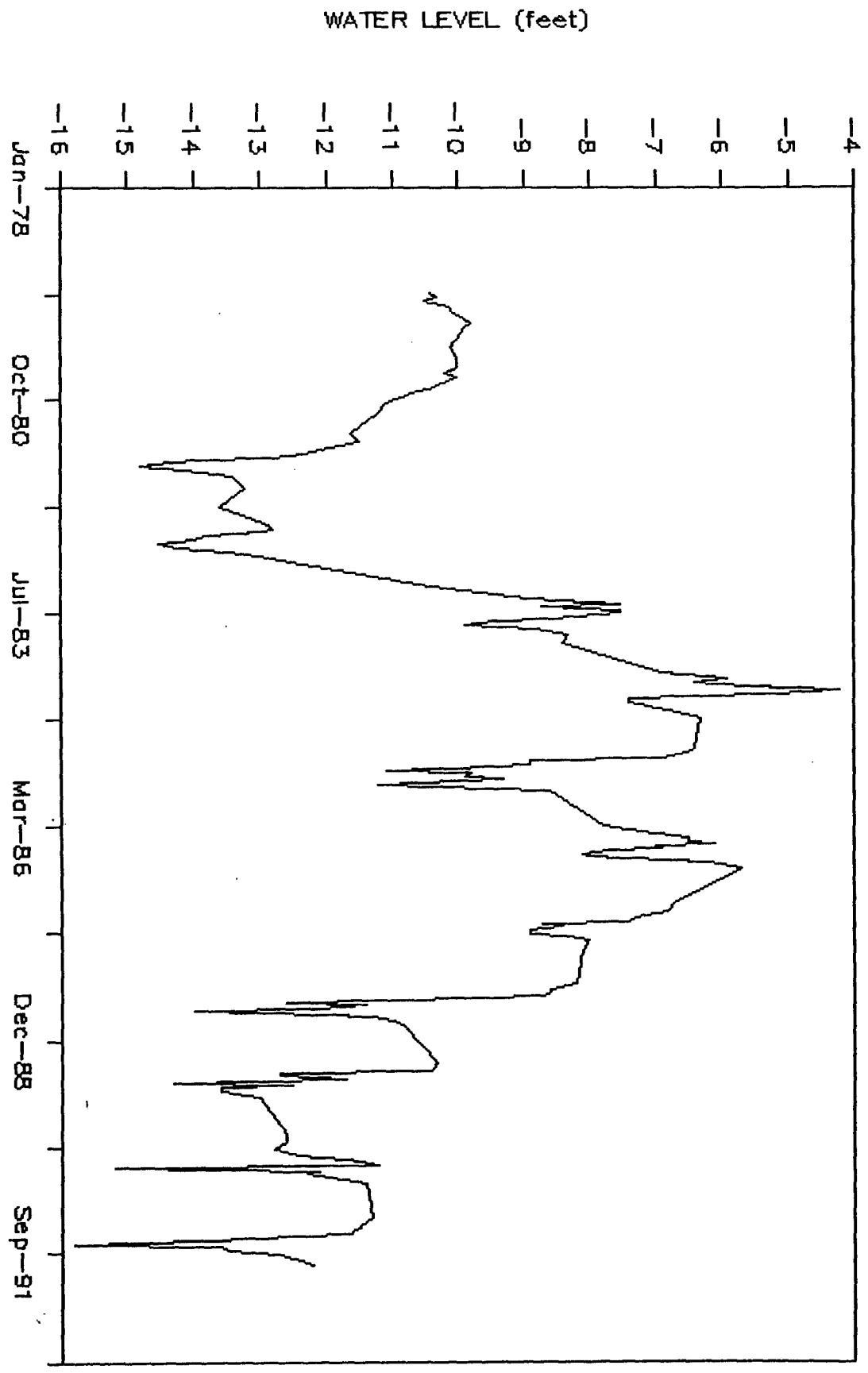
WATER RIGHTS OBSERVATION WELL

LK-79C



WATER RIGHTS OBSERVATION WELL

LK79A



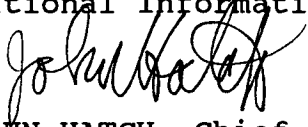
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 5643-3, Kingbrook Rural Water System, Inc.

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 Future Use Water Permit Application No. 5643-3, Kingbrook Rural Water System, Inc., c/o Larry Sterling, Drawer 299, Arlington, SD 57212.

The Chief Engineer is recommending APPROVAL of Future Use Application No. 5643-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the quantity of water reserved will be needed by the Kingbrook Rural Water System, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualifications:

1. That Permit No. 5643-3 is approved with the stipulation that the Permit is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the reserved water to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
3. This permit is approved for groundwater from Big Sioux Northern Skunk Creek Aquifer. Wells will be approximately 70 feet deep.
4. Approval of this Permit reserves 850 acre-feet of water annually.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 24, 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 NEWSPAPERS RIGHT AWAY.

April 30, 1992

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

Dear Mr. Sterling:

Water Permit Application No. 5643-3 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 Publisher of the Moody Co. Enterprise printed at Flandreau, SD (Ph # 997-3725), Argus Leader printed at Sioux Falls, SD (Ph # 331-2200), Salem Special printed at Salem, SD (Ph # 425-2361), Miner Co. Pioneer printed at Howard, SD (Ph # 772-5644), Daily Leader printed at Madison, SD (Ph # 256-4555), Clark Co. Courier printed at Clark, SD (Ph # 532-3654), Brookings Daily Register printed at Brookings, SD (Ph # 692-6271), DeSmet News printed at DeSmet, SD (Ph # 854-3331) and Estelline Journal printed at Estelline, SD (Ph # 873-2475. 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 newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspapers have 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

April 30, 1992

Moody Co. Enterprise
Box 71
Flandreau, SD 57028

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 6, 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 Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 (Ph # 983-5074).

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

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

April 30, 1992

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 7, 1992, with the second publication 7 days later.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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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

April 30, 1992

Salem Special
Box 220
Salem, SD 57058

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 7, 1992, with the second publication 7 days later.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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Name _____

Newspaper _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1992

Miner Co. Pioneer
Box P
Howard, SD 57349

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 7, 1992, with the second publication 7 days later.

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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

April 30, 1992

Daily Leader
PO Box 348
Madison, SD 57042

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 7, 1992, with the second publication 7 days later.

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Name _____

Newspaper _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1992

Clark Co. Courier
Box 189
Clark, SD 57225

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 6, 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 Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 (Ph # 983-5074).

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

April 30, 1992

Brookings Daily Register
Box 177
Brookings, SD 57006

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 7, 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 Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 (Ph # 983-5074).

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Natural Resources Engineer
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enclosures

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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

April 30, 1992

DeSmet News
Box 69
DeSmet, SD 57231

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 6, 1992, with the second publication 7 days later.

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Natural Resources Engineer
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enclosures

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Date _____

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Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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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

April 30, 1992

Estelline Journal
Box 159
Estelline, SD 57234

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 7, 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 Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 (Ph # 983-5074).

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Natural Resources Engineer
605 773-3352

enclosures

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Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

May 7,

Instruction to Newspaper - Publish first Notice on May 6, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5643-3 to Reserve Water for Future Use

Notice is given that the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5643-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water, and 4) it is in the public interest. 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 May 26, 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. 5643-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 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 June 3, 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 June 3, 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 May 26, 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

**NOTICE OF HEARING ON
APPLICATION NO. 5643-3
TO RESERVE WATER
FOR FUTURE USE**

Notice is given that the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8; S $\frac{1}{2}$ NW $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works

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For purposes of publishing 1) the notice of hearing on Application No. 5643-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 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



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. 5643-3 To Reserve Water for future use.

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

successive weeks, the first publication being made on the 7 day of May 1992,

and the last publication on the 7 day of May 1992

The first publication being made on the 14 day of May 1992

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

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.....

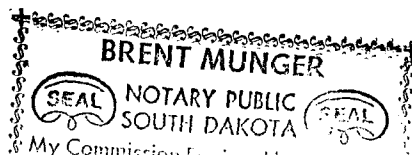
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$65.77 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 May 1992

Brent Munger

My Commission expires the 14th day of May 1993



is contested, the June 3, 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 June 3, 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 May 26, 1992.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

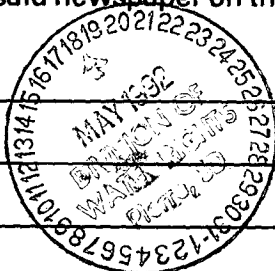
 County Hemlock) ss. **CONNIE JEAN JENSEN**
 My Commission Expires
 Sept. 29, 1994

 I, Connie Jensen

 certify that the attached printed Notice was taken
 from the Estelle's Journal

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

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

May 7, 1992
May 14, 1992

[Signature]
 (Signature)

[Signature]
 (Title)

5-15-92
 (Date Signed)

 Cost of Printing: 128
36.23 1st
28.98 2nd 8040
65.01

The Estelle's Journal - Thur

 handicapped in employment or provi-
 sion of services.

74-2x-May 7, 14

NOTICE OF HEARING

 on Application No. 5643-3 to
 Reserve Water for Future Use

Notice is hereby given that Kingbrook Rural Water System, Inc. Drawer 299, Arlington, SD 57212 has filed an application for a future water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. This water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5643-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water, and 4) it is in the public interest. 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 May 26, 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

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For purposes of publishing 1) the notice of hearing on Application No. 5643-3 and 2) the chief engineer's recommendation, a meeting of the Division of Water Rights office to hear this application is scheduled for June 3, 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 June 3, 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 June 3, 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 May 26, 1992.

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Friday, May 14, 1992 - Page 13

vided 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County McCook) ss.

I, Troy Schwans

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

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

Salem of Salem

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

May 7, 1992

May 14, 1992

Troy Schwans
 (Signature)

Editor
 (Title)

5-14-92
 (Date Signed)

Cost of Printing: First Publication

122 lines @ .2864 34.94

Second Publication 80% 27.95

62.89 total

Public Notice

Notice of Hearing
 on Application No. 5643-3
 to Reserve Water for
 Future Use

Notice is given that the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

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5/7, 5/14

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Lake) ss.

I, Deanna 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:

Thursday, May 7 92

Thursday, May 14 92

Deanna S Bergheim
 (Signature)

Secretary
 (Title)

5-14-92
 (Date Signed)



Thurs., May 7, 14

**NOTICE OF HEARING
 ON APPLICATION NO. 5643-3
 TO RESERVE WATER FOR FUTURE USE**

Notice is given that the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, S.D. 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from ground-water (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S½ SW¼,

SE¼ NE¼ Section 8; S½ NW¼, N½ SW¼ Section 9; NE¼ NE¼ Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5643-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water, and 4) it is in the public interest. 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, 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 May 26, 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. 5643-3 and 2) the chief engineers' recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the June 3, 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 June 3, 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 May 26, 1992.

Cost of Printing: \$55.16
.2864 per line 80% after first publication

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 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) 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 Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

Thursday, May 7

Thursday May 14

M. Devish
 (Signature)
Controller
 (Title)

5/14/92

(Date Signed)

Cost of Printing: 127.88



NOTICE OF HEARING
 on Application No. 5643-3 to
 Reserve Water for Future Use
 Notice is given that the Kingbrook
 Rural Water System, Inc., Drawer
 299, Arlington, SD 57212 has filed
 an application for a future use
 water permit to appropriate 850
 acre-feet of water annually from
 groundwater (Big Sioux Northern
 Skunk Creek Aquifer). The area to
 be reserved for future water use is
 to be located in the S 1/2 SW 1/4,
 SE 1/4 NE 1/4 Section 8; S 1/2 NW
 1/4, N 1/2 SW 1/4 Section 9; NE 1/4
 NE 1/4 Section 17; all in T105N-
 R51W. The water is to be reserved
 for the purpose of providing future
 water supplies to the rural water
 system. This application does not
 authorize construction of works or
 application of water to beneficial
 use.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer recommends AP-
 PROVAL of Application No. 5643-3
 because 1) unappropriated water is
 available, 2) the quantity of water
 reserved will be needed, 3) will be a
 beneficial use of water, and 4) it is
 in the public interest. Unless a
 petition is filed opposing the appli-
 cation or the applicant files a
 petition contesting the chief engi-
 neer's recommendation, the Water
 Management Board will NOT CON-
 DUCT a HEARING to consider this
 application and the chief engineer
 will issue the permit as recom-
 mended. Petitions filed in support
 of the application will NOT require
 the Board to hear the application.

Any person interested in op-
 posing or supporting this applica-
 tion 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 May 26, 1992. The
 petition may be informal, but must
 include a statement describing the
 petitioner's interest in the applica-
 tion, the petitioner's reasons for
 opposing or supporting the applica-
 tion, 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.
 5643-3 and 2) the chief engineer's
 recommendation, a meeting at the
 Division of Water Rights office to
 hear this application is scheduled
 for June 3, 1992, at 9:00 am in
 Room 413, Joe Foss Building, 523
 E Capitol, Pierre SD. If this applica-
 tion is opposed or the recommen-
 dation is contested, the June 3,

1992, hearing date will be resched-
 uled 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 peti-
 tions. 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 June 3,
 1992, hearing date will be automati-
 cally delayed for at least 20 days
 upon written request to the Chief
 Engineer from the applicant or any
 interested person opposing the ap-
 plication. The request for an auto-
 matic delay must be filed by May
 26, 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 qualifica-
 tions, 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 ac-
 cording 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 Su-
 preme 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;
 46-5-38 thru 46-5-40; and Board
 Rules ARSD 74:02:01:01 thru
 74:02:01:15; 74:02:01:24 thru
 74:02:01:25.
 12746

May 7, 14, 1992

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Brookings) ss.



I, Mary Schulte

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

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

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

March 7, 1992

March 14, 1992

Mary Schulte

(Signature)

Accounts Receivable Clerk

(Title)

5-14-92

(Date Signed)

Cost of Printing: \$59.73

Legal 291, 2x, May 7, 14

NOTICE OF HEARING on
 Application No. 5643-3 to Reserve
 Water for Future Use

Notice is given that the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5643-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water, and 4) it is in the public interest. 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 May 26, 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. 5643-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 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 June 3, 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 June 3, 1992, hearing date will be automatically delayed for at least 2 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 May 26, 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 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Kingsbury) ss.

I, Dale Blegen

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

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

of De Smet

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

May 6, 1992

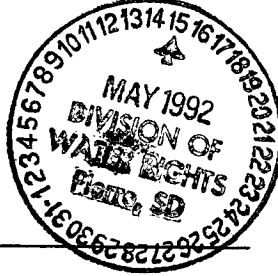
May 13, 1992

Dale Blegen
 (Signature)

Publisher
 (Title)

May 13, 1992
 (Date Signed)

Cost of Printing: 61.20



NOTICE OF HEARING
on Application No. 5643-3 to
Reserve Water for Future Use

Notice is given that the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5643-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water, and 4) it is in the public interest. 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 May 26, 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. 5643-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 1992,

61.20
 5-6
 121

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 June 3, 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 June 3, 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 May 26, 1992.

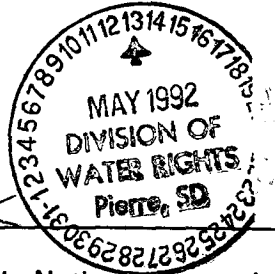
If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. 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 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

5-6-2wc-5-13

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Moody) ss.



I, Angela Nibbelink
certify that the attached printed Notice was taken
from the Moody County Enterprise

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

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

May 5, 1992
May 12, 1992

Angela Nibbelink
(Signature)
Bookkeeper
(Title)
5-12-92
(Date Signed)

Cost of Printing: \$ 60.86

NOTICE OF HEARING

on Application No. 5643-3 to
Reserve Water for Future Use

Notice is given that the Kingbrook
Rural Water System, Inc., Drawer 299,
Arlington, SD 57212 has filed an
application for a future use water permit
to appropriate 850 acre-feet of water
annually from groundwater (Big Sioux
Northern Skunk Creek Aquifer). The area
to be reserved for future water use is to
be located in the S 1/2 SW 1/4, SE 1/4
NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2
SW 1/4 Section 9; NE 1/4 NE 1/4 Section
17; all in T105N-R51W. The water is to be
reserved for the purpose of providing
future water supplies to the rural water
system. This application does not
authorize construction of works or
application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application no. 5643-3 because 1)
unappropriated water is available, 2) the
quantity of water reserved will be
needed, 3) will be a beneficial use of
water, and 4) it is in the public interest.
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 May 26, 1992. The petition
maybe 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 an 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.
5643-3 and 2) the chief engineer's
recommendation, a meeting at the
Division of Water Rights office to hear
this application is scheduled for June 3,
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 June
3, 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
June 3, 1992, hearing date will be
automatically annulled for that date.

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 May 26, 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 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

(May 5 & 12, 1992)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Clark) ss.

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:

May 6, 1992

May 13, 1992

Bert Moritz
 (Signature)

Publisher
 (Title)

5/21/92
 (Date Signed)

Cost of Printing: \$63.61

119 lines 2 times



NOTICE OF HEARING

On Application No. 5643-3

to Reserve Water for Future Use

Notice is given that Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5643-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water, and 4) it is in the public interest. 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 May 26, 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. 5643-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 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 June

Jan M. Lunsen

3, 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 person 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 June 3, 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 May 26, 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 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1992

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

Larry Sterling
Kingbrook Rural Water System, Inc.
Drawer 299
Kingbrook SD 57212

Dear Mr. Sterling

I am writing to advise you that the legal notice of hearing published in the Miner County Pioneer for Water Permit Application No. 5643-3 was not published correct. Enclosed is a copy of the Proof of Publication form that was submitted by the newspaper. As a result, the legal notice will need to be readvertised. The readvertisement is needed to ensure that the Water Permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice is being sent to the Publisher of the Miner County Pioneer printed at Howard SD.

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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Miner County Pioneer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1992

Miner Co. Pioneer
Box P
Howard, SD 57349

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5643-3 to be published twice. Please publish the first notice on May 28, 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 Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 (Ph # 983-5074).

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

Instruction to Newspaper - Publish first Notice on May 28, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5643-3 to Reserve Water for Future Use

Notice is given that the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5643-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water, and 4) it is in the public interest. 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 June 15, 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. 5643-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 24, 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 June 24, 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 June 24, 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 June 15, 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 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Miner) ss.

I, Danny Schwans
 certify that the attached printed Notice
 from the Miner County Pioneer

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

_____ of Howard, S.D.
 County of Miner and State of _____
 that the said notice was published in said newspaper
 following two dates:

May 28

June 4

Lauri Adler
 (Signature)

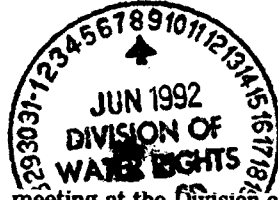
Sec.

(Title)

June 4

(Date Signed)

Cost of Printing: _____



meeting at the Division of Water Rights office to hear this application is scheduled for June 24, 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 June 24, 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 June 24, 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 June 15, 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 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

(May 28 & June 5)

NOTICE OF HEARING ON APPLICATION NO. 5643-3 TO RESERVE WATER FOR FUTURE USE

Notice is given that the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed an application for a future use water permit to appropriate 850 acre-feet of water annually from groundwater (Big Sioux Northern Skunk Creek Aquifer). The area to be reserved for future water use is to be located in the S½ SW¼, SE¼ NE¼ Section 8; S½ NW¼, N½ SW¼ Section 9; NE¼ NE¼ Section 17; all in T105N-R51W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5643-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) will be a beneficial use of water, and 4) it is in the public interest. 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 June 15, 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. 5643-3 and 2) the chief engineer's recommendation, a



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

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

Dear Mr. Sterling:

Enclosed is Future Use Permit No. 5643-3, as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in this future use permit to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

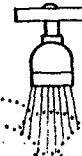
Very truly yours,

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

Enclosure

5643-3

KINGBROOK RURAL WATER SYSTEM



January 7, 1993

Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

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

Dear Mr. McLaury:

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

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

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

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

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

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

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

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

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

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

Sincerely,

Morris Elcock

Morris Elcock
Manager

ME/jk



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 1995

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

Dear Mr. Elcock:

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

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

A couple points to consider when reviewing this list:

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

PERMIT	NAME	CFS	AF	PRIORITY	DIV. PT. LOCATION	AQUIFER	STATUS
4367-3	KINGBROOK RWS	3.00	*	1979-01-09	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8-105N-51W	BS-NSC	PE
5646-3	KINGBROOK RURAL WATER SYS	1.00	425	1992-03-19	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-105N-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		
5186-3	KINGBROOK RWS INC	0.70	*	1988-03-29	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 17-111N-56W	VEF	LC
5208-3	KINGBROOK RWS	1.40	*	1988-08-15	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 16-111N-56W	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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1999

Randy Jencks, General Manager
Kingbrook Rural Water System
Drawer 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in regard to the seven year review of Future Use Water Permit No. 5643-3 from groundwater (Big Sioux Northern Skunk Creek Aquifer) which is held by Kingbrook Rural Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 425 acre-feet remain in reserve under this future use permit that was issued in 1992.

Please respond in writing by May 15, 1999, regarding the rural water system's intention for the future use permit. If plans are to retain the permit, then the response should outline a reasonable need for retaining the future use permit and include an estimate of future needs.

Permit No. 5643-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given to you of the hearing time and place at a future date. This will include a public notice in a newspaper in each county served by the rural water system. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

KINGBROOK RURAL WATER SYSTEM, INC.

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

May 13, 1999

Ms. Karen Schlaak (Water Rights Program)
Department of Environment & Natural resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



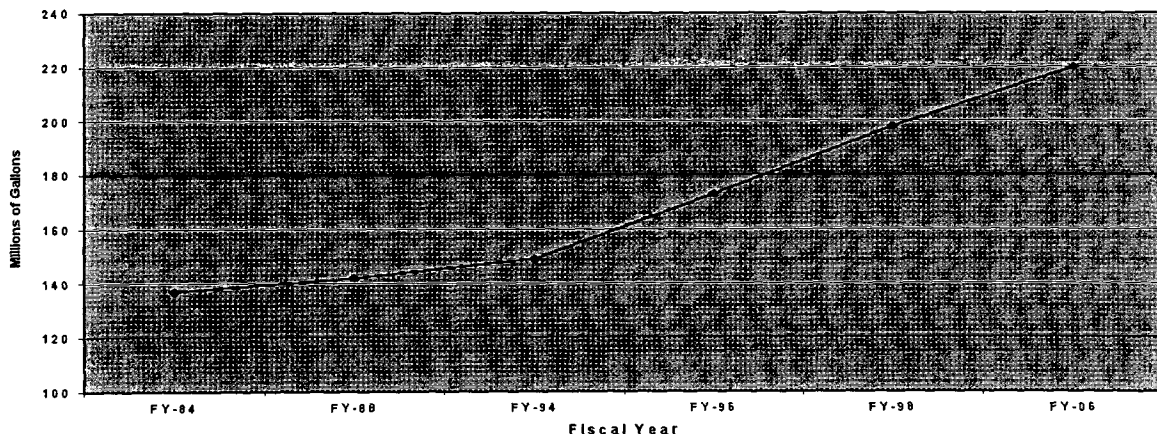
Re: Future Use Water Permit No. 5643-3

Dear Ms. Schlaak:

In response to your April 1, 1999 letter requesting information regarding our intention for future use permit 5643-3, Kingbrook Rural Water desires to maintain the permit based on future projected needs of the system.

Kingbrook is currently serving critical health needs of rural residents and communities by providing a safe, reliable and much needed water supply. We are continuing to grow within the area served by the permit and there are several existing communities that, based on past experience, may need to convert to rural water. The following outlines how production at our Chester facility has grown over the past 15 years. Projections based on this growth rate are shown for the next seven years.

KINGBROOK RURAL WATER
CHESTER TREATMENT PLANT
WATER PRODUCTION



1-800-605-5279/24 hours a day • Office Hours: 8 a.m. to 4:30 p.m. • EMERGENCY CALLS ONLY AFTER HOURS

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

Sincerely,

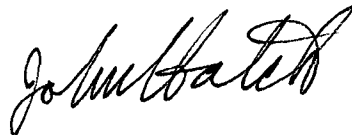

Randy Jencks, P.E.
General Manager

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5643-3, Kingbrook Rural Water System

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5643-3, Kingbrook Rural Water System, PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending that Future Use Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5643-3, 2) Kingbrook Rural Water System has demonstrated a reasonable need for the water reserved by Permit No. 5643-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5643-3 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to Kingbrook Rural Water System after the Board hearing.

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

JOHN HATCH, Chief Engineer
May 19, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 19, 1999

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

Randy Jencks, General Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

Future Use Permit No. 5643-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the following papers:

Moody Co. Enterprise, Flandreau	605 997-3725	Hamlin County Republic, Castlewood	605 793-2293
Argus Leader, Sioux Falls	605 331-2200	DeSmet News, DeSmet	605 854-3331
Salem Special, Salem	605 425-2361	Brookings Daily Register, Brookings	605 692-6271
Miner Co. Pioneer, Howard	605 772-5644	Clark Co. Courier, Clark	605 532-3654
Daily Leader, Madison	605 256-4555		

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

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

Additionally, your letter indicates several existing communities may need to convert to rural water. I want to make you aware that under Board Rules (74:02:01:03.01) a water permit is required to connect a separate water distribution system to the rural water system. This is commonly done by amending an existing water permit. If you have any questions on this requirement, please let me know.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



May 19, 1999

Miner Co. Pioneer
Box P
Howard SD 57349

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on May 27, 1999 with the second publication 7 days later.

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

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of May 19, 1999 enclosing Notice of Hearing to Review Future Use Water Permit No. 5643-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 1999

Moody County Enterprise
Box 71
Flandreau SD 57028

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on May 26, 1999 with the second publication 7 days later.

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523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



May 19, 1999

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



May 19, 1999

Salem Special
Box 220
Salem SD 57058-0220

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on May 27, 1999 with the second publication 7 days later.

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Pierre SD 57501-3181

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Name

Newspaper



May 19, 1999

Daily Leader
PO Box 348
Madison SD 57042

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Date _____

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523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



May 19, 1999

Clark Co. Courier
117 1st Ave E
Clark SD 57225

Dear Sir:

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Natural Resources Engineer
605 773-3352

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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



May 19, 1999

Brookings Daily Register
Box 177
Brookings SD 57006-0177

Dear Sir:

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Natural Resources Engineer
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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



May 19, 1999

DeSmet News
Box 69
DeSmet SD 57231-0069

Dear Sir:

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Natural Resources Engineer
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Date _____

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523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



May 19, 1999

Hamlin County Republican
Box 50
Castlewood SD 57223-0050

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on May 26, 1999 with the second publication 7 days later.

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on May 26, 1999 with 2nd publication 7 days later. Kingbrook Rural Water System is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved June 24, 1992 and currently reserves 425 acre feet of water (Big Sioux Northern Skunk Creek Aquifer) located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD on July 7, 1999 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 25, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 25, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 25, 1999. Nettie H Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

State of South Dakota

ss

County of Brookings

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



Exhibit "A"

Legal 032, 2x, 5/26, 6/2

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

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Legal #032 NOTICE OF HEARING

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

May 26, 1999

June 2, 1999

The hearing to review future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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be charged for the publication of
sole benefit to the publishers of
ement or understanding for the
de with any other person, and
agreed to be paid to any
fees charged for the publication

eight cents \$58.28

Christina Julius

me this 14 day of
, 1999.

County of Brookings, South Dakota.
y 28, 2005.

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5643-3**

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AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

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

headed Notice of Hearing to Review
Future Use Water Permit No. 5643-3

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 27 day of May 1999,

and the last publication on the 3 day of June 1999

The first publication being made on the 27 day of May 1999

The second publication being made on the 3 day of June 1999

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Nettie H. Myers
Secretary, Department
of Environment and
Natural Resources
(May 27-June 3)

made on the day of 19

made on the day of 19

made on the day of 19

l newspaper, and has a bona fide circulation of more than two has been published within the County of Miner, for more than ext prior to the first publication of said notice, and is printed in ard, South Dakota, the place of publication of said newspaper. es for publication of the annexed notice is \$69.01 and said publisher; that no agreement or understanding for a divi- with any person and that no part thereof has been agreed to be er.

this 14th day of June 1999

pires the 14th day of May 2002

Wednesday, May 26 & June 2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Lake)

I, Deanna D. Bergheim

certify that the attached printed Notice was
 taken

from the Madison Daily Leader

printed and published in Madison

County of Lake and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, May 26, 1999

Wednesday, June 2, 1999

Cost of Printing \$ 62.22

Deanna D. Bergheim
 (Signature)

Legal Secretary
 (Title)

June 2, 1999
 (Date Signed)

**NOTICE OF HEARING
 TO REVIEW FUTURE USE
 WATER PERMIT NO. 5643-3**

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NETTIE H. MYERS
 Secretary

Department of Environment
 and Natural Resources



Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Kingsbury) SS

I, Dale Blegen

certify that the attached printed Notice was taken

from the De Smet News

printed and published in De Smet

County of Kingsbury and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 26, 1999

June 2, 1999

Cost of Printing 57.72

Dale Blegen
(Signature)

De Smet News
(Title)

June 2, 1999
(Date Signed)

$100\text{L} \times 32.07 = 32.07$
 $\times 80\% \text{ wk 2}$ 25.65
57.72

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, P.O. Box 299, Arlington, S.D., 57212, for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved June 24, 1992, and currently reserves 425 acre feet of water (Big Sioux Northern Skunk Creek Aquifer) located in the S1/2 SW1/4, SE1/4 NE1/4 Section 8; S1/2 NW1/4, N1/2 SW1/4 Section 9; NE1/4 NE1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425-acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, S.D., on July 7, 1999, at 10 a.m.

The recommendation of the Chief Engineer is not final or binding upon the board and the board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 25, 1999. The Chief Engineer's address is "Water Rights Program," Joe Foss Bldg., 523 E. Capitol Ave., Pierre, S.D., 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted

1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1;
Board Rules ARSD 74:02:01:25.01 thru
74:02:01:25.03 and contested case pro-
cedures contained in SDCL 1-26.

This hearing is an adversary pro-
ceeding. The permit owner or any per-
son, after filing a petition, has the right
to be present or to be represented by a
lawyer. These and other due process
rights will be forfeited if they are not
exercised. Decisions of the board may be
appealed to the circuit court and state
Supreme Court as provided by law.

Any person wishing a copy of the
Chief Engineer's recommendation, fur-
ther information on this permit, to as-
sure access to the hearing by the handi-
capped or obtain an interpreter for the
hearing impaired may contact Eric
Gronlund, Water Rights Program, (605-
773-3352) by June 25, 1999. The time of
the hearing will be automatically de-
layed for at least 20 days upon written
request of the permit owner or any per-
son who has filed a petition to oppose or
support continuance of the Future Use
Permit. The request for a delay must be
filed with the Chief Engineer by June 25,
1999. Nettie H. Myers, Secretary,
Department of Environment and
Natural Resources.

5-26-2wc-6-2

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
) SS
 County of McCook)

I, Phyllis Knudson

certify that the attached printed Notice was taken

from the 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:

May 27, 1999

June 3, 1999

Cost of Printing \$60.43

Phyllis Knudson
 (Signature)

Advertising Manager
 (Title)

6-3-99

(Date Signed)

Public Notice

**NOTICE OF HEARING TO
 REVIEW FUTURE USE
 WATER PERMIT NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved June 24, 1992 and currently reserves 425 acre feet of water (Big Sioux Northern Skunk Creek Aquifer) located in the S1/2SW1/4, SE1/4NE1/4 Section 8; S1/2NW1/4, N1/2SW1/4 Section 9; NE1/4NE1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at the Floyd Mathew Training Center, Joe Foss Bldg. 523 E. Capitol, Pierre, SD on July 7, 1999 at 10:00 a.m.

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

interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 25, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg. 523 E Capitol Ave, Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by June 25, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 25, 1999. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

5/27, 6/3

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SS

I, LeeAnne Archer

certify that the attached printed Notice was taken

from the Hamlin County

Republican

printed and published in Castlewood

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 26, 1999

June 2, 1999

Cost of Printing 67.16

LeeAnne Archer
(Signature)

Owner
(Title)

June 16, 1999
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved June 24, 1992 and currently reserves 425 acres feet of water (Big Sioux Northern Skunk Creek Aquifer) located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD on July 7, 1999 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested persons who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 25, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg., 523 E. Capitol Ave., Pierre, SD 57501 (605-773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9,

46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by June 25, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 25, 1999.

Nettie H. Myers, Secretary
Department of Environment and Natural Resources
(publish may 26 and June 2, 1999)



Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Clark) SS

I, Bill Kukac

certify that the attached printed Notice was taken

from the Clark County Courier

printed and published in Clark

County of Clark and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 26

June 2

Cost of Printing 57.74

108 lines, 2 times

Bill Kukac
(Signature)

editor
(Title)

6-7-99
(Date Signed)

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved June 24, 1992, and currently reserves 425 acre feet of water (Big Sioux Northern Skunk Creek Aquifer) located in the S 1/2SW1/4, SE1/4NE1/4 Section 8; S1/2NW1/4, N1/2SW1/4 Section 9; NE1/4NE1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because (1) the reserved water may be developed, (2) there is need for the reserved water; (3) the proposed use will be a beneficial use and (4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at the Floyd Mathew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD on July 7, 1999, at 10 a.m. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to (1) allow the permit to remain in effect; (2) amend the permit by adding qualifications; (3) cancel the permit for no development or no planned future development; or (4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 25, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg., 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74-02:01:25.01 thru 74-02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 25, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 25, 1999.

Joan M. Furness
Nettie H. Myers, Secretary
Dept. of Environment and Natural Resources
5-26-26

My commission expires
7-15-1999

OK

PROOF OF PUBLICATIONSTATE OF SOUTH DAKOTA)
) SSCounty of Moody)I, Angela Nibbelinkcertify that the attached printed Notice was
takenfrom the Moody CountyEnterpriseprinted and published in HandreanCounty of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 26, 1999June 2, 1999Cost of Printing 58.90Angela Nibbelink
(Signature)Fordeeper
(Title)6-2-99
(Date Signed)**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, P.O. Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved June 24, 1992 and currently reserves 425 acre feet of water (Big Sioux Northern Skunk Creek Aquifer) located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at the Floyd Matthew Training Center, Joe Foss Bldg, 523 E. Capitol, Pierre, SD on July 7, 1999 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 25, 1999. The Chief Engineer's address is "Water Rights Program", Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 25, 1999. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 25, 1999.

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

(May 26 & June 2, 1999)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 9, 1999

NOTICE

Randy Jencks, General Manager
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in response to action taken by the Water Management Board at the hearing on July 7, 1999 to review Future Use Permit No. 5643-3. The Board allowed the permit to remain in effect for 425 acre-feet of water annually. Future Use Permit No. 5643-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5643-3 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Very truly yours,

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416162

Pierre, _____ July 14, 19 99

RECEIVED OF Kingbrock Rural Water System, P.O. Box 299, Arlington, SD 57212
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. <u>5043-3</u> to Appropriate Water, for Future Use _____	27	50
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	27 50

By John Hatcher
Chief Engineer

NOT TO SCALE



Barry A. McLaury *Barry A. McLaury*
 Environmental Scientist
 Water Rights Program
 Date *February 15, 1996*

5645-3

NOT TO SCALE



(J-7)
102-67

5.3
1
N

185.3
2

+
2037

57.1
11

Jim L. Anderson
County Executive/Director
4-6-92

17.7
10

NHEL

NHEL

8

63.1
3

32.7
4

NHEL

2.5
N

38.1
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NHEL

35.4
9

29.8
8

(J-7)
102-67
NHEL

10.8
6
NHEL

2.3
NHEL

NHEL



5643-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 3, 2006

Kingbrook Rural Water System, Inc.
c/o Randy Jencks
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in regard to the seven year review of Future Use Water Permit No. 5643-3 from groundwater (Big Sioux Northern Skunk Creek) which is held by Kingbrook Rural Water System, Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the system. Currently, our records show that 425 acre-feet remain in reserve under this future use permit that was issued in 1992 and last reviewed in 1999.

Please respond in writing by June 1, 2006, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

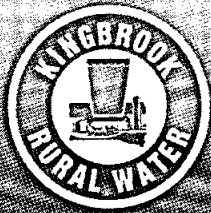
Permit No. 5643-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



Kingbrook

Rural Water System, Inc.

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

May 24, 2006

RECEIVED

JUN - 1 2006

WATER RIGHTS
PROGRAM

Ms. Karen Schlaak (Water Rights Program)
Department of Environment & Natural resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Future Use Water Permit No. 5643-3

Dear Ms. Schlaak:

In response to your May 3, 2006 letter requesting information regarding our intention for future use permit 5643-3, Kingbrook Rural Water desires to maintain the permit based on future projected needs of the system.

Kingbrook is currently serving critical health needs of rural residents and communities by providing a safe, reliable and much needed water supply. We are continuing to grow within the area served by the permit and there are several existing communities that, based on past experience, may need to convert to rural water. The enclosed graph displays the 40 % growth of our production at Chester since 1996 through 2005. As reflected by the trendline, we are expecting that this rate of growth will continue and possibly increase and we are currently expanding our existing facilities to accommodate the additional demand.

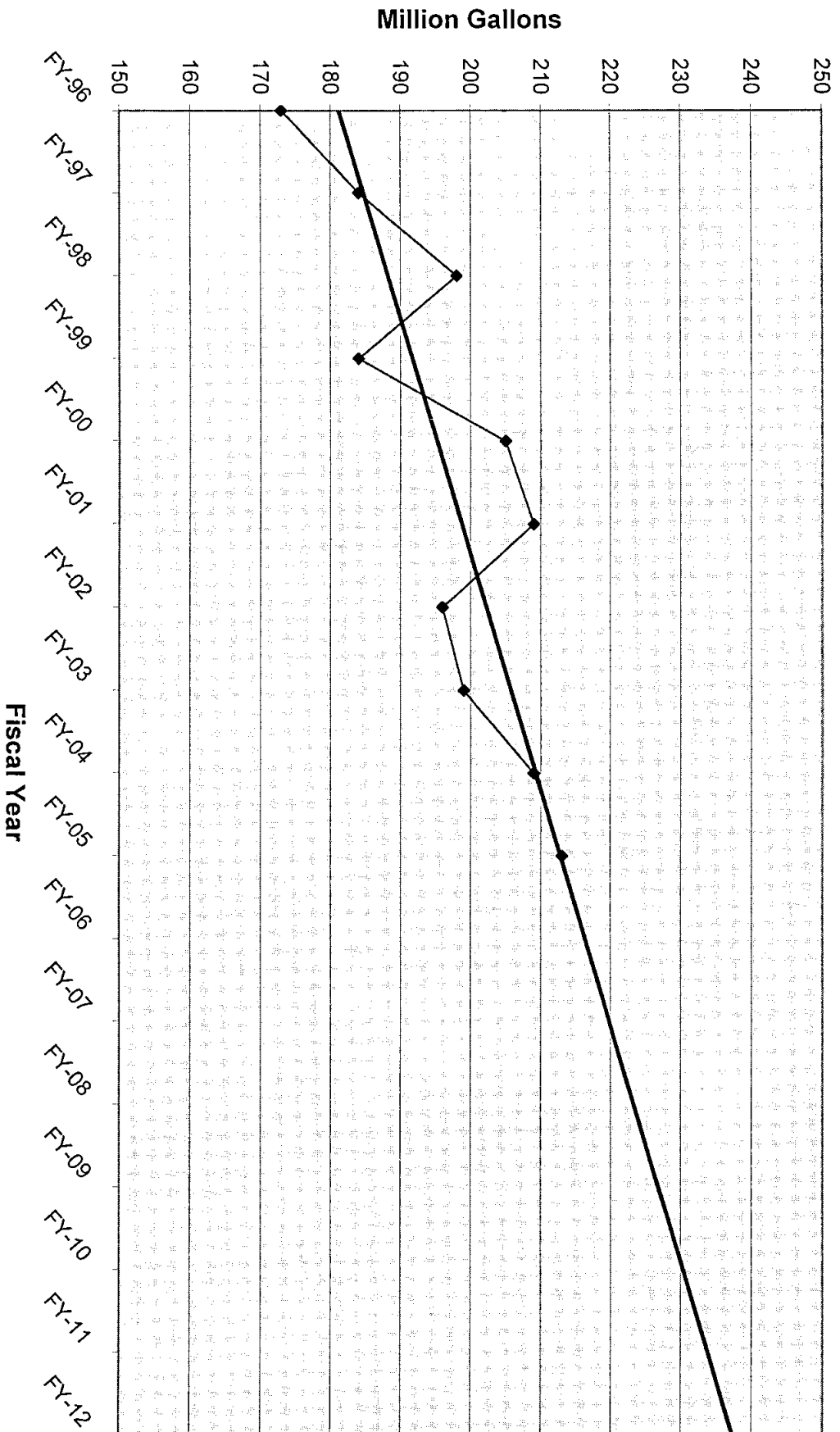
The above identifies a reasonable need to maintain the permit and we request your favorable consideration of our request.

Sincerely,

Randy Jencks, P.E.
General Manager

Enclosure

Kingbrook Rural Water Chester Treatment Plant Wellfield Water Production





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5643-3, Kingbrook Rural Water System, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5643-3, Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending that Future Use Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5643-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5643-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5643-3 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Garland Erbele, Chief Engineer
June 5, 2006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

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

Dear Mr. Jencks:

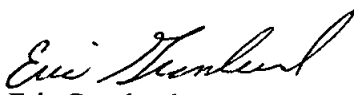
Future Use Permit No. 5643-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the following papers:

Moody Co Enterprise, Flandreau	605 997-3725	Hamlin Co Republic, Castlewood	605 793-2293
Argus Leader, Sioux Falls	605 331-2200	DeSmet News, DeSmet	605 854-3331
Canisota Clipper	605 296-3181	Daily Register, Brookings	605 692-6271
Miner Co Pioneer	605 772-5644	Clark Co Courier, Clark	605 532-3654
Daily Leader, Madison	605 256-4555		

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 5, 2006

Moody Co Enterprise
PO Box 71
Flandreau SD 57028-0071

Dear Sir:

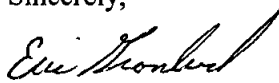
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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

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

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of June 5, 2006 enclosing Notice of Hearing to Review Future Use Water Permit No. 5643-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 5, 2006

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

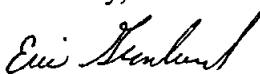
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Joe Foss Building
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Pierre SD 57501-3181

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and NATURAL RESOURCES

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

June 5, 2006

Canisota Clipper
PO Box 128
Canisota SD 57012-0128

Dear Sir:

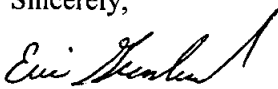
Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on ^{June} July 15, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Eric Gronlund
Natural Resources Engineer
605 773-3352

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

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Name

Newspaper



June 5, 2006

Miner Co Pioneer
PO Box 220
Howard SD 57349

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on June 15, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Natural Resources Engineer
605 773-3352

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Date _____

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

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Name

Newspaper



June 5, 2006

Daily Leader
PO Box 348
Madison SD 57042-0348

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Natural Resources Engineer
605 773-3352

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



June 5, 2006

Hamlin Co Republican
PO Box 50
Castlewood SD 57223-0050

Dear Sir:

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Natural Resources Engineer
605 773-3352

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Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper



June 5, 2006

DeSmet News
PO Box 69
DeSmet SD 57231-0069

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

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Eric Gronlund
Natural Resources Engineer
605 773-3352

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

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Name

Newspaper



June 5, 2006

Brookings Register
PO Box 177
Brookings SD 57006-0177

Dear Sir:

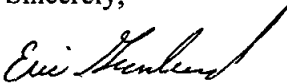
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605 773-3352

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Pierre SD 57501-3181

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Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 5, 2006

Clark Co. Courier
119 1st Ave E
Clark SD 57225

Dear Sir:

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Eric Gronlund
Natural Resources Engineer
605 773-3352

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

Date _____

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Name

Newspaper

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, July 12, 2006, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 3, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 3, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2006. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Kingsbury) SS

I, Dale Blegen

certify that the attached printed Notice was taken

from the De Smet News

printed and published in De Smet

County of Kingsbury and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 14, 2006

June 21, 2006

Cost of Printing 67.57

Dale Blegen
(Signature)

Publisher
(Title)

June 21, 2006
(Date Signed)

104 li x 36.1 = 37.54

x 90 % 30.03

67.57

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., P.O. Box 299, Arlington, SD 57212, for progress made in the development of the water reserved by the permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the S1/2 SW1/4, SE1/4 NE1/4 Section 8; S 1/2 NW 1/4, N1/2 SW1/4 Section 9; NE 1/4 NE1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2, the chief engineer of the Water Rights Program recommends that Permit No. 5643-3 remain in effect for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10 a.m., July 12, 2006, Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, S.D.

The recommendation of the chief engineer is not final or binding upon the board and the board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the chief engineer by July 3, 2006. The chief engineer's address is "Water Rights Program," Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501; (605) 773-3352; and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the chief engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605) 773-3352 by July 3, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the chief engineer by July 3, 2006. Steven M. Pirner, secretary, Department of Environment and Natural Resources.

6-14-2wc-6-21

RECEIVED

JUN 23 2006

WATER RIGHTS
PROGRAM

RECEIVED

JUN 23 2006

Form 8

WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 5643-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) The proposed use will be a beneficial use and 4) it is in the public interest.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 14, 2006

June 21, 2006

Cost of Printing 70.56

Angela Nibbelink
(Signature)

Bortkeper
(Title)

June 21, 2006
(Date Signed)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Hamlin) SS

I, Lee Anne Archer

certify that the attached printed Notice was taken

from the The Hamlin

County Republican

printed and published in

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 14, 2006

June 21, 2006

Cost of Printing \$66.82

Lee Anne Archer
 (Signature)

Owner
 (Title)

6/22/2006
 (Date Signed)

Records

Wednesday, June 21, 2006

**NOTICE OF HEARING TO
 REVIEW FUTURE USE WATER
 PERMIT NO. 5643-3**

Notice is hereby given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc. PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the S1/2 SW1/4, SE 1/4NE1/4 Section 8; S1/2NW1/4, N1/2SW1/4 Section 9; NE 1/4NE1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

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

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain any interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by July 3, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2006.

**Steven M. Pirner,
 Secretary**

**Department of Environment
 and Natural Resources**
 (publish June 14 and 21, 2006)

RECEIVED

JUN 23 2006

WATER RIGHTS
 PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lake) SS

I, Deanna D. Bergheim

certify that the attached printed Notice was
taken

from the Madison Daily Leader

printed and published in City of Madison

County of Lake and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

Wednesday, June 14, 2006

Wednesday, June 21, 2006

Cost of Printing 73.87

Deanna D. Bergheim
(Signature)

Bookkeeper

(Title)

June 21, 2006
(Date Signed)

Wednesday, June 14 & 21

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 a.m., July 12, 2006, Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, may file a written petition with BOTH the permit owner and the Chief Engineer by July 3, 2006. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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STEVEN M. PIRNER

Secretary
Department of Environment
and Natural Resources

AFFIDAVIT OF PUBLICATION

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STATE OF SOUTH DAKOTA, County of Miner: ss.

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

headed Notice of Hearing to Review Future Use
Water Permit No. 5643-3

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

successive weeks, the first publication being made on the 15th day of June 2006

and the last publication on the 22nd day of June 2006

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

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

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

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

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

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$67.95 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Danny Schwans
Subscribed and swore to me this 22nd day of June 2006.

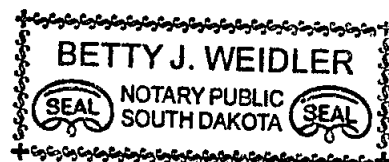
Betty J. Weidler

My Commission expires the 29th day of April 2010.

RECEIVED

JUN 26 2006

WATER RIGHTS
PROGRAM



petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605-773-3352) by July 3, 2006. The time of the

**NOTICE OF HEARING TO REVIEW FUTURE USE
WATER PERMIT NO. 5643-3**

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The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 a.m., July 12, 2006, Floyd Matthew Training Center, Joe Foss Bldg., 523 E. Capitol, Pierre, S.D.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to (1) allow the permit to remain in effect, (2) amend the permit by adding qualifications, (3) cancel the permit for no development or no planned future development, or (4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 3, 2006. The Chief Engineer's address

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Steven M. Pirner, Secretary
Department of Environment and
Natural Resources
6-14-2t

Affidavit of Publication

State of South Dakota

§

County of Clark

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

**KINGBROOK RURAL WATER SYSTEM
WATER PERMIT #5643-3**

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

(two)

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

**June 14, 2006
June 21, 2006**

that the full amount of the fees for the publication of the annexed notice is **\$68.35**

William J. Krikac

Subscribed and sworn to before me this

22nd day of June 2006

RECEIVED

JUN 27 2006

**WATER RIGHTS
PROGRAM**

Kimberly L. Seefeldt

Notary Public
Clark County, South Dakota

My commission expires: 10-02-07

Affidavit of Publication

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

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

Notice of Hearing

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

The first publication be made on 6-15

The second publication on 6-22

The third publication on _____

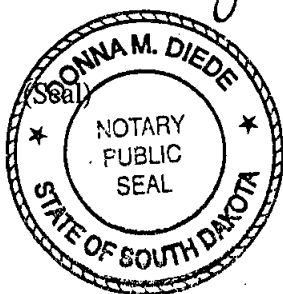
The fourth publication on _____

that 71.14 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whomsoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota

Matthew Anderson

Subscribed and sworn to before me this 26

day of June 2006



Donna M. Diele
Notary Public, South Dakota

My commission expires 2-2-2010

RECEIVED
JUL - 3 2006
WATER RIGHTS
PROGRAM

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

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6-15-2006

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340
Invoice Number: 943905

Water Rights Program

**Argus Leader
AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

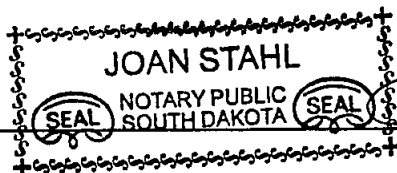
COUNTY OF MINNEHAHA } ss

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

Wednesday, the 14 day of June 2006 ,
Wednesday, the 21 day of June 2006 ,
_____, the _____ day of _____ 2006 ,
_____, the _____ day of _____ 2006 ,
_____, the _____ day of _____ 2006 ,
_____, the _____ day of _____ 2006 ,
_____, the _____ day of _____ 2006 ,

and that \$176.61 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 6/21/2006



Joan Stahl
Notary Public, South Dakota

My Commission expires June 30, 2011

NOTICE OF HEARING TO REVIEW FUTURE USE
WATER PERMIT NO. 5643-3
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943906 June 14 & 21, 2006

RECEIVED

JUL 10 2006

**WATER RIGHTS
PROGRAM**

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

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

that the

Legal #650 "Permit 5643-3"

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit

said newspaper for _____ 2 times, to-wit:

July 14, 2006

June 21, 2006

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

Sixty-eight dollars and fifteen cents. \$68.15

Subscribed and sworn to before me this

22nd

day of

June

2006

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2012

RECEIVED
JUL 19 2006
WATER RIGHTS
PROGRAM

Legal 650, 2x, 6/14, 21
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5643-3

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

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 3, 2006. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2006. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 13, 2006

NOTICE

Kingbrook Rural Water System, Inc.
c/o Randy Jencks
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in response to action taken by the Water Management Board at the hearing on July 12, 2006 to review Future Use Permit No. 5643-3. The Board allowed the permit to remain in effect for 425 acre-feet of water annually. Future Use Permit No. 5643-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5643-3 is \$27.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 13, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 13, 2006 regarding Future Use Permit No. 5643-3 addressed as stated below:

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



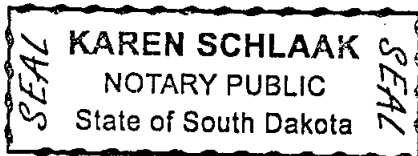
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of July, 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 18, 20 06

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	27	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5643-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) _____	TOTAL	27.50

No.

02518

By

Darland Ebel
Chief Engineer
gm



5643-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 15, 2013

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

Dear Mr. Jencks:

I am writing in regard to the seven year review of Future Use Water Permit No. 5643-3 from the Big Sioux:Northern Skunk Creek Aquifer held by the rural water system. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the rural water system. Currently, our records show that 425 acre-feet remain in reserve under this future use permit that was issued in 1992 and last reviewed in 2006.

Please respond in writing by June 15, 2013 regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5643-3 will then be public noticed at your expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 425 acre-feet remain in reserve, the fee will be \$95.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



Kingbrook

Rural Water System, Inc.

PO Box 299 • 302 E. Ash St. • Arlington, SD 57212 • Phone 605-983-5074 • 1-800-605-5279 • Fax 605-983-5636 • E-mail kbrw@mediacombb.net

RECEIVED

MAY 31 2013

WATER RIGHTS
PROGRAM

May 30, 2013

Ms. Karen Schlaak (Water Rights Program)
Department of Environment & Natural resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Future Use Water Permit No. 5643-3

Dear Ms. Schlaak:

In response to your May 15, 2013 letter requesting information regarding our intention for future use permit 5643-3, Kingbrook Rural Water desires to maintain the permit based on future projected needs of the system.

Kingbrook is currently serving critical health needs of rural residents and communities by providing a safe, reliable and much needed water supply. We are continuing to grow within the area served by the permit and there are existing communities that, based on past experience, may need to convert to rural water. The enclosed graph displays the 13 % growth of our production at Chester from 2002 through 2012. In 2007 we set a system pumping record of 227 million gallons produced and in 2012 we again came close to that record peak producing 221 million gallons. As reflected by the trend line, we are expecting this rate of growth will continue and potentially increase. We are currently expanding our existing facilities to accommodate our existing customer base and requests for water service from large dairy operations and animal confinements.

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

Sincerely,

Randy Jerpeks, P.E.
General Manager
Enclosure

MISSION STATEMENT: To provide member-owners with reasonably priced, reliable, quality water.

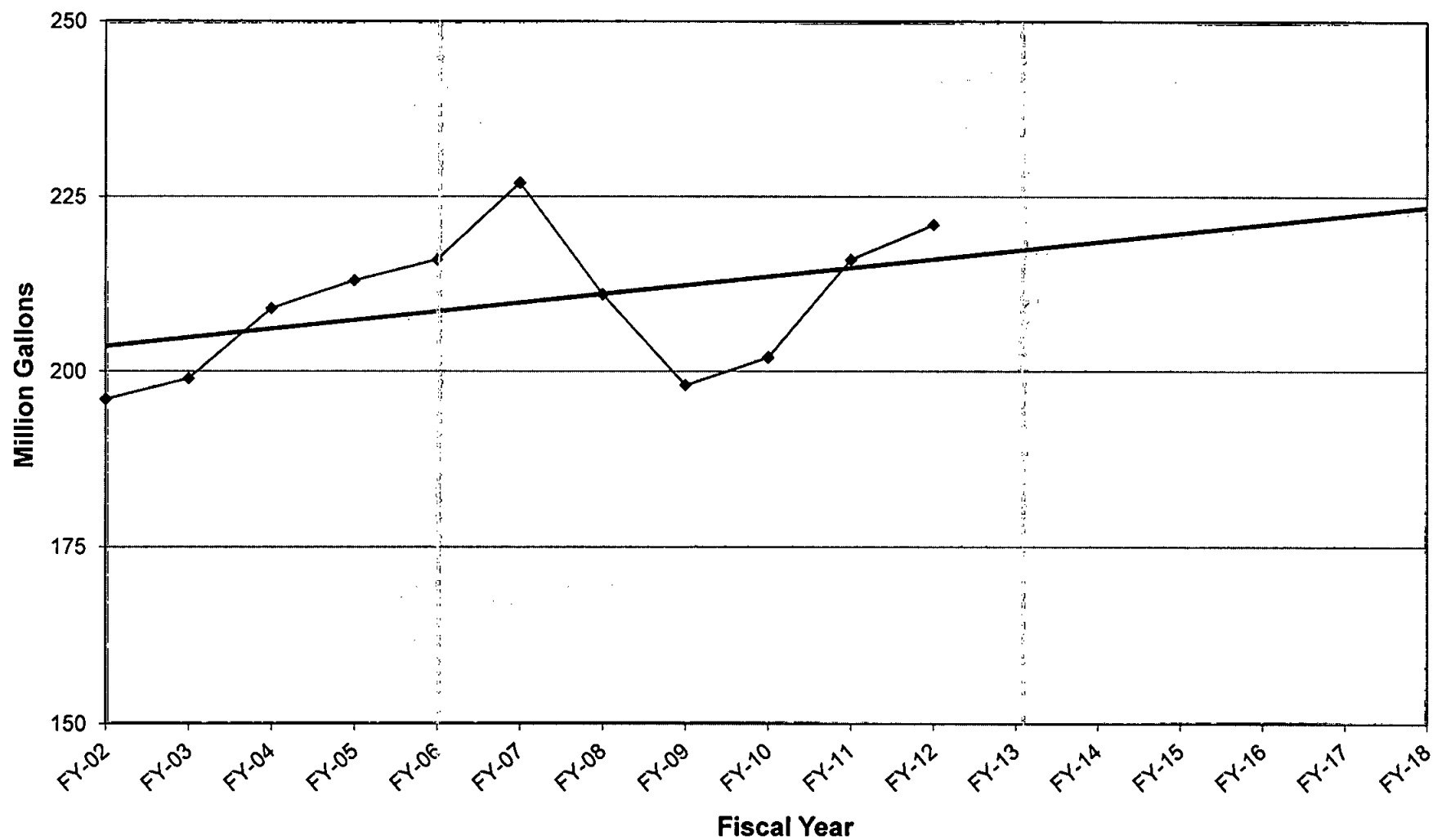
"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, and familial status. (Not all prohibited bases apply to all programs) To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410 or call (800)795-3272 (voice), or (202)720-6382 (TDD)."

RECEIVED

MAY 31 2013

WATER RIGHTS
PROGRAM

Kingbrook Rural Water
Chester Treatment Plant Wellfield Water Production





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5643-3, Kingbrook Rural Water System, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5643-3, Kingbrook Rural Water System, Inc., PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending that Future Use Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5643-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5643-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5643-3 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Jeanne Goodman, Chief Engineer

June 12, 2013

CUSTOMER NUMBER:	078200	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1418230		
	6/19, 2013		\$96.82

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

RECEIVED

JUN 20 2013

WATER RIGHTS PROGRAM

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200

Invoice Number: 1418230

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

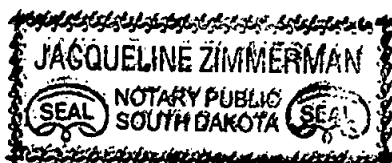
Wednesday the 19 day of June 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,
the day of 2013 ,

and that \$96.82 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 6/19/2013

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3
Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre feet from the Big Sioux Northern Skunk Creek Aquifer located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.
Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN IN EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.
The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendation of the Chief Engineer is not final or binding upon the Board and

the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.
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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the approximate cost of \$96.82.
1418230 June 19, 2013

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre feet from the Big Sioux-Northern Skunk Creek Aquifer located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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RECEIVED

JUN 21 2013

AFFIDAVIT OF PUBLICATION WATER RIGHTS PROGRAM

STATE OF SOUTH DAKOTA, County of Miner: ss.

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

Notice of Hearing to Review Future
Use Water Permit No 5643-3

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 1 successive weeks, the first publication being made on the 20th day of June 2013.

And the last publication on the day of 20.....

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

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

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

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

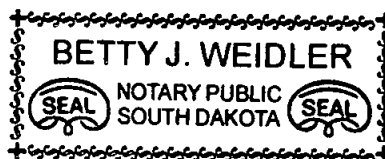
The fifth publication being made on the day of 20.....

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$32.52 and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Subscribed and sworn to me this 20th day of June 2013.

Betty J Weidler

My commission expires the 20th day of April 2016.



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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$32.52.
(June 20)

**NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT
NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre feet from the Big Sioux: Northern Skunk Creek Aquifer located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E. Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 2013. The Chief Engineer's address is "Water Rights Program",

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

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Published once at the total approximate cost of \$39.44.
6-19-13

Affidavit of Publication

State of South Dakota

§

County of Clark

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

**KINGBROOK RURAL
WATER SYSTEM, INC.**

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

ONE

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

JUNE 19, 2013

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

39.44

William J. Krikac

Subscribed and sworn to before me this

20TH DAY OF JUNE, 2013

Anna D. Zelke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2019

RECEIVED

JUN 21 2013

**WATER RIGHTS
PROGRAM**

RECEIVED

JUN 21 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County
Enterprise

printed and published in Flan dreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 19, 2013

Cost of Printing \$ 38.50

Angela Nibbelink
(Signature)

Bookkeeper / Office Mgr
(Title)

June 19, 2013
(Date Signed)

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre feet from the Big Sioux: Northern Skunk Creek Aquifer located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4 N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

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Building, 523 E Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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

(June 19, 2013)

Published once at the total approximate cost of \$40

RECEIVED

JUN 21 2013

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SS

I, LeeAnne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Herald Enterprise

printed and published in Hayti

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 19, 2013

Cost of Printing \$ 36.96

LeeAnne Dufek
(Signature)

Publisher
(Title)

6-20-13
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre feet from the Big Sioux/Northern Skunk Creek Aquifer located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523

E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be con-

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

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 2013. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published June 19, 2013, at total cost of \$36.96.

AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF SOUTH DAKOTA }
County of Lake } ss.

JUN 24 2013

WATER RIGHTS
PROGRAM

Sue Anne Artko of the City of Madison, County of Lake,
State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation,
printed and published in the City of Madison, in said County of Lake, by Hunter
Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper
during the times hereinafter mentioned; that the said Madison Daily Leader has
been in existence as such legal newspaper for more than one year prior to the
publication of the notice hereunto attached, and has during all of said time had, and
how has, more than 200 bona fide subscribers; that the undersigned, the affiant,
is the Secretary of the said newspaper, in charge of the advertising
department thereof and has personal knowledge of all the facts stated in this
affidavit and the advertisement headed

Kingbrook Rural Water System

Hearing to Review Future Use Water Permit #5643-3

printed copy of which hereunto attached, was printed and published in the said
newspaper for One successive weeks, once each week and on the
same day of the week, on the following dates, to-wit:

On Wednesday, the 19th day of June, 2013;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;

That \$ 39.16 being the full amount of the fees for publication of the
attached notice inures solely for the benefit of the publisher of the said newspaper;
that no arrangement or understanding for a division thereof has been made with
any other person and that no part thereof has been agreed to be paid to any other
person whomsoever.

Sue Anne Artko

Subscribed and sworn to before me this 20th day of
June, 2013

Ann L. Koch
Notary Public, Lake County, South Dakota

Wednesday, June 19

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use, and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

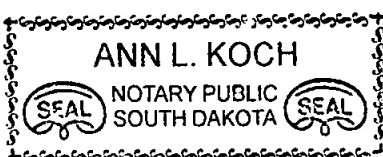
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Publication Fees _____ \$

Notary Fees _____ \$

Total _____ \$

Received Payment,



County of

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5, 46-2-9, 46-2-11, 46-5-38-1; Bard Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 2013.

Secretary, Department of
Environment and
Natural Resources
Published once at the total
approximate cost of \$39.16

Filed in the office of

..... on the

..... day of

20

Attorneys for

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
County of Kingsbury.

SS.

David Trittle

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

Notice of Hearing to Review Water Permit

No. 5643-3

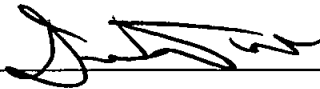
, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least

once in each week for 1 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

6/19 2013; _____ 20____
_____ 20____; _____ 20____
_____ 20____; _____ 20____
_____ 20____; _____ 20____

that the full amount of the fee charged for the publication of said notice accrues to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person; and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 42.03



Subscribed and sworn to before me this 20th

day of June A.D. 20 13

Regina Marie Lee

Notary Public

Kingsbury County, South Dakota

My commission expires 9/27, 20 17

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JUN 24 2013

WATER RIGHTS
PROGRAM

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

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Steven M. Pirner
Secretary

Department of Environment
& Natural Resources

Published once at the approximate
cost of \$42.03.

6-19-lwc

Kingbrook

Form 8

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JUN 24 2013

WATER RIGHTS
PROGRAM

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 date:

June 20, 2013

Cost of Printing \$ 38.27

Troy Schwans
(Signature)

Owner
(Title)

June 20, 2013
(Date Signed)

Public

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 5643-3

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Notice

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

Published once at the total approximate cost of \$38.27.

RECEIVED

JUN 24 2013

Affidavit of Publication

WATER RIGHTS PROGRAM

State of South Dakota

ss

County of Brookings

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

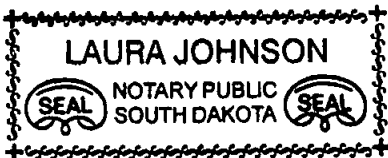
Leg#557 Hearing Notice #5643-3- Kingbrook Rural

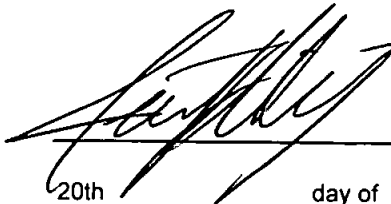
same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

June 19, 2013

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

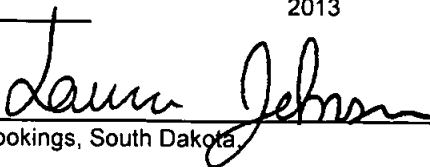
thirty-seven dollars and twenty-nine cents \$37.29




20th _____ day of _____

June

2013



Notary Public in and for the County of Brookings, South Dakota.
My Commission expires August 3, 2017.

Legal 557, 1x, 6/19
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5643-3

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RECEIVED

JUL - 5 2013

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sanborn) SS

I, Hillary Lutter

certify that the attached printed Notice was taken

from the Sanborn Weekly Journal

printed and published in Woonsocket

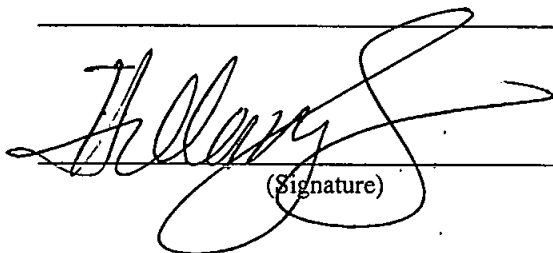
County of Sanborn and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 20, 2013

Cost of Printing \$37.34



(Signature)

Publisher

(Title)

7-3-13

(Date Signed)

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Published once at the approximate cost of \$46.00.

SJ43-1tb

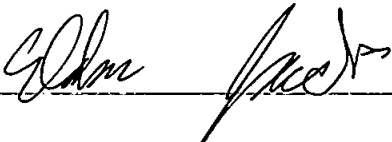
PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, ELDON JACOBS, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD DEPT OF ENVIORNMENTAL - WATER
PERMITS (KINGSBURY RURAL WATER)**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 19TH day JUNE 2013. That the full FIFTY-ONE & 18/000 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 30TH day of JUNE 2013.


Notary Public, South Dakota

My term expires 10/25/2017

Legal # 824

RECEIVED

JUN 27 2013

WATER RIGHTS
PROGRAM

F.P. 06-19-13

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre feet from the Big Sioux: Northern Skunk Creek Aquifer located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol

Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 2013.

Steven M. Pirner
Secretary
Department of
Environment and
Natural Resources.

No. 824 (adv.)

Published once at the total approximate cost of \$49.96.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

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

Kingbrook RWS
c/o Randy Jencks
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

Future Use Permit No. 5643-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the following papers:

Lake Co – Madison Daily Leader 605 256-4555	Moody Co. - Moody Co Enterprise 605 997-3725
McCook Co. – Salem Special 605 425-2361	Miner Co. – Miner County Pioneer 605 772-5644
Brookings Co. – Brookings Register 605 692-6271	Kingsbury Co. – DeSmet News 605 854-3331
Clark Co. – Clark County Courier 605 532-3654	Beadle Co. – The Plainsman 605 352-6401
Minnehaha Co – Argus Leader 605 331-2200	Hamlin Co. – Hamlin Co Herald Enterprise
Sanborn Co. – Sanborn Weekly Journal	605 783-3636
605 796-4221	

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

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 19th or 20th. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish the following Notice on June 19 or 20, 2013. The permit owner is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre feet from the Big Sioux:Northern Skunk Creek Aquifer located in the S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 1, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Daily Leader
PO Box 348
Madison SD 57042

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Kingbrook Rural Water System, Inc., c/o Randy Jencks, Manager, PO Box 299, Arlington SD 57212.

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Grönlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Moody County Enterprise
PO Box 71
Flandreau SD 57028

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Salem Special
PO Box 220
Salem SD 57058

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 20, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Miner Co Pioneer
PO Box 220
Howard SD 57349

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 20, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Brookings Register
PO Box 177
Brookings SD 57006

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

DeSmet News
PO Box 69
DeSmet SD 57231

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Hamlin County Herald Enterprise
PO Box 207
Hayti SD 57241

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Clark Co. Courier
119 1st Ave E
Clark SD 57225

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

The Plainsman
PO Box 1278
Huron SD 57350

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on Jun 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Sanborn Weekly Journal
PO Box 218
Woonsocket SD 57385

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 20, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5643-3 to be published on June 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

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Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 15, 2013

NOTICE

Kingbrook RWS
c/o Randy Jencks
PO Box 299
Arlington SD 57212

Dear Mr. Jencks:

I am writing in response to action taken by the Water Management Board at the hearing on July 11, 2013 to review Future Use Permit No. 5643-3. The Board allowed the permit to remain in effect for 425 acre-feet of water annually. Future Use Permit No. 5643-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5643-3 is \$95.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 15, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 15, 2013 regarding Future Use permits addressed as stated below:

Joint Wellfield, 47602 SD Hwy 28, Toronto SD 57268 **Water Right No's. 3982-3 & 3982A-3**

Kingbrook RWS, PO Box 299, Arlington SD 57212 **Water Right No. 5643-3**

City of Brandon, PO Box 95, Brandon SD 57005 **Water Right No's. 6696-3 & 6697-3**

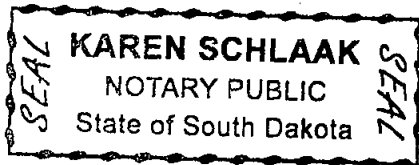
TM RWD, PO Box 445, Parker SD 57053 **Water Right No. 6705-3**


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of July, 20 13.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/26, 20 13

RECEIVED OF z Kingbrook RWS PO Box 299 Arlington SD 57212

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	95	00
Fee for Application for Permit No. <u>X</u> _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>X</u> <u>5643-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	95 00

No. **06394**

By *Jeane Gardner*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 7, 2020

Kingbrook Rural Water System Inc
Erin Hayes, Manager
PO Box 299
Arlington SD 57212

Dear Mr. Hayes:

I am writing in regard to the seven year review of Future Use Water Permit No. 5643-3 from the Big Sioux/Northern Skunk Creek Aquifer held by Kingbrook Rural Water System Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 425 acre-feet remain in reserve under this future use permit that was issued in 1992 and last reviewed in 2013.

Please respond in writing by May 15, 2020 regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5643-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 425 acre-feet remain in reserve, the fee will be \$95.00.

Please contact Ron Duvall or me, if you have any questions.

Sincerely,

Karen Schlaak

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



Kingbrook

Rural Water System, Inc.

PO Box 299 • 302 E. Ash St. • Arlington, SD 57212 • Phone 605-983-5074 • 1-800-605-5279 • Fax 605-983-5636 • office@kingbrookruralwater.com

RECEIVED

APR 22 2020

WATER RIGHTS
PROGRAM

April 21, 2020

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

Dear Ms. Schlaak,

In response to your letter dated April 7, 2020 letter requesting information regarding our intention for future use permit 5643-3, Kingbrook Rural Water System, Inc., desires to maintain the permit based on current trends and projected future needs of our water system.

Kingbrook is continuing to serve critical health needs of rural residents and communities by providing safe drinking water.

Since our last letter dated May 30, 2013, Kingbrook Rural Water Systems has continued expanding its footprint and water usage has increased significantly as you can see below in our annual usage starting in 2014:

- 2014 – 210 million gallons
- 2015 – 209 million gallons
- 2016 – 216 million gallons
- 2017 – 237 million gallons
- 2018 – 236 million gallons
- 2019 – 217 million gallons – very wet year as you know

We are continuing to expand our infrastructure to accommodate new and existing customer base and requests for new service from dairy and animal confinement operations.

We are requesting your approval to maintain the permit and ask for your favorable consideration.

Sincerely,

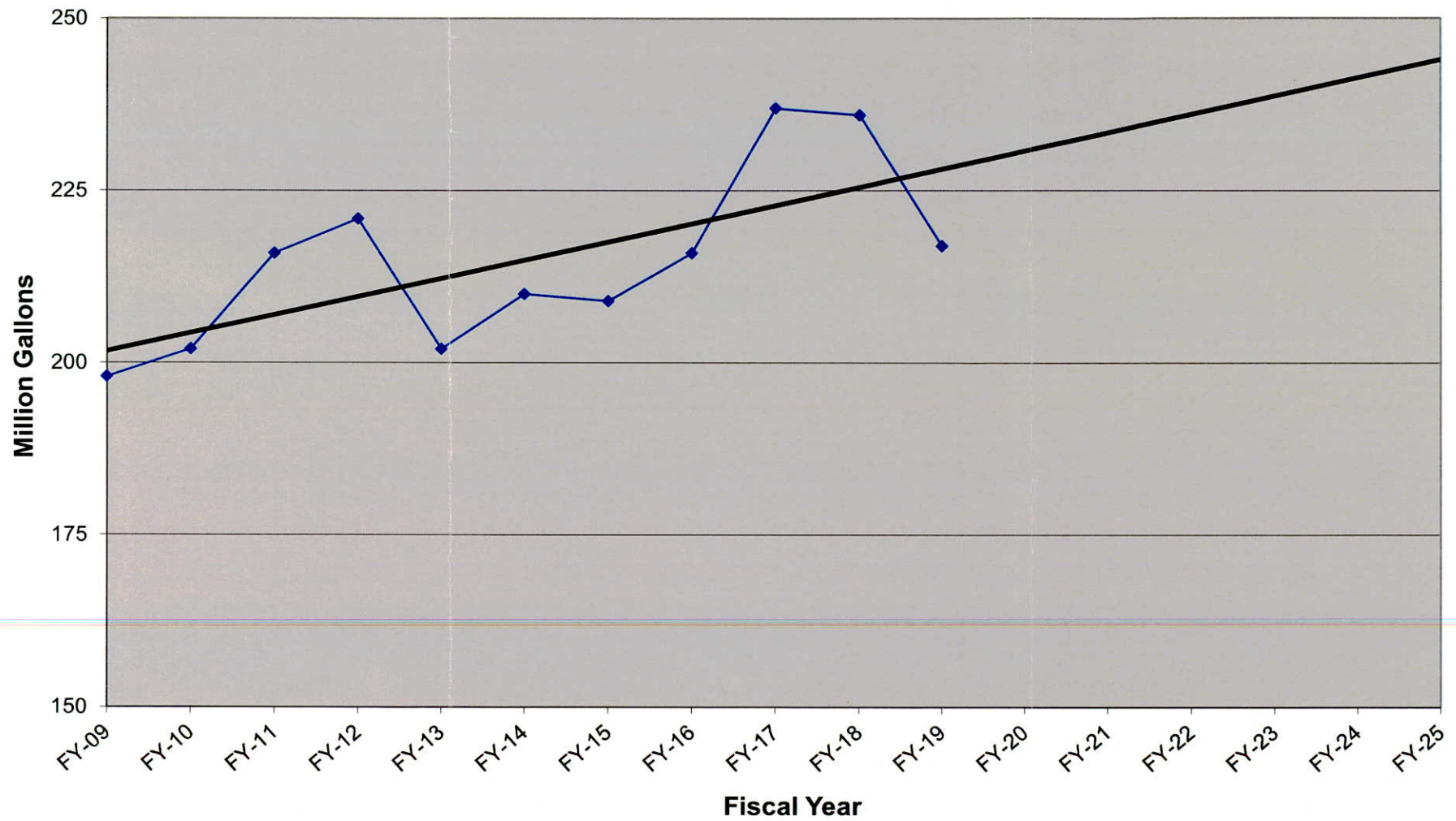
Erin Hayes
General Manager KBRW

MISSION STATEMENT: To provide member-owners with reasonably priced, reliable, quality water.



Kingbrook Rural Water System, Inc. is an equal opportunity provider and employer.

**Kingbrook Rural Water
Chester Treatment Plant Wellfield Water Production**





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5643-3, Kingbrook Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5643-3, Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212.

The Chief Engineer is recommending that Future Use Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5643-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 5643-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5643-3 is subject to payment of the \$95.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Eric Gronlund, Chief Engineer
August 4, 2020

AFFIDAVIT OF PUBLICATION

State of South Dakota

RECEIVED

SEP 08 2020 ss

County of Sanborn

WATER RIGHTS
PROGRAM

Carrie Howard of said county, being, first duly sworn, on oath, says: That she is the publisher of the Sanborn Weekly, a weekly newspaper, published in the City of Woonsocket, in said County of Sanborn, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Sanborn and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the _____

Notice of Hearing to Review

Future Water Use

Permit No. 5643-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for _____ successive week(s) to wit:

Aug. 13

, 20 20

, 20 _____

, 20 _____

, 20 _____

, 20 _____

, 20 _____

, 20 _____

, 20 _____

That was full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whosoever; that the fees charged for the publication thereof are: \$ 42.25

Signed: _____

Subscribed and sworn before me this 3 day of Sept, 2020.

Tam Weber

Notary public in and for the County of Sanborn, South Dakota

My Commission expires Feb 8, 2025.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER

PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington, SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux/Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be de-

veloped, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 a.m., October 7, 2020, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program," Joe Foss Building, 523 E Capitol Ave, Pierre, SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be repre-

mented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing to see a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre, SD) by August 24, 2020.

Published once at the approximate cost of \$45.00.

SJ52-1tb

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

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

Notice of Hearing

Permit NO. 5643-3

A printed copy of which is hereunto attached, was printed and published in the
regular and entire issue of said newspaper and not in a supplement, once each
week for successive weeks, the first publication being made on the
..... 13 day of Aug 2020.

And the last publication on the day of 20.....

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

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

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

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

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

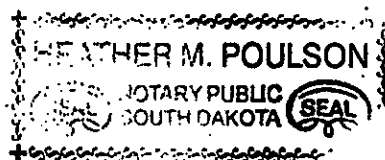
That said newspaper is a legal newspaper, and has a bona fide circulation of
more than two hundred copies weekly, and has been published within the
County of Miner, for more than fifty-two successive weeks next prior to the
first publication of said notice, and is printed in an office maintained in
Howard, South Dakota, the place of publication of said newspaper. That the
full amount of fees for publication of the annexed notice is \$ 40.37 and
insures solely to the benefit of said publisher; that no agreement or understand-
ing for a division thereof has been made with any person and that no part
thereof has been agreed to be paid to any person whomever.

C.R.

Subscribed and sworn to me this 30 day of Aug 2020

[Signature]

My commission expires the 10 day of Oct 2025



RECEIVED

SEP 04 2020

WATER RIGHTS
PROGRAM

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux-Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must

be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020.

Published once at the
approximate cost of \$40.37
(Aug 18)

Affidavit of Publication

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

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

Notice of Hearing to Review Future
Use Water Permit No. 5643-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for one (1) successive weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication be made on 8/14/2020

The second publication on _____

The third publication on _____

The fourth publication on _____

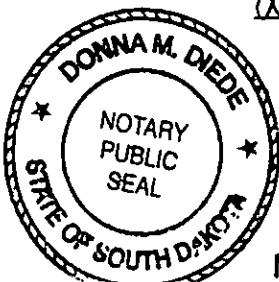
that \$4.61 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person who-sever, and that said newspaper is a local newspaper under the law of the state of South Dakota.

Subscribed and sworn to before me this 31

day of August 2020

Donna M. Diede

Notary Public, South Dakota



My commission expires 2/10/2022

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux/Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01, thru

74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020.

Published once at the approximate cost of \$54.61.
MO0814-1

RECEIVED

SEP 04 2020

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Hearing to
Review Future Water
Use Permit # 5643-3

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

8-12-2020

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 44.84

M. J. Headrick bookkeeper

Subscribed and sworn to before me this 13 day of August AD 2020

Roger W. Janssen
Notary Public, County Moody, South Dakota

ROGER W JANSSEN
NOTARY PUBLIC
SOUTH DAKOTA

My commission expires 2-16-24

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux-Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

RECEIVED

AUG 31 2020

WATER RIGHTS
PROGRAM

County of _____	

AFFIDAVIT OF PUBLICATION	
Filed in the office of _____	
on the _____ day of _____	_____ 20____
_____	_____
_____	_____
_____	_____
Attorney for _____	_____

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020.

Published once at the cost of \$44.84

Argus Leader

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

Account No.: SFA-078492

Ad No.: 0004316081

PO #: 5643-3

Lines : 162

Ad Total: \$101.76

This is not an invoice

of Affidavits 1

KINGBROOK RURAL WATER SYSTEM
302 E ASH ST
ARLINGTON, SD 57212

Account No.: SFA-078492

Ad No.: 0004316081

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

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

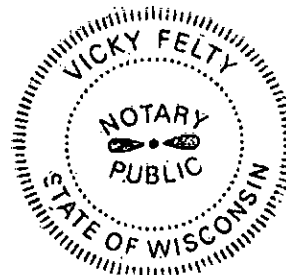
Wednesday, August 12, 2020

Sworn to and subscribed before me this 12 day of August, 2020.

Legal Clerk

Notary Public, State of Wisconsin, County of Brown

My Commission expires



**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT
NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux-Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

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

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 21 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020. Published once at the approximate cost of \$101.76.

4316081 August 12, 2020

RECEIVED

AUG 24 2020

WATER RIGHTS
PROGRAM

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 394

I, McKendzie Castillo, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: 0394 WATER RIGHTS-KINGBROOK, was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 8/12/20. That the full amount of the fee charged for the publishing \$ 44.51 insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

Subscribed and sworn to me before this date 8/19/20.



Notary Public, South Dakota

My Term Expires 03/11/2022

F. P. 08-12-30

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Edn Hayes, Manager, PO Box 290, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 428 acre-feet from the Big Sioux-Northern Sioux Creek Aquifer located in S 1/2 NW 1/4, SE 1/4 NE 1/4 Section 8, S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9, NE 1/4 NE 1/4 Section 17, all in T20S45R2E. The water is reserved for rural water system use.

Pursuant to SDCL 45-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN IN EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Mathew Training Center, Joe Foss Bldg. 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-19, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57601 (808 773-3352) and the permit holder's mailing address is given above. The

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

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 45-1-14, 45-2-6, 45-2-6, 45-2-11, 45-6-36 1, Board Rules ARSD 74.02 04 15 01 thru 74.02 01 25 03 and established case procedures contained in SDCL 1-19.

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

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

permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing, may contact Ron Duval, Water Rights Program, 1905 773-3352 by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-25-18 3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being litigated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program) 523 E Capitol Ave, Pierre SD by August 24, 2020.

No D364 (adj.) Published one time at the total approximate cost of \$44.54.

RECEIVED
AUG 24 2020
WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA,

SS.

County of Brookings

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

Kingbrook Rural Water

, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for one successive weeks, on the day of each week on which said newspaper was regularly published to wit:

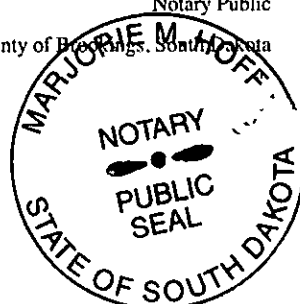
<u>8-13</u>	, 20	<u>20</u>
	, 20	
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that the full amount of the fees for the publication of the annexed notice is \$ 42.59

Subscribed and sworn to before me this 13 day of August, 20 20
Margorie M. Hoff

Notary Public
County of Brookings, South Dakota

My Commission Expires
August 18, 2021



Legal 3752 1xAS 8-13 NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux/Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to: 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03

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AUG 20 2020

WATER RIGHTS
PROGRAM

and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020.

Published once at the approximate cost of \$56.24.

State of South Dakota

County of Brookings

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

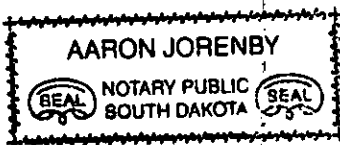
Leg#966Application 5643-3 - Water Use Permit

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

August 12, 2020

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

Forty-Seven Dollars and Seventy-Three Cents \$47.73



August

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

Affidavit of Publication

RECEIVED

AUG 17 2020

WATER RIGHTS PROGRAM

Legal 966 1X
8/12

**NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's

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

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing, may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020. Published 1X at the total approximate cost of \$47.73.

AFFIDAVIT OF PUBLICATION

RECEIVED

AUG 17 2020

STATE OF SOUTH DAKOTA

County of Lake

} ss.

WATER RIGHTS
PROGRAM

Joanne Wheeler

of the City of Madison, County of Lake,

State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Kingbrook Rural Water System

Notice of Hearing-Water Permit No. 5643-3

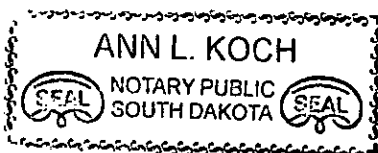
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 12th day of August, 2020;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;
 On _____, the _____ day of _____, 20____;

That \$ 4416 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever

Joanne Wheeler

Subscribed and sworn to before me this 13th day of August, 2020



Ann L. Koch
 Notary Public, Lake County, South Dakota
 Exp. 11-14-25

Wednesday, Aug. 12

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux-Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

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Notar

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(over)

In Court

County of

AFFIDAVIT OF PUBLICATION

Filed in the office of

..... on the

..... day of

20

Attorneys for

The hearing to review future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020.

Published once, at the total approximate cost of \$44.16

**NOTICE OF HEARING TO REVIEW FUTURE USE
WATER PERMIT NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux: Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must

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

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Published once at the total approximate cost of \$44.60.
8-12-1t

Affidavit of Publication

State of South Dakota

§

County of Clark

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

**Kingbrook Rural Water System
- Water Permit No. 5643-3 -**

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

One

successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

August 12, 2020

that the full amount of the fees for the publication of the annexed notice is **\$44.60**

William J. Krikac

Subscribed and sworn to before me this

RECEIVED

AUG 17 2020

12th day of August, 2020 WATER RIGHTS PROGRAM

Ann Belke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2025

RECEIVED

AUG 14 2020

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SS

I, LeeAnne Dutch

certify that the attached printed Notice was taken

from the Hamlin County
Herald Enterprise

printed and published in Hayti

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Aug. 12, 2020

Cost of Printing \$41.45

LeeAnne Dutch
(Signature)

Owner
(Title)

8-12-2020
(Date Signed)

**NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 5643-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux/Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

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The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is

authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

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The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary pro-

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

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Published Aug. 12, 2020, at total cost of \$41.45.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 2020

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

Kingbrook RWS
Erin Hayes, Manager
PO Box 299
Arlington SD 57212

Dear Ms. Hayes:

Future Use Permit No. 5643-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. Notice of this review has been sent to the following papers.

- | | |
|--|---|
| ✧ Lake Co – Madison Daily Leader 605 256-4555 | ✧ Moody Co – Moody Co Enterprise 605 997-3725 – |
| ✧ McCook Co – Montrose Herald 605 296-3181 – | ✧ Miner Co – Miner County Pioneer 605 772-5644 – |
| ✧ Brookings Co – Brookings Register 605 692-6271 | ✧ Kingsbury Co – DeSmet News 605-854-3331 <i>Arlington Sun</i> |
| ✧ Clark Co – Clark County Courier 605 532-3645 | ✧ Beadle Co – The Plainsman 605 352-6401 |
| ✧ Minnehaha Co – Argus Leader 605 331-2200 – | ✧ Hamlin Co – Hamlin Co Herald Enterprise |
| ✧ Sanborn Co – Sanborn Weekly Journal – | 605 783-3636 |
| 605 796-4221 | |

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

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice during the week of August 13th – 17th. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Kingbrook RWS is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5643-3

Notice is given that the Water Management Board will review Future Use Permit No. 5643-3 held by the Kingbrook Rural Water System, Erin Hayes, Manager, PO Box 299, Arlington SD 57212 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5643-3. This permit was approved 1992 and currently reserves 425 acre-feet from the Big Sioux:Northern Skunk Creek Aquifer located in S 1/2 SW 1/4, SE 1/4 NE 1/4 Section 8; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 9; NE 1/4 NE 1/4 Section 17; all in T105N-R51W. The water is reserved for rural water system use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5643-3 REMAIN in EFFECT for 425 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5643-3 at 10:00 am, October 7, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 28, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5643-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by September 28, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 28, 2020.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by August 24, 2020. Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 11:03 AM
To: Kingbrook General Email
Subject: Future Use Review
Attachments: 5643-3.appl.fu.doc; 5643-3.notice.doc; 5643-3.rec.doc

Jolene,

Attached is a copy of the chief engineer recommendation and information regarding the public notice for review of Future Use Permit No. 5643-3. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to Erin Hayes today.

When I get the confirmation number from the Argus Leader, I'll forward that info to you. Might make contacting them easier.

Let me know if you have questions.

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 5, 2020 11:59 AM
To: thearlingtonsun@gmail.com
Cc: Kingbrook General Email (office@kingbrookruralwater.com)
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 13, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:55 AM
To: Hamlin County Publishing (hcp@itctel.com)
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published in the Hamlin County Herald Enterprise on August 12, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:54 AM
To: 'mail@desmetnews.com'
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

out-of-business

Attached is a notice to be published on August 12, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:54 AM
To: 'rcrandall@plainsman.com'
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:53 AM
To: Miner County Pioneer News (news@minercountypioneer.com)
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 13, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:51 AM
To: swj4221@icloud.com
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 13, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:52 AM
To: 'mce6@mcisweb.com'
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:50 AM
To: 'legals@argusleader.com'
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:50 AM
To: 'courier@itctel.com'
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:49 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 5, 2020 8:33 AM
To: knorthern@ncppub.com
Subject: FW: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published in the Montrose Herald on August 14, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Arlington SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, August 4, 2020 10:46 AM
To: 'ads@madisondailyleader.com'
Subject: 5643-3, Kingbrook RWS
Attachments: 5643-3.notice.doc; FORM8.FRM.doc

Attached is a notice to be published on August 12, 2020.

Kingbrook Rural Water System, c/o Erin Hayes, Mgr, PO Box 299, Hayes SD 57212 (605 983-5074) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 2020

NOTICE OF ENTRY OF ORDER

Kingbrook Rural Water System Inc
Erin Hayes, Manager
PO Box 299
Arlington SD 57212

Dear Ms. Hayes:

I am writing in response to action taken by the Water Management Board at the hearing on October 7, 2020 to review Future Use Permit No. 5643-3. The Board allowed the permit to remain in effect for 425 acre-feet of water annually. Future Use Permit No. 5643-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5643-3 is \$95.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on October 13, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated October 13, 2020 addressed as stated below:

Sioux Rural Water System Inc, c/o Heath Thompson, Mgr, 45703 176th St, Watertown SD 57201
TM RWD, c/o Jay Jorgenson, Mgr, PO Box 445, Parker SD 57053
Kingbrook RWS, Erin Hayes, Mgr, PO Box 299, Arlington SD 57212
Charles Werner, Water Supt, Town of South Shore, PO Box 57, South Shore SD 57263
Craig Nussbaum, Utilities Mgr, City of Garretson, PO Box 370, Garretson SD 57030
Patrick Callan, Mayor, City of Florence, PO Box 137, Florence SD 57235
Rick Nighbert, Water Supt, City of Madison, 116 W Center St, Madison SD 57042
Jon Vermeulen, Utilities Mgr, 612 N Main St, Mitchell SD 57301
Steve Nafus, Interim City Eng, City of Belle Fourche, 511 6th Ave, Belle Fourche SD 57717



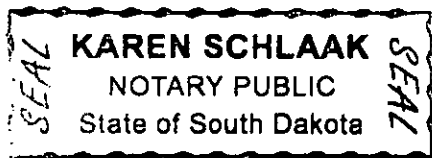
Eric Gronlund, Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of October, 2020



Karen Schlaak
Notary Public
My Commission expires April 1, 2025





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

December 15, 2020

Kingbrook Rural Water System Inc
Erin Hayes, Manager
PO Box 299
Arlington SD 57212

Dear Ms. Hayes:

On October 13, 2020 we requested the fee for maintaining the effectiveness of Future Use Permit No. 5643-3. To date, we have not received this payment.

Please submit the \$95.00 as soon as possible to avoid violating the regulation regarding the rural water system's future use permit. If you have questions, please contact this office.

Sincerely,

Karen Schlaak

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 23, 2020

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. <u>5643-3</u> after period of seven years.	\$95.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$95.00

By Eric Gronlund
Chief Engineer

EM