

Considered: _____

WATER PERMIT NO. 5646-3

Phone: 983-5074

Name of Applicant: Kingbrook Rural Water System, Inc.

Post Office Address: Drawer 299, Arlington SD 57212

Amount of Water Claimed: 1.0 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: RWS County: Lake

About 2 miles NW of Chester

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-27-92 Fee: \$275 Remarks _____

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: NW 1/4 SW 1/4 Sec 9-T105N-R51W

Land to be Irrigated: _____

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 65' REMARKS _____

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

Assigned on 3-27-92 By Karen Schlaak

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

No. 5646-3 Hydrologic Unit 10170203
Map No. _____ Basin Big Sioux River
Newspaper see attached 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. 5643-3



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

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

2. Amount of water claimed (c.f.s.) 1.0 (425 acre-feet annually)

3. Source of water supply 1 well

4. Location of point of diversion NW 1/4 of SW 1/4, Section 9, T105N, R51W,
Lake County, South Dakota

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

6. Annual period during which water is to be used continuously Jan 1 - Dec 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)
One additional well to increase water supply reliability at the existing Kingbrook Chester water source. The existing treatment and distribution system will be used.

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 _____)ss

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

Mervin Elvick
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5646-3**

Date of first receipt of application March 27, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5646-3 to Kingbrook Rural Water System, Inc., Drawer 299, Arlington SD 57212 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5646-3 authorizes the construction and beneficial use of 425 acre feet annually at a rate of 1.0 cubic foot of water per second from one well (Big Sioux:Northern Skunk Creek Aquifer) 65 feet deep located in the NW 1/4 SW 1/4 Section 9-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 5643-3.
2. The water appropriated shall be used for the purpose of supplying water to the rural water system and may not exceed the amount of water needed for beneficial use for rural water system purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5646-3 is July 29, 1992.
5. The date from which applicant may claim right is March 19, 1992.
6. One-fifth of the construction is to be completed on or before January 29, 1995.
7. All construction is to be completed on or before July 29, 1997.
8. Water is to be put to beneficial use on or before July 29, 2001.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

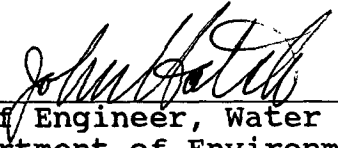
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The casing of the well to be constructed under Permit No. 5646-3 shall be pressure grouted with cement (bottom to top) from the producing formation to the surface and constructed in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04.

(continued)

Water Permit No. 5646-3
Page 2

3. Approval of Permit No. 5646-3 authorizes an annual diversion of 425 acre feet of water.
4. That the Kingbrook Rural Water System Inc. report to the Chief Engineer annually the amount of water withdrawn each year from the Big Sioux:Northern Skunk Creek Aquifer.

WATER MANAGEMENT BOARD

By: 

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

AUG 12 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 20 inches Depth 65 feet
- b) Casing Type steel Diameter 12 inches Thickness 0.375 inches
- c) Screen Type Stainless steel Diameter 12 inches Thickness 3/16 inches
- d) Gravel Pack Thickness 4 inches Length of Gravel Pack 25 feet
- e) Depth to Top of Water Bearing Material 5 feet
- f) Depth to Water (ground surface to water level) 20 feet
- g) Distance to nearest existing domestic well:
 On applicants property None On property owned by others approx. 1700 feet

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

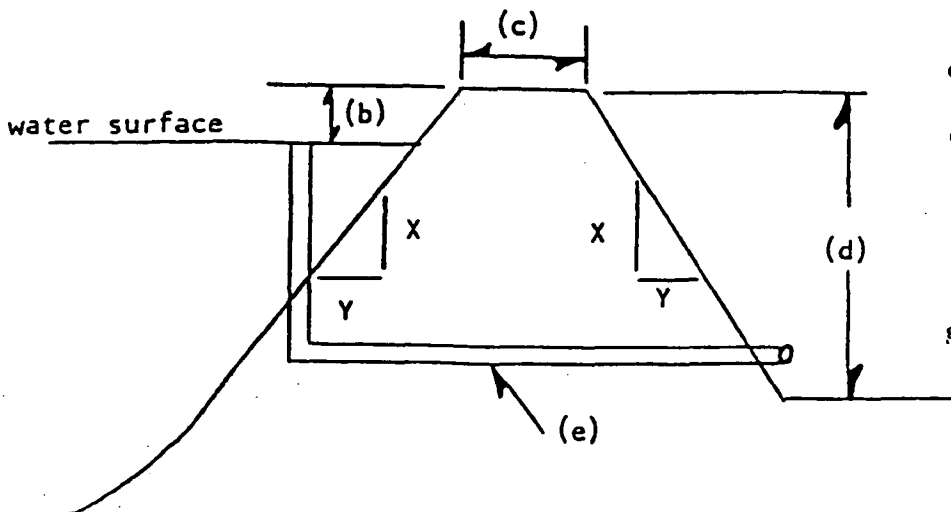
g) X & Y Slope
 Upstream _____

Downstream _____

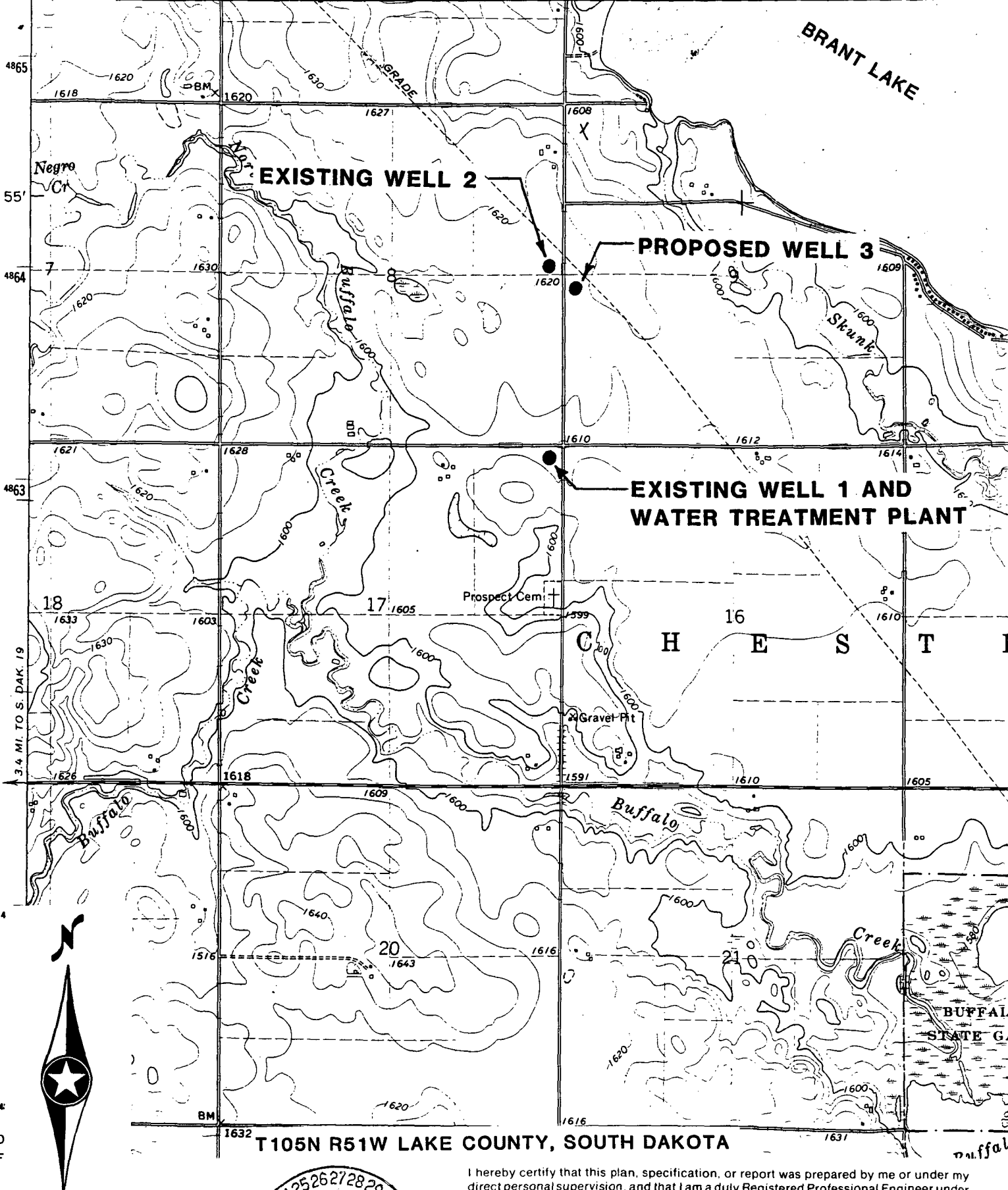
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

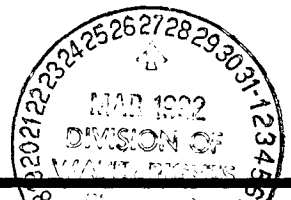


T105N R51W LAKE COUNTY, SOUTH DAKOTA

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 Bruce Jennings Date March 19, 1992



Dewitt Grant Reckert & Associates Co.
Denver, Colorado
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date **3-18-92**
Drawn By
Approved
Revised

KINGBROOK RURAL WATER SYSTEM

CHESTER WELL FIELD
5646-3

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

December 15, 1995

GRIMSHAW DRILLING CO.

DRILLING
LOG924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

WELL # ①

Name Kingbrook Rural Water Date 11-7-78

Address _____

County LAKE Sec. _____ Twp. _____ Range _____

Phase 3

NO. FT.	DIA.	RATE	CASING	TOTAL
50'	4 3/4"	\$6.00	2"	\$300.00
18'	4 3/4"	\$24.00	2"	\$72.00
12'	4 3/4"	\$3.00	Drilling	\$36.00
A 100' NW of				
VERN BROWN'S SE CORNER				
BALANCE DUE:				\$408.00

0 ft. to 1 ft. Topsail _____ ft. to _____ ft.

1 ft. to 5 ft. Brown clay _____ ft. to _____ ft.

5 ft. to 36 ft. Red Sand & Gravel _____ ft. to _____ ft.

36 ft. to 40 ft. Blue clay _____ ft. to _____ ft.

40 ft. to 68 ft. Medium Grey Sand _____ ft. to _____ ft.

68 ft. to 80 ft. Blue clay _____ ft. to _____ ft.

_____ ft. to _____ ft. _____ ft. to _____ ft.

cased to 68' slotted _____ ft. to _____ ft.

bottom 20' pumped w/air _____ ft. to _____ ft.

For 1 3/4 hrs - clean sample _____ ft. to _____ ft.

_____ ft. to _____ ft. _____ ft. to _____ ft.

STATIC WATER LEVEL 25' ft.
Garry M. Wolf
 DRILLER

REMARKS:

GRIMSHAW DRILLING CO.

DRILLING
LOG924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

WELL # ②

Name Kingbrook Rural Water Date 11-2-78

Address _____

County LAKE Sec. _____ Twp. _____ Range _____

Phase 3

NO. FT.	DIA.	RATE	CASING	TOTAL
50'	4 3/4"	\$6.00	2"	\$300.00
16'	4 3/4"	\$4.25	2"	\$64.00
14'	4 3/4"	\$3.00	Drilling	\$42.00
JOE CORMACK + Underwood land				
BALANCE DUE:				\$406.00

45 0 ft. to 2 ft. Topsail _____ ft. to _____ ft.

2 ft. to 6 ft. Brown clay _____ ft. to _____ ft.

6 ft. to 33 ft. Red Sand & Gravel _____ ft. to _____ ft.

33 ft. to 42 ft. Blue clay _____ ft. to _____ ft.

42 ft. to 66 ft. Grey Sand [medium in texture] _____ ft. to _____ ft.

66 ft. to 80 ft. Blue clay _____ ft. to _____ ft.

_____ ft. to _____ ft. _____ ft. to _____ ft.

cased to 66' slotted _____ ft. to _____ ft.

bottom 20' + 18' from top _____ ft. to _____ ft.

N.E. CORNER of 189 ACRE TRACT _____ ft. to _____ ft.

_____ ft. to _____ ft. _____ ft. to _____ ft.

STATIC WATER LEVEL 18 ft.
Garry M. Wolf
 DRILLER

REMARKS: 2 1/2 bags of benenite used - we flooded

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413156

Pierre, March 27, 1992

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

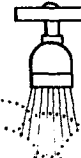
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5646-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	275 00

By John A. Hatch CE
Chief Engineer

KINGBROOK

RURAL WATER SYSTEM



Drawer 299

ARLINGTON, S. DAKOTA 57212

Telephone (605) 983-5074

March 26, 1992

Jim Goodman
Water Rights Division
DWNR, Foss Building
Pierre, SD 57501



Dear Jim:

Enclosed are the two different permit applications. The first one is for the change of diversion point for 2 wells located at our well field northwest of De Smet. The second application is for construction of one well at our Phase III treatment plant northwest of Chester.

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

Sincerely,

Morris Elcock
Manager

ME/jk

enclosures

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Kingbrook Rural Water System WP Appl. No. 5646-3

ADDRESS: _____ COUNTY: _____

DATE: 5/15/92 TELEPHONE: 983-5074

RE: Discussion with Morris Alcock

COMMENTS:

I called Morris Alcock to discuss an annual withdrawal limitation to Application No. 5646-3. The diversion rate on the application is 1.0 cfs and Morris stated it was their intent to divert 425 acre feet annually. Morris was also aware that this application was to construct and place to beneficial use water reserved by FU Permit No. 5643-3 (currently being advertised).

Mr. Alcock was in agreement with the 425 acre foot limitation and with the water being taken out of the pending Future Use Permit.

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

NAME: Eric Henderson

REPORT ON APPLICATION NO. 5646-3
for Kingbrook Rural Water System
May 18, 1992

Application No. 5646-3 proposes to construct and place to beneficial use 425 acre feet annually at a rate of 1.0 cfs from one well approximately 65 feet deep located in the NW 1/4 SW 1/4 of section 9, T105N R51W in Lake County. The water will be used to supply the Kingbrook Rural Water System. This water was reserved and appropriated by Future Use Permit No. 5643-3.

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

The Big Sioux Northern Skunk Creek is a predominantly unconfined glacial outwash (sand and gravel). The aquifer is generally under water table conditions but in some areas can be under slight artesian conditions. The aquifer underlies 48 square miles (30,720 acres) and contains an estimated 196,000 acre feet of water in storage (Hansen, 1986). The aquifer is hydraulically connected to area lakes Madison and Brant and to Skunk Creek. Ground water movement is generally from northwest to southeast with the lakes and the creek being discharge area most of the time. 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 inches per year to 5.6 inches per year (Hedges, 1983). The major water users in the area are Kingbrook Rural Water System, the City of Madison, Big Sioux Rural Water System and irrigators. The irrigators used an average of 893 acre feet per year (1987-1990) and the municipal and rural water use was 1280 acre feet in 1991. In addition there would be some water for domestic use and by the Chester Sanitary District. Water use data indicates that the aquifer is capable of sustaining additional withdrawals.

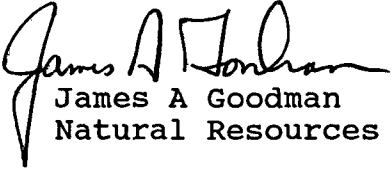
The Water Rights Division monitors six observation wells completed into the Big Sioux Northern Skunk Creek aquifer in Lake County. These are wells LK-79A, LK-79C, LK-79D, LK-79E, LK-81B and LK-84B. Records of water levels for these wells indicate good response to climatic conditions, that is, water levels rise during wet years (recharge) and gradually decline during dry years. The record indicates that adequate recharge does occur and that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The closest well to this proposed diversion is well No. 2 belonging to the Kingbrook Rural Water System. It appears that these wells will be a few hundred feet apart. Interference is likely; however, this is not expected to be adverse. Depending upon the distance between wells there will be overlapping drawdown when pumping occurs; however, in this aquifer significant drawdown does not extend very far from an individual production well. The next closest permit/right is about 1/4 mile south of this proposed diversion. Interference with other permit/right holders in the area is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Big Sioux Northern Skunk Creek Aquifer.
2. Interference is not expected to be a concern. There will be overlapping drawdown between the proposed and existing rural system well, however, they can manage the wells by controlling the pumping.
3. The water for this application will be reserved if Future Use Permit Application No. 5643-3 is approved (at this writing this application is not yet approved). This application would be limited to a diversion rate of 1.0 cfs and an annual volume of 425 acre feet. This would leave 425 acre feet remaining under the Future Use Permit No. 5643-3.
4. Any well authorized by this application must be constructed in accordance with SD Well Construction Standards.



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.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5646-3, Kingbrook Rural Water System

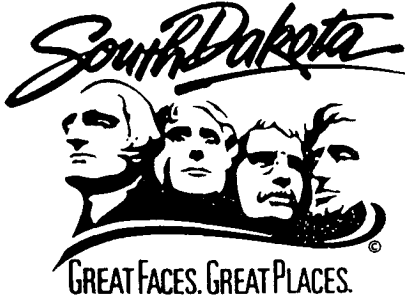
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5646-3, Kingbrook Rural Water System, c/o Larry Sterling, Drawer 299, Arlington, SD 57212.

Subject to APPROVAL of Future Use Permit Application No. 5643-3, the Chief Engineer is recommending APPROVAL of Application No. 5646-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The casing of the well to be constructed under Permit No. 5646-3 shall be pressure grouted with cement (Bottom to top) from the producing formation to the surface and constructed in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. Approval of Permit No. 5646-3 authorizes an annual diversion of 425 acre feet of water.
4. That the Kingbrook Rural Water System, Inc. report to the Chief Engineer annually the amount of water withdrawn each year from the Big Sioux:Northern Skunk Creek aquifer.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
May 21, 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.

June 24, 1992

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

Dear Mr. Sterling:

Water Permit Application Nos. 5646-3 and 5208A-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Moody County 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 county Pioneer printed at Howard, SD (Ph # 772-5644); Daily Leader printed at Madison, SD (Ph # 256-4555); Clark County 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 recommendations of the Chief Engineer and reports on the applications 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 applications.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 24, 1992

Moody County Enterprise
Box 71
Flandreau, SD 57028

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 1, 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

June 24, 1992

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 1, 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

June 24, 1992

Salem Special
Box 220
Salem, SD 57058

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 2, 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

June 24, 1992

Miner County Pioneer
Box P
Howard, SD 57349

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 2, 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

June 24, 1992

Daily Leader
PO Box 348
Madison, SD 57042

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 1, 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

June 24, 1992

Clark County Courier
Box 189
Clark, SD 57225

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 1, 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

June 24, 1992

Brookings Daily Register
Box 177
Brookings, SD 57006

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 1, 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

June 24, 1992

DeSmet News
Box 69
DeSmet, SD 57231

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 1, 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

June 24, 1992

Estelline Journal
Box 159
Estelline, SD 57234

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to be published twice. Please publish the first notice on July 2, 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 or before July 2, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5646-3 and 5208A-3 to Appropriate Water

Notice is given that Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed applications for water permits.

Water Permit Application No. 5646-3 is to construct and place to beneficial use 425 acre-feet annually at a rate of 1.0 cubic foot of water per second (cfs) from one well (Big Sioux:Northern Skunk Creek Aquifer) 65 feet deep located in the NW 1/4 SW 1/4 Section 9-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 5643-3. The water will be used to supply the Kingbrook Rural Water System.

Water Permit Application No. 5208A-3 is to change the location of the points of diversion authorized by Water Permit No. 5208-3. Water Permit No. 5208-3 appropriates 1.4 cfs from 2 wells located in SW 1/4 Section 16; and the NE 1/4 Section 17; all in T111N-R56W. This application proposes to change the locations of the two wells (Vermillion East Fork Aquifer) 80 feet deep to the E 1/2 NW 1/4 and the SW 1/4 NE 1/4 Section 6; all in T111N-R56W. The water will be used to supply the Kingbrook Rural Water System. This application does not increase the diversion rate authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5646-3 and 5208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications 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 recommendations. 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 July 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 hearings on Application No. 5646-3 and 5208A-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for July 29, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If these applications are opposed or the recommendations are contested, the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 20, 1992.

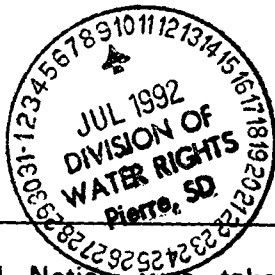
If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing.

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.

These applications are 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 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 Handrean

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

June 30, 1992

July 7, 1992

Angela Nibbelink
 (Signature)

Trohkeper
 (Title)

July 8, 1992
 (Date Signed)

Cost of Printing: 68.51

NOTICE OF HEARING

on Application Nos. 5646-3 and
 5208A-3 to Appropriate Water

Notice is given that Kingbrook Rural
 Water System, Inc., Drawer 299,
 Arlington, SD 57212 has filed
 applications for water permits.

Water Permit Application No. 5646-3
 is to construct and place to beneficial
 use 425 acre-feet annually at a rate of
 1.0 cubic feet of water per second (cfs)
 from one well (Big Sioux: Northern Skunk
 Creek Aquifer) 65 feet deep located in
 the NW 1/4 SW 1/4 Section 9-T105N-
 R51W. The water was appropriated and
 reserved by Future Use Permit No.
 5643-3. The water will be used to supply
 the Kingbrook Rural Water System.

Water Permit Application No. 5208A-3
 is to change the location of the points of
 diversion authorized by Water Permit
 No. 5208-3. Water Permit No. 5208-3
 appropriates 1.4 cfs from 2 wells located
 in SW 1/4 Section 16; and the NE 1/4
 Section 17; all in T111N-R56W. This
 application proposes to change the
 locations of the two wells (Vermillion
 East Fork Aquifer) 80 feet deep to the E
 1/2 NW 1/4 and the SW 1/4 NE 1/4
 Section 6; all in T111N-R56W. The water
 will be used to supply the Kingbrook
 Rural Water System. This application
 does not increase the diversion rate
 authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer recommends APPROVAL of
 Application Nos. 5646-3 and 5208A-3
 because 1) existing rights will not be
 unlawfully impaired, 2) it is a beneficial
 use of water, and 3) it is in the public
 interest. Unless a petition is filed
 opposing the applications or the
 applicant files a petition contesting the
 chief engineer's recommendations, the
 Water Management Board will NOT
 CONDUCT a HEARING to consider
 these applications and the chief
 engineer will issue the permits as
 recommended. Petitions filed in support
 of the applications will NOT require the
 Board to hear the applications.

Any person interested in opposing or
 supporting these applications 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 recommendations. 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 July 20, 1992. The petition
 may be informal, but must include a
 statement describing the petitioner's
 interest in the applications, the
 petitioner's reasons for opposing or
 supporting the applications, 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 hearings on Application No.
 5646-3 and 5208A-3 and 2) the chief
 engineer's recommendations, a meeting
 at the Division of Water Rights office to
 hear these applications is scheduled for
 July 29, 1992, at 9:00 a.m. in Room 413,
 Joe Foss Building, 523 E. Capitol, Pierre

SD. If the applications are opposed or the recommendations are contested, the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 20, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications 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.

These applications are 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 4:02:01:01 thru 4:02:01:15; 4:02:01:24 thru 4:02:01:25.

(June 30-July 7, 1992)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, }
COUNTY OF MINNEHAHA } ss.

..... M. DEVISH being duly sworn, says: That The Sioux Falls 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 by Sioux Falls Newspapers Inc.; 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 1 day of July, 1992,

Wednesday, the 8 day of July, 1992,

....., the day of, 19.....,

....., the day of, 19.....,

....., the day of, 19.....,

....., the day of, 19.....,

....., the day of, 19.....,

and that \$ 141.66 was charged for publishing the same.

M. Devish

Subscribed and sworn to before me August 3, 1992,

Nancy A. Buckley
Notary Public, South Dakota



NOTICE OF HEARINGS

on Application Nos. 5646-3 and 5208A-3 to Appropriate Water Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed applications for water permits.

Water Permit Application No. 5646-3 is to construct and place to beneficial use 425 acre-feet annually at a rate of 1.0 cubic foot of water per second (cfs) from one well (Big Sioux: Northern Skunk Creek Aquifer) 65 feet deep located in the NW 1/4 SW 1/4 Section 9-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 5643-3. The water will be used to supply the Kingbrook Rural Water System.

Water Permit Application No. 5208A-3 is to change the location of the points of diversion authorized by Water Permit No. 5208-3. Water Permit No. 5208-3 appropriates 1.4 cfs from 2 wells located in SW 1/4 Section 16; and the NE 1/4 Section 17; all in T111N-R56W. This application proposes to change the locations of the two wells (Vermilion East Fork Aquifer) 80 feet deep to the E 1/2 NW 1/4 and the SW 1/4 NE 1/4 Section 6; all in T111N-R56W. The water will be used to supply the Kingbrook Rural Water System. This application does not increase the diversion rate authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5646-3 and 5208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications 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 recommendations. 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 July 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 hearings on Application No. 5646-3 and 5208A-3 and 2) the chief engineer's recommendations a meeting at the Division of Water Rights office to hear these applications is scheduled for July 29, 1992 at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If these applications are opposed or the recommendations are contested, the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 20, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications 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.

These applications are 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, 46-6-8.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-6-38 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.

10232 July 1, 8, 1992

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County McCook) ss.

I, Troy Schwans

certify that the attached printed Notice

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 of Salem

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

July 2, 1992

July 9, 1992

Troy Schwans
 (Signature)

Editor

(Title)

7-9-92

(Date Signed)

Cost of Printing: \$71.14

Public Notice

NOTICE OF HEARINGS

on Application Nos.

5646-3 and 5208A-3

to Appropriate Water

Notice is given that Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed applications for water permits.

Water Permit Application No. 5646-3 is to construct and place to beneficial use 425 acre-feet annually at a rate of 1.0 cubic foot of water per second (cfs) from one well (Big Sioux: Northern Skunk Creek Aquifer) 65 feet deep located in the NW 1/4 SW 1/4 Section 9-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 5643-3. The water will be used to supply the Kingbrook Rural Water System.

Water Permit Application No. 5208A-3 is to change the location of the points of diversion authorized by Water Permit No. 5208-3. Water Permit No. 5208-3 appropriates 1.4 cfs from 2 wells located in SW 1/4 Section 16; and the NE 1/4 Section 17; all in T111N-R56W. This application proposes to change the locations of the two wells (Vermillion East Fork Aquifer) 80 feet deep to the E 1/2 NW 1/4 and the SW 1/4 NE 1/4 Section 6; all in T111N-R56W. The water will be used to supply the Kingbrook Rural Water System. This application does not increase the diversion rate authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5646-3 and 5208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications 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 recommendations. 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 July 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications,



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 hearings on Application No. 5646-3 and 5208A-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for July 29, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If these applications are opposed or the recommendations are contested the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 20, 1992.

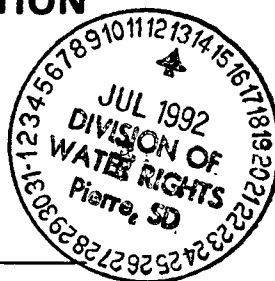
If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing.

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.

These applications are 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 was taken
from the Kingbrook Rural Water System, Inc.

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

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

July 2, 1992

July 9, 1992

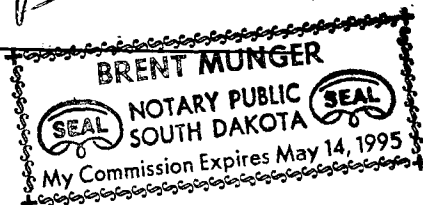
Lauri Adler
(Signature)

Sec.
(Title)

7-9-92
(Date Signed)

Cost of Printing: \$ 78.93

Brent Munger



NOTICE OF HEARINGS on Application Nos. 5646-3 and 5208A-3 to Appropriate Water

Notice is given that Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed applications for water permits.

Water Permit Application No. 5646-3 is to construct and place to beneficial use 425 acre-feet annually at a rate of 1.0 cubic foot of water per second [cfs] from one well [Big Sioux: Northern Skunk Creek Aquifer] 65 feet deep located in the NW 1/4 SW 1/4 Section 9-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 5643-3. The water will be used to supply the Kingbrook Rural Water System.

Water Permit Application No. 5208A-3 is to change the location of the points of diversion authorized by Water Permit No. 5208-3. Water Permit No. 5208-3 appropriates 1.4 cfs from 2 wells located in SW 1/4 Section 16; and the NE 1/4 Section 17; all in T111N-R56W. This application proposes to change the locations of the two wells [Vermillion East Fork Aquifer] 80 feet deep to the E 1/2 NW 1/4 and the SW 1/4 NE 1/4 Section 6; all in T111N-N56W. The water will be used to apply the Kingbrook Rural Water System. This application does not increase the diversion rate authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5646-3 and 5208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications 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 recommendations. 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 July 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearings on Application No. 5646-3 and 5208A-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for July 29, 1992, at 9:00 a.m. in Room 413, Foss Building, 523 E. Capitol, Pierre, SD. If these applications are opposed

or the recommendations are contested, the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 20, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing.

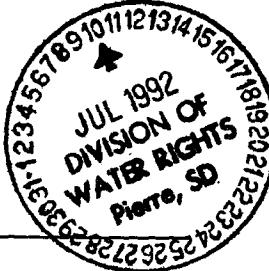
Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the 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.

These applications are 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

Wed., July 1, 8

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

I, Deanna D. Bergheim

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

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

_____ of _____

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

Wednesday, July 1, 1992Wednesday, July 8, 1992

(Signature)

(Title)

(Date Signed)

Cost of Printing: \$62.37

**NOTICE OF HEARINGS ON
 APPLICATION NOS. 5646-3 AND
 5208A-3 TO APPROPRIATE WATER**
 Notice is given that Kingbrook Rural
 Water System, Inc., Drawer 299, Arlington,
 SD 57212 has filed applications for water
 permits.

Water Permit Application No. 5646-3 is to
 construct and place to beneficial use 425
 acre-feet annually at a rate of 1.0 cubic foot
 of water per second (cfs) from one well (Big
 Sioux: Northern Skunk Creek Aquifer) 65
 feet deep located in the NW¼ SW¼ Section
 9-T105N-R51W. The water was appropriated
 and reserved by Future Use Permit No.
 5643-3. The water will be used to supply the
 Kingbrook Rural Water System.

Water Permit Application No. 5208A-3 is to
 change the location of the points of diversion
 authorized by Water Permit No. 5208-3.
 Water Permit No. 5208-3 appropriates 1.4 cfs
 from 2 wells located in SW¼ Section 16; and
 the NE¼ Section 17; all in T111N-R56W. This
 application proposes to change the locations
 of the two wells (Vermillion East Fork
 Aquifer) 80 feet deep to the E½ NW¼ and
 the SW¼ NE¼ Section 6; all in T111N-R56W.
 The water will be used to supply the
 Kingbrook Rural Water System. This ap-
 plication does not increase the diversion rate
 authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer recommends APPROVAL of Ap-
 plication Nos. 5646-3 and 5208A-3 because 1)
 existing rights will not be unlawfully im-
 paired, 2) it is a beneficial use of water, and
 3) it is in the public interest. Unless a peti-
 tion is filed opposing the applications or the
 applicant files a petition contesting the chief
 engineer's recommendations, the Water
 Management Board will NOT CONDUCT a
 HEARING to consider these applications
 and the chief engineer will issue the permits
 as recommended. Petitions filed in support
 of the applications will NOT require the
 Board to hear the applications.

Any person interested in opposing or sup-
 porting these applications must file a writ-
 ten petition with BOTH the applicant and
 Chief Engineer. The applicant must also file
 a petition if opposed to the Chief Engineer's
 recommendations. The Chief Engineer's ad-
 dress is "Water Rights Division, Foss
 Building, 523 E. Capitol, Pierre SD 57501 (605
 773-3352)" and the applicant's mailing ad-
 dress is given above. A petition filed by
 either an interested person or the applicant
 must be filed by July 20, 1992. The petition
 may be informal, but must include a state-
 ment describing the petitioner's interest in
 the applications, the petitioner's reasons for
 opposing or supporting the applications, 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 hearings on Application No. 5646-3 and 5206A-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for July 29, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre SD. If these applications are opposed or the recommendations are contested, the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 20, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications 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.

These applications are 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 Clark)



I, Bert Moritz

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

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

State _____ of South Dakota

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

July 1, 1992

July 8, 1992

Bert Moritz
 (Signature)

Publisher
 (Title)

7/8/92
 (Date Signed)

Cost of Printing: *69.54

148 lines

2 times

Notice of Hearing on Application Nos. 5646-3 and 5208A-3 to

Appropriate Water

Notice is given that Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed applications for water permits.

Water Permit Application No. 5646-3 is to construct and place to beneficial use 425 acre-feet annually at a rate of 1.0 cubic foot of water per second (cfs) from one well (Big Sioux Northern Skunk Creek Aquifer) 65 feet deep located in the NW 1/4 SW 1/4 Section 9-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 5643-3. The water will be used to supply the Kingbrook Rural Water System.

Water Permit Application No. 5208A-3 is to change the location of the points of diversion authorized by Water Permit No. 5208-3. Water Permit No. 5208-3 appropriates 1.4 cfs from 2 wells located in SW 1/4 Section 16; and the NE 1/4 Section 17; all in T111N-R56W. This application proposes to change the locations of the two wells (Vermillion East Fork Aquifer) 80 feet deep to the E 1/2 NW 1/4 and the SW 1/4 NE 1/4 Section 6; all in T111N-R56W. The water will be used to supply the Kingbrook Rural Water System. This application does not increase the diversion rate authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5646-3 and 5208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications 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 recommendations. 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 July 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applicants, the petitioner's reasons for opposing or supporting the applications, 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 hearings on Application No. 5646-3 and 5208A--3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for July 29, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 423 E. Capitol, Pierre, SD. If these applications are opposed or the recommendations are contested, the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 29, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications 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.

These applications are 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 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:

July 1, 1992

July 8, 1992

Mary Schulte
(Signature)

Accounts Receivable Clerk
(Title)

7-8-92
(Date Signed)

Cost of Printing: \$166.71
153 lines at .436

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

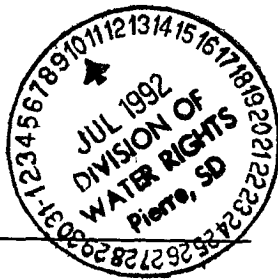
County of Kingsbury and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

July 1, 1992

July 8, 1992

Dale Blegen
 (Signature)
Publisher
 (Title)
July 9, 1992
 (Date Signed)

Cost of Printing: 67.77



NOTICE OF HEARINGS
on Application Nos. 5646-3 and
5208A-3 to Appropriate Water

Notice is given that Kingsbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed applications for water permits.

Water Permit Application No. 5646-3 is to construct and place to beneficial use 425 acre-feet annually at a rate of 1.0 cubic foot of water per second (cfs) from one well (Big Sioux:Northern Skunk Creek Aquifer) 65 feet deep located in the NW 1/4 SW 1/4 Section 9-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 5643-3. The water will be used to supply the Kingbrook Rural Water System.

Water Permit Application No. 5208A-3 is to change the location of the points of diversion authorized by Water Permit No. 5208-3. Water Permit No. 5208-3 appropriates 1.4 cfs from 2 wells located in SW 1/4 Section 16; and the NE 1/4 Section 17; all in T111N-R56W. This application proposes to change the locations of the two wells (Vermillion East Fork Aquifer) 80 feet deep to the E 1/2 NW 1/4 and the SW 1/4 NE 1/4 Section 6; all in T111N-R56W. The water will be used to supply the Kingbrook Rural Water System. This application does not increase the diversion rate authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5646-3 and 5208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications 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 recommendations. 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 appli-

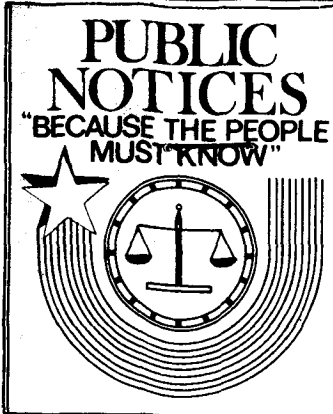
cant must be filed by July 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearings on Application No. 5646-3 and 5208A-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for July 29, 1992 at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If these applications are opposed or the recommendations are contested, the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 20, 1992.

If a hearing is held, the chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications 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.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 56-1-12 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, 46-5-33, 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

NOTICE OF HEARINGS
ON APPLICATION NOS.
5646-3 and 5208A-3 TO
APPROPRIATE WATER

Notice is given that Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 has filed applications for water permits.

Water Permit Application No. 5646-3 is to construct and place to beneficial use 425 acre-feet annually at a rate of 1.0 cubic foot of water per second (cfs) from one well (Big Sioux: Northern Skunk Creek Aquifer; 65 feet deep located in the NW 1/4 SW 1/4 Section 9-T105N-R51W. The water was appropriated and reserved by Future Use Permit No. 5643-3. The water will be used to supply the Kingbrook Rural Water System.

Water Permit Application No. 5208A-3 is to change the location of the points of diversion authorized by Water Permit No. 5208-3. Water Permit No. 5208-3 appropriates 1.4 cfs from 2 wells located in SW 1/4 Section 16; and the NE 1/4 Section 17; all in T111N-R56W. This application purports to change the locations of the two wells (Vermillion East Fork Aquifer) 80 feet deep to the E 1/4 NW 1/4 and the SW 1/4 NE 1/4 Section 6; all in T111N-R56W. The water will be used to supply the Kingbrook Rural Water System. This application does not increase the diversion rate authorized by Water Permit No. 5208-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5646-3 and 5208A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the application will NOT require the Board to hear the applications.

the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 hearings on Application No. 5646-3 and 5208A-3 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear these applications is scheduled for July 29, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If these applications are opposed or the recommendations are contested, the July 29, 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 July 29, 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 applications. The request for an automatic delay must be filed by July 20, 1992.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications 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.

These applications are 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.

Affidavit of Publication

State of South Dakota

SS

County of Hamlin



Linda M. Walters, of Day County, being duly sworn on oath says, that she is the publisher of the Bryant Dakotan, a weekly newspaper published in Bryant, in said County of Hamlin, 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 two hundred copies weekly, for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was and is published wholly in an office maintained at said place of publication, that the advertisement headed

Kingbrook Rural Water
System Inc
Notice of Hearings

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 once each week for

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

7-1 1992

7-8 1992

19

19

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 whatsoever and that the fees charged for the publication thereof are \$

Linda M. Walters

Any person interested in opposing or supporting these applications 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 recommendations. 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 July 20, 1992. The petition may be informal, but must include a statement describing

sworn to before me, this 10th day of July, 1992.
J. K. Krum
County of Hamlin, South Dakota
My commission expires January 26, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 12 1992

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

Dear Mr. Sterling:

Enclosed are Water Permit Nos. 5208A-3 and 5646-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

Very truly yours,

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

enclosures

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

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

KINGBROOK RURAL WATER SYSTEM



5646-3

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



5646-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1994

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

Dear Mr. Sterling:

Pursuant to a qualification on Water Permit/Right Nos. 5785-3, 5208-3, 5208A-3, 5186-3, 4137-3, 5426-3 (Vermillion East Fork Aquifer) & 5646-3 (Big Sioux:Northern Skunk Creek Aquifer), I am requesting that the Kingbrook Rural Water System report the total amount of water diverted from the Vermillion East Fork Aquifer and the Big Sioux:Northern Skunk Creek Aquifer during 1993. Please respond by January 31, 1994.

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

Sincerely,

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

Vermillion EFA = 221,910,000 gal.

Big Sioux = 140,064,000 gal.



**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

REPORT ON INSPECTION OF PERMIT NO. 5646-3

Other permit(s) associated with the project: 4367-3

DATE OF INSPECTION: 19 June 1996

NAME & ADDRESS OF INSPECTION CONTACT/ Lowell Corbin

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Plant Supervisor

NAME & ADDRESS OF PERMIT HOLDER: Kingbrook Rural Water System Inc. Drawer 299
Arlington SD

DIVERSION POINT LEGAL LOCATION: NW1/4SW1/4 section 9 T105N R51W or approximately
30 feet south and 300 feet east of the west quarter corner of section 9 T105N R51W. Distances
are approximate as the legal quarter corner was not physically found.

WELL INFORMATION:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells one
- 3) Depth(s) 56 feet
- 4) Well log is available no
- 5) Comment: well was reported to be 56 feet deep, well log is not currently available

Casing:

- 1) Diameter XX inches
- 2) Length XX feet
- 3) Type XXXX

Screen:

- 1) Type XXXX
- 2) Length XXXX feet
- 3) Static water level XXXX feet

Pump:

- 1) Make Presently a J-Line
- 2) Model XXXX
- 3) Size 2 stage
- 4) Capacity 450GPM

Motor:

- 1) Make Hitach
- 2) Model No. XXX
- 3) Horsepower rating 20 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type XXXX 2) Size XXX inches 3) Length XXX feet

PERMIT QUALIFICATIONS AND REGULATIONS:

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



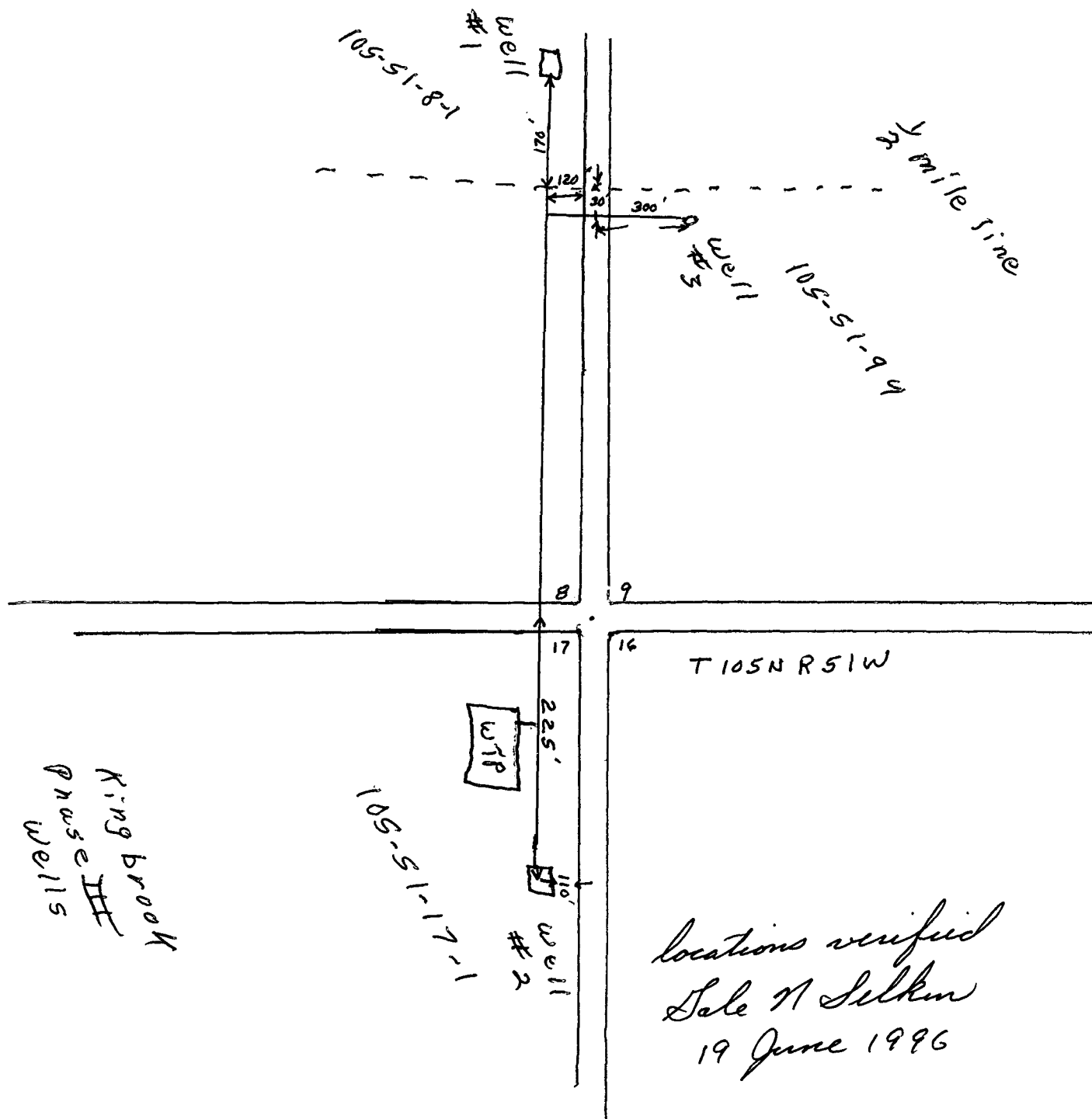
Gale N. Selken P.E.

Natural Resources Engineer IV

Water Rights Program DENR

Lowell Corbin
Supervisor

19 June 1996



Permit No. 5646-3
X River - Water District

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

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

I have this day, **20 June 1996**, made a thorough examination of the water use system constructed by **Kingbrook Rural Water System Inc.** of **Drawer 299, Arlington SD** holder of Permit No. **5646-3**, bearing the priority of **19 March 1992** authorizing the diversion of **1.0** cu. ft. per second of the waters of **Big Sioux: Northern Skunk Creek Aquifer** for **rural water** purposes, in **Lake** County and the described service area of the rural water system.

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

A. Works used to divert the water:

One 56 foot well constructed by Lacey Drilling and located in the NW1/4SW1/4 section 9 T105N R51W. Location is further defined as approximately 30 feet south and 300 feet east of the west quarter corner of section 9 T105N R51W.

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

Rural water system force mains and distribution lines

C. Works used to apply water to beneficial use:

Rural water system force mains and distribution lines

The system is in the following condition **excellent**. The point of diversion is located **NW1/4SW1/4 section 9 T105N R51W or approximately 30 feet south and 300 feet east of the west quarter corner of section 9 T105N R51W**. The works are capable of diverting and conveying to the place of use **1.0** cu. ft. per second of water which is to be used for **rural water system use**. Water has been put to beneficial use to the maximum extent as follows: **Water from this well is supplied along with waters from two wells under permit 4367-3 to a treatment plant in the NE1/4 section 17 T105N R51W where it is treated and distributed to rural water system customers.**

the license should be issued for **1.0** cfs with and annual limit of 425 acre feet per year.

Applicable permit qualifications have been complied with: Yes **X**

Date Report Completed: **20 June 1996**

Gale N. Selken

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5646-3

(1) Kingbrook Rural Water System, Drawer 299, Arlington, SD 57212 made Application No. 5646-3, March 27, 1992 for a water permit to divert 1.00 cubic feet of water per second (425 acre feet annually) from ground water (one well - Big Sioux: Northern Skunk Creek Aquifer), Lake County, South Dakota for rural water system purposes. Permit No. 5646-3, with a priority date of March 19, 1992 (as established under Future Use Permit No. 5643-3) was approved July 29, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 29, 1997 and for the application to beneficial use of said water on or before July 29, 2001.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.00 cubic feet of water per second (425 acre feet per year) for beneficial use. The location of the diversion point is approximately 30'S and 300'E of the W¼ corner of Section 9, T105N, R51W (NW¼ SW¼).

- Water from this well is supplied with water from two wells described in Water Right No. 4367-3, to a treatment plant in the NE¼ Section 17, T105N, R51W where it is treated and distributed to rural water system customers.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to customers in Brookings, Clark, Hamlin, Kingsbury, Lake, McMook, Miner, Minnehaha and Moody Counties in South Dakota.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Kingbrook Rural Water System, Inc., Drawer 299, Arlington, SD 57212 the holder and/or owner of Water Permit No. 5646-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second (425 acre feet annually) from ground water (one well) with a priority date of March 19, 1992 from the location specified in (2) of this license, for rural water system use purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5646-3 and subject to South Dakota State Law.



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

APR 7 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 16, 1996

4367-3
5646-3

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

Dear Mr. Elcock:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4367-3 and 5646-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license from you (\$100.00 total), we will begin processing your Water Licenses.

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

Sincerely,

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

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

RECEIPT

415111

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, September 23, 19 96

RECEIVED OF Kingbrook Rural Water System, Drawer 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. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5646-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch (Signature)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

4367-3

5646-3

Morris Elcock, Manager
Kingbrook Rural Water system, Inc.
Drawer 299
Arlington, SD 57212

Dear Mr. Elcock:

Enclosed are Water License Nos. 4367-3 and 5646-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415110 and 415111 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 4367-3 and 5646-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Hatch', written in a cursive style.

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

ks
enclosures