

Considered: _____

WATER PERMIT NO. FU 5689-3

Phone: 997-2098

Name of Applicant: Big Sioux Community Water System, Inc.

Post Office Address: Box 158, Egan SD 57024

Amount of Water Claimed: 360 ac-ft Total Acres: NA

Source of Water Supply: groundwater

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

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 5-18-92 Fee: \$25 Remarks _____

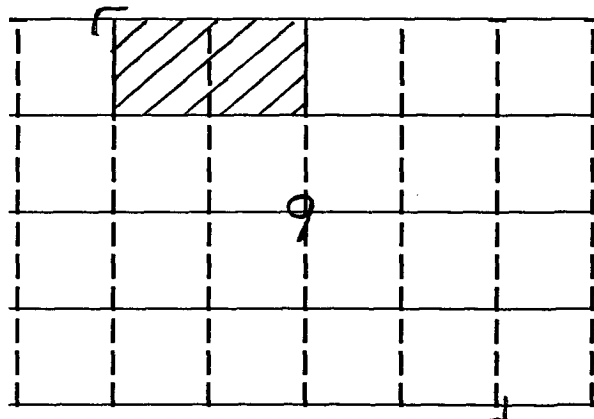
Corrected Application Received 7-17-92 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: N 1/2 NW 1/4 Sec 9-T105N-R51W

Land to be Irrigated: _____



Well Log: Driller: 45' Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: Daryl C. Englund Reviewed and the Number

Assigned on 7-22-92 By Karen Schlaak

Originally
received 5-18-92No. 5689-3 Hydrologic Unit 10170203
Map No. _____ Basin Big Sioux River
Newspaper Madison Daily LeaderMoody Co. Enterprise, Flandreau**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 ☐

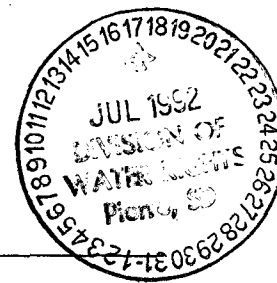
Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☒ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Big Sioux Community Water System, Inc. Phone No. 605-997-2098Post Office Address Box - 158, Egan State S.D. 57024
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s) 360 Acre Feet3. Source of water supply Wells4. Location of point of diversion N¹/₂
~~SW 1/4~~ of NW 1/4 Section 9, Township 105N, Range 51WCounty Lake5. Counties where water will be used Lake, Moody6. Annual period during which water is to be used Year around 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)

This future use permit is to reserve water to serve future members of our rural water system as it grows in Lake and Western Moody County. The greatest growth of our system is in the area, especially around Lake Madison and Lake Brant. Our water in the past has been seasonal in nature (April thru October) but our long range plans call for greater use of this wellfield to serve more of the demand in the western one-third of Big Sioux year around.

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 Lake)ssI, Big Sioux Community Water System, Inc. by LeonardHeinemann, Manager 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 Leonard Heinemann Manager BSRWSubscribed and sworn to before me this 14 day of July 19 92[Signature]
Notary Public

**SOUTH DAKOTA
FUTURE USE WATER PERMIT NO. 5689-3**

Date of first receipt of application May 18, 1992.

Date of return to applicant for corrections, amendments or changes May 18, 1992.

Date of receipt of corrected application July 17, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Water Permit No. 5689-3 to Big Sioux Community Water System, Inc., Box 158, Egan SD 57024 subject to the following limitations, conditions and qualifications:

1. Future Use Water Permit No. 5689-3 appropriates for future use 360 acre-feet of water annually from the Big Sioux:Northern Skunk Creek Aquifer with future wells to be approximately 45 feet deep. the area reserved for future use is to be located the N 1/2 NW 1/4 Section 9-T105N-R51W. The water is to be reserved for the purposes of providing future water supplies for the rural water system in Lake and Moody Counties. This permit is not for construction of works or to put water to beneficial use.
2. The water appropriated shall be used for the purpose of providing future water supplies for the Big Sioux Community Water System and may not exceed the amount of water needed for beneficial use for rural water system purposes.
3. The date of approval of Permit No. 5689-3 is November 10, 1992.
4. The date from which applicant may claim right is May 18, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 5689-3 reserves 360 acre-feet annually.
2. That Future Use Permit No. 5689-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
4. This permit is approved for groundwater from the Northern Skunk Creek Management Unit of the Big Sioux Aquifer. Wells will be approximately 45 feet deep.

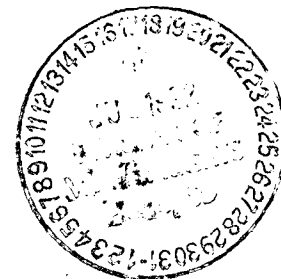
WATER MANAGEMENT BOARD

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

MAR 17 1993
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 45'
- b) Casing Type Steel Diameter 12" Thickness 1/4"
- c) Screen Type Stainless Steel Diameter 12" Slot size 0.80
- d) Gravel Pack Thickness 6" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 7' 11"
- f) Depth to Water (ground surface to water level) 7' 11"
- g) Distance to nearest existing domestic well:
- On applicants property 500' ? On property owned by others _____

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

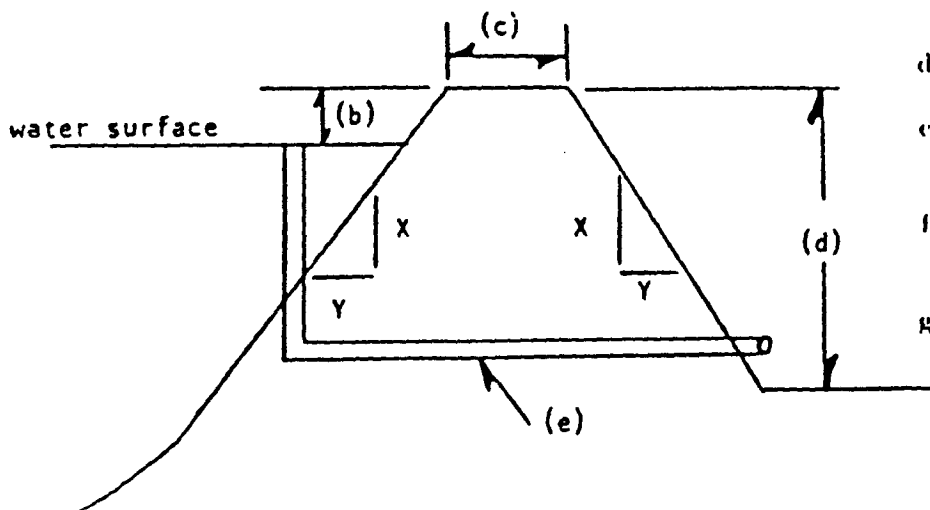
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413326

Pierre, _____

July 21, 19 92

RECEIVED OF Big Sioux Community Water, Inc., Box 158, Egan, SD 57024

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. <u>5689-3</u> to Appropriate Water for Future Use _____	25	00
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	25 00

By

Chief Engineer

John H. Hotal



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 18, 1992

Big Sioux Community Water System, Inc.
Leonard Heinemann, Manager
Box 158
Egan SD 57024

Dear Mr. Heinemann:

Enclosed is future use permit application received on May 18, 1992. The application is being returned because your signature must be notarized.

Generally, future use permits are quantified on an acre-foot basis to an amount two times the annual amount currently being put to beneficial use. The general rule followed is 60% of the pumping rate when water is put to beneficial use. The 0.5 cubic feet of water per second which is requested on the application, would convert to 362 acre-feet. Sixty percent of 362 acre-feet would be approximately 220 acre-feet. However, two times the water use shown by the Brant Lake Well Field pumping records (pro-rated to a year basis) is 130 acre-feet. Does the Brant Lake Well Field pumping records constitute the total water use by the water system? If so, the amount of water claimed by the future use permit should be for 130 acre-feet of water unless justification for a greater amount can be shown by the water system. Do you concur with this change on your application? Enclosed is your check for \$25.00. The filing fee for 220 acre-feet or 130 acre-feet would be \$22.50.

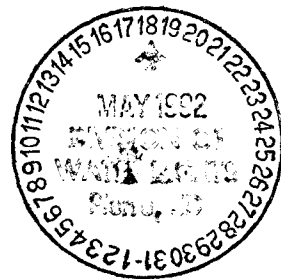
Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact Eric Gronlund, with this office.

Sincerely,

Karen Schlaak

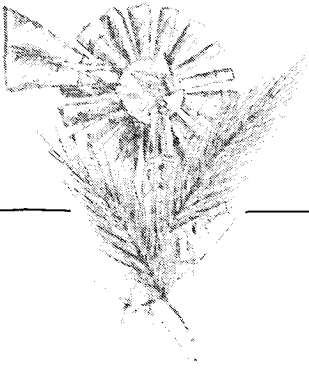
Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



Brant Lake Well Field Well Pumping Records-1991

April	449,000 gallons
May	1,452,000 gallons
June	2,266,000 gallons
July	2,452,000 gallons
August	3,052,000 gallons
September	2,007,000 gallons
October	613,000 gallons
Total Pumped=	12,291,000 gallons

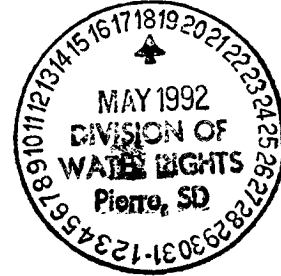


Big Sioux

Community Water System, Inc.

BOX 158 • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

May 14, 1992



Mr. Jim Goodman
Water Rights Division
523 East Capitol
Pierre, S. Dak. 57501

Dear Jim:

Enclosed is our Future Use Water Right Application and associated data requested. I filled out Form 2A using information from the well we currently are using. I didn't know what else to do since we do not have specific well information until we actually drill our future well.

I am enclosing our water pumped records from our 1991 well production records. Again, please remember the useage at this time is seasonal in nature (April - October). Our long range plan calls for us to better utilize this wellfield year around by taking up more of the demand of the western 1/3 of our water system. Much of this water use plan depends on testing results for the Safe Drinking Water Act requirements.

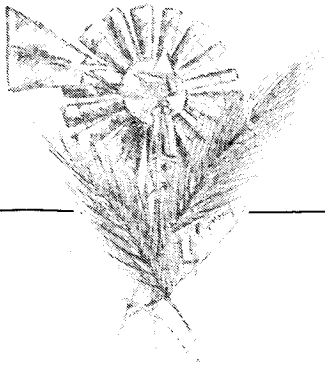
I believe our current permit is expressed as 0.5 CFS and the future use permit is also asking for 0.5 CFS. I wonder if both of these permits should be changed to Acre Feet Per Year rather than CFS?

If you have any questions, give me a call at 997-2098.

Sincerely yours,

Leonard Heinemann, Manager
Big Sioux Community Water System

LH/jf
Encl



Big Sioux

Community Water System, Inc.

BOX 158 • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098



July 15, 1992

Mr. Eric Gronlund
Water Rights Division
523 East Capital
Pierre, SD 57501

Dear Eric,

Per our telephone conversation this morning, I am sending you pumping records substantiating our total system pumpage for 1989 thru June of 1992. I have also included the modified Future Use Permit to show 320 Acre Feet requested rather than .5CFS.

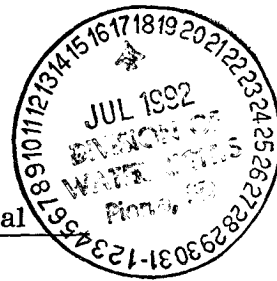
If you have questions, please call me at 997-2098.

Sincerely yours,

Leonard Heinemann
Manager

LH:mg

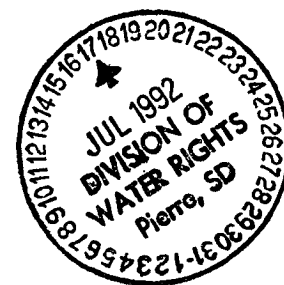
System Pumping Records - January 1989 Thru Present

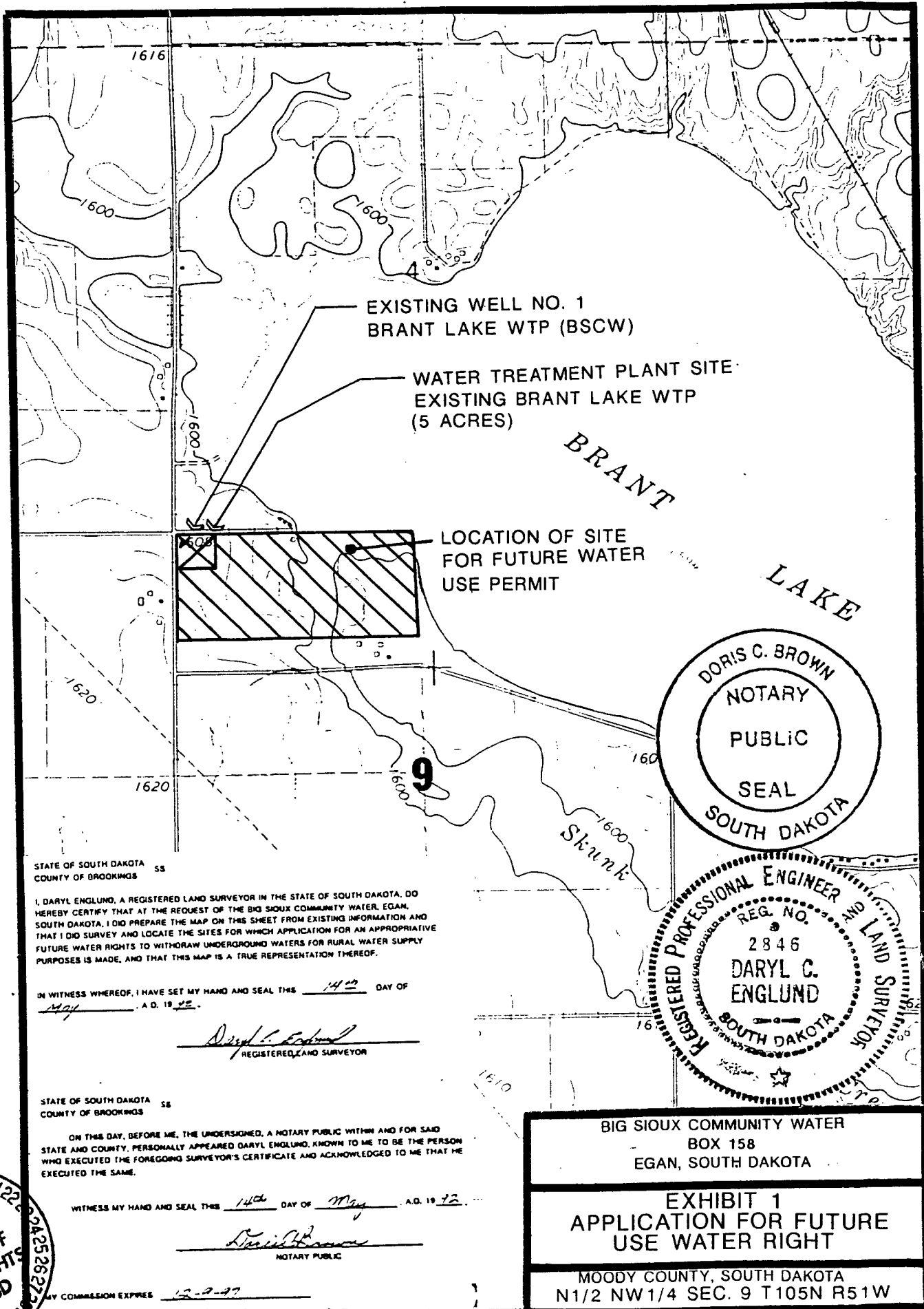


1989	Egan Well Field	Brant Lake Well Field	System Total
January	14,773,000		14,773,000
February	14,985,000		14,985,000
March	12,961,000		12,961,000
April	14,948,000		14,948,000
May	15,465,000	620,000	16,085,000
June	18,453,000	1,924,000	20,377,000
July	17,410,000	2,658,000	20,068,000
August	17,364,000	2,389,000	19,753,000
September	15,755,000	1,893,000	17,648,000
October	14,591,000	1,580,000	16,171,000
November	14,864,000	907,000	15,771,000
December	14,253,000		14,253,000
1989 TOTAL			197,793,000 gallons
1990			
January	15,316,000		15,316,000
February	14,299,000		14,299,000
March	13,087,000		13,087,000
April	14,455,000		14,455,000
May	15,371,000	947,000	16,318,000
June	15,837,000	1,274,000	17,111,000
July	16,918,000	2,129,000	19,047,000
August	18,373,000	1,649,000	20,022,000
September	18,722,000	1,672,000	20,394,000
October	15,932,000	1,325,000	17,257,000
November	15,987,000	386,000	16,373,000
December	15,447,000		15,447,000
1990 TOTAL			199,126,000 gallons

System Pumping Records - (Continued)

1991	Egan Well Field	Brant Lake Well Field	System Total
January	16,523,000		16,523,000
February	15,165,000		15,165,000
March	13,088,000		13,088,000
April	15,823,000	449,000	16,272,000
May	15,631,000	1,452,000	17,083,000
June	18,169,000	2,266,000	20,435,000
July	17,537,000	2,452,000	19,989,000
August	18,195,000	3,052,000	21,247,000
September	18,477,000	2,007,000	20,484,000
October	16,376,000	613,000	16,989,000
November	16,974,000		16,974,000
December	16,330,000		16,330,000
1991 TOTAL			210,579,000 gallons
1992			
January	16,274,000		16,274,000
February	15,883,000		15,883,000
March	14,639,000		14,639,000
April	15,778,000	1,016,000	16,794,000
May	17,620,000	2,224,000	19,844,000
June	19,813,000	2,576,000	22,389,000





STATE OF SOUTH DAKOTA 53
COUNTY OF BROOKINGS

I, DARYL ENGLUND, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE BIG SIOUX COMMUNITY WATER, EGAN, SOUTH DAKOTA, I DID PREPARE THE MAP ON THIS SHEET FROM EXISTING INFORMATION AND THAT I DID SURVEY AND LOCATE THE SITES FOR WHICH APPLICATION FOR AN APPROPRIATIVE FUTURE WATER RIGHTS TO WITHDRAW UNDERGROUND WATERS FOR RURAL WATER SUPPLY PURPOSES IS MADE, AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 14th DAY OF May, A.D. 19 92.

Daryl C. Englund
REGISTERED LAND SURVEYOR

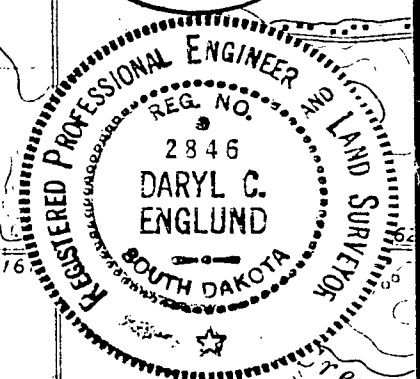
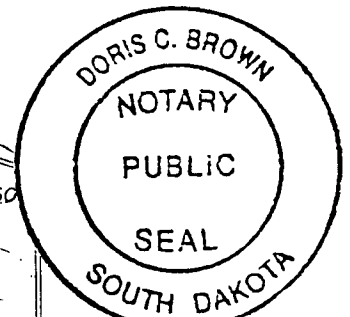
STATE OF SOUTH DAKOTA 58
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DARYL ENGLUND, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 14th DAY OF May, A.D. 19 92.

Doris C. Brown
NOTARY PUBLIC

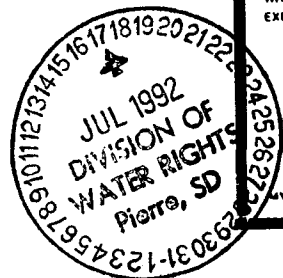
MY COMMISSION EXPIRES 12-2-97



BIG SIOUX COMMUNITY WATER
BOX 158
EGAN, SOUTH DAKOTA

EXHIBIT 1
APPLICATION FOR FUTURE
USE WATER RIGHT

MOODY COUNTY, SOUTH DAKOTA
N1/2 NW1/4 SEC. 9 T105N R51W



5689-3

File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Leonard Heinemann, Manager
Big Sioux Community Water System, Inc.

ADDRESS: Box 158, Egan COUNTY: Lake

DATE: 7-21-92 TELEPHONE: 997-2098

RE: Pending application

COMMENTS:

Talked with Mr. Heinemann about the location of the point of diversion on the application. Mr. Heinemann stated the future use area should be N 1/2 NW 1/4 Section 9-T105N-R51W. This legal description corresponds with the map submitted with the application. I told Mr. Heinemann that the change would be made on the application.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst

FUTURE USE APPLICATION NO. 5689-3
BIG SIOUX COMMUNITY WATER SYSTEM, INC.
SEPTEMBER 10, 1992

Application No. 5689-3 is to appropriate for future use 360 acre-feet of water annually from the Northern Skunk Creek Management Unit of the Big Sioux Aquifer. The area reserved for future use is to be located in the N 1/2 NW 1/4 Sec. 9, T105N-R51W. The water is to be reserved for the purposes of providing future water supplies for the rural water system in Lake and Moody Counties. This application is not for construction of works or to put the water to beneficial use.

AQUIFER: Big Sioux: Northern Skunk Creek

AQUIFER CHARACTERISTICS:

The Northern Skunk Creek Management Unit of the Big Sioux Aquifer is a glacial outwash deposit restricted to the Skunk Creek alluvial valley and its tributaries. The management unit extends from approximately 8 miles west of Madison to just south of the Moody County-Minnehaha County line. The aquifer underlies approximately 48 square miles and contains an estimated 196,000 acre-feet of recoverable water in storage in Lake and Moody Counties (Hansen, 1986). The management unit is under unconfined (water table) conditions in most areas; however, the aquifer is under confined (artesian) conditions in some areas, where the outwash is overlain by glacial till. The aquifer is hydraulically connected to area lakes and Skunk Creek.

The Division of Water Rights monitors six observation wells completed into the Northern Skunk Creek Management Unit in Lake County and one observation well completed into the management unit in Moody County. Hydrographs of the wells are included in this report. The hydrographs show that the highest annual water level generally occurs around April - June, and the lowest annual water level generally occurs around August - October. The decline of water levels during the summer months is due to increased evapotranspiration, reduced recharge, and pumpage. Water levels rise during the late winter and spring due to recharge, if available. The observation well hydrographs show the water level of the aquifer fluctuates rapidly in response to recharge. The response to withdrawals is less obvious and tends to be represented by a slow gradual decline. At the current level of development from the aquifer it is not possible to distinguish between natural water level fluctuations and the effects of pumping from the hydrographs. Measurements taken from Division of Water Rights' Observation Wells indicate that long-term water level declines have not occurred in the Northern Skunk Creek Management Unit.

DISCUSSION:

SDCL 46-2A-10 states "A reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest." Projected water demand verses

current water resources suggest that the reservation represented by this future use will be needed by the rural water system, and there is little question that this is a beneficial use and in the public interest.

Water Availability:

The availability of unappropriated water can be evaluated in part by considering SDCL 46-6-3.1, which requires that an application to appropriate groundwater can not be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of average estimated annual recharge.

Recharge:

Recharge to the Northern Skunk Creek Management Unit occurs primarily through infiltration of precipitation, and streamflow losses. The recharge rate to the aquifer, estimated by observation well analysis, is estimated to range from 2.7 to 5.6 inches per year and average annual recharge to the aquifer has been estimated to be 3.1 inches per acre per year (7,936 acre-feet per year), (Hedges, 1983).

Withdrawal:

Withdrawals from the management unit occur through evapotranspiration, discharge to the area lakes and Skunk Creek, possibly through leakage to underlying aquifers, and pumpage. There are numerous domestic wells which are supplied by the aquifer; however, the majority of pumpage from the aquifer is for appropriative uses.

Appropriations:

Currently there are 33 water permits/rights appropriating water from the Northern Skunk Creek Management Unit. The water rights/permits issued include 6 municipal, 18 irrigation, 3 rural water system, 1 commercial, 1 industrial, 1 domestic, 1 institutional and 3 future use. Appropriative rights from the Northern Skunk Creek Management Unit of the Big Sioux Aquifer represent a total combined diversion rate of 60.6 cubic feet of water per second (cfs). Non-irrigation permits/rights, assuming up to 60 percent of the full time pumping amount, may divert up to 4,933 acre-ft /yr from the aquifer. Irrigation permits/rights authorize the irrigation of 3,438 acres and may appropriate up to 2 acre-feet per acre per year for permits approved after June 30, 1978, and 3 acre-feet per acre per year for prior permits. Future use permits reserve 2,824 acre-feet from the management unit per year.

Usage:

The Northern Skunk Management Unit is heavily appropriated; however, the average annual use historically has always been significantly less than the appropriation. Annual pumpage from the Northern Skunk Creek Management Unit include Kingbrook RWS reporting a water use of 408

acre-feet, Big Sioux RWS reported a water use of 43 acre-feet and the City of Madison reported a water use of 829 acre-feet in 1991 from the Big Sioux Northern Skunk Creek Aquifer (Goodman, 1992). Actual reported irrigation use has been:

YEAR	PUMPAGE REPORTED (AC-FT)
1979	393
1980	452
1981	941
1982	432
1983	763
1984	912
1985	941
1986	723
1987	870
1988	1064
1989	1129
1990	565
1991	1199

Annual withdrawals from the Northern Skunk Creek Management Unit for appropriative uses are estimated to be less than 2,500 acre-feet at the present time.

Hydrologic Budget:

A general equation of the hydrologic budget for an aquifer can be written:

$$\text{Recharge} - \text{Withdrawal} = \text{Change in Storage}$$

Since water law does not allow for a net loss from storage of the aquifer, the equation can be rewritten as:

$$\text{Recharge} > \text{Withdrawal}$$

Although future use permits are reservations of a definite amount of water with a specified priority date, and they do not authorize withdrawals. Appropriations made by future use permits can be completely developed and must be considered when evaluating the availability of unappropriated water. The equation representing the unappropriated water available from this aquifer that would result in no net change in storage would be:

$$\text{Recharge} > \text{Withdrawal} + \text{Future use appropriations}$$

The equation can be written:

$$\text{Recharge} - \text{Future Use appropriations} = \text{Withdrawal (water available for appropriation)}$$

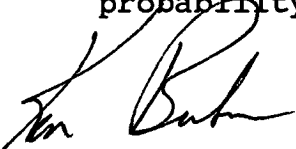
There is a total of 2,822²⁸²⁴ ac-ft/yr currently reserved under existing future use permits applying this to the Northern Skunk Creek Management Unit, the equation becomes:

$$7,936 \text{ ac-ft/yr} - 2,822 \text{ ac-ft/yr} = 5,114 \text{ ac-ft/yr total available}$$

Annual withdrawals from the Northern Skunk Creek Management Unit made for appropriative uses are estimated to be less than 2,500 acre-feet at the present rate of development. Therefore approximately 2,614 acre-feet annually are available for appropriation from the Northern Skunk Creek Aquifer.

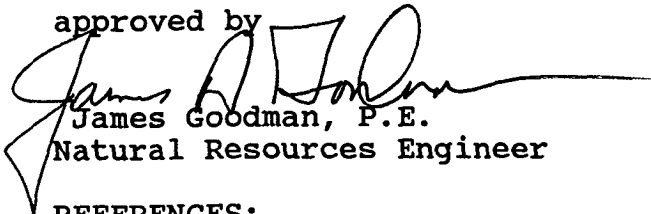
CONCLUSIONS:

1. This application is to reserve for future use 360 acre-feet of water annually from the Northern Skunk Creek Management Unit of the Big Sioux Aquifer. This application is not for construction of works or to put the water to beneficial use. A water permit application must be approved before water could be put to beneficial use.
2. The Division of Water Rights Observation Well measurements indicate that at the present rate of development average annual recharge is not being exceeded by annual withdrawals.
3. The average annual recharge to the Northern Skunk Creek is estimated to be 7,936 acre-feet per year.
4. Pumpage from the Northern Skunk Creek management Unit during 1991 through appropriative uses was reported to be less than 2,500 ac-ft.
5. Pumpage at the 1991 rate along with development of existing future use permits, would withdraw 5,322 ac-ft/yr.
6. The best estimate of water available [Estimated Average Annual Recharge - ((1991 use) + (Existing Future Use Appropriation) + (This Appropriation))], indicates that there is a reasonable probability that unappropriated water is available.



Ken Buhler
Natural Resources Engineer

approved by



James Goodman, P.E.
Natural Resources Engineer

REFERENCES:

- Division of Water Rights, 1976-1991, "Irrigation Summary by Aquifer",
DENR-Division of Water Rights, Joe Foss Building, Pierre, SD,
57701
- Division of Water Rights, 1992, "Observation Well Files",
DENR-Division of Water Rights, Joe Foss Building, Pierre, SD,
57701

Division of Water Rights, 1992, "Observation Well Files",
DENR-Division of Water Rights, Joe Foss Building, Pierre, SD,
57701

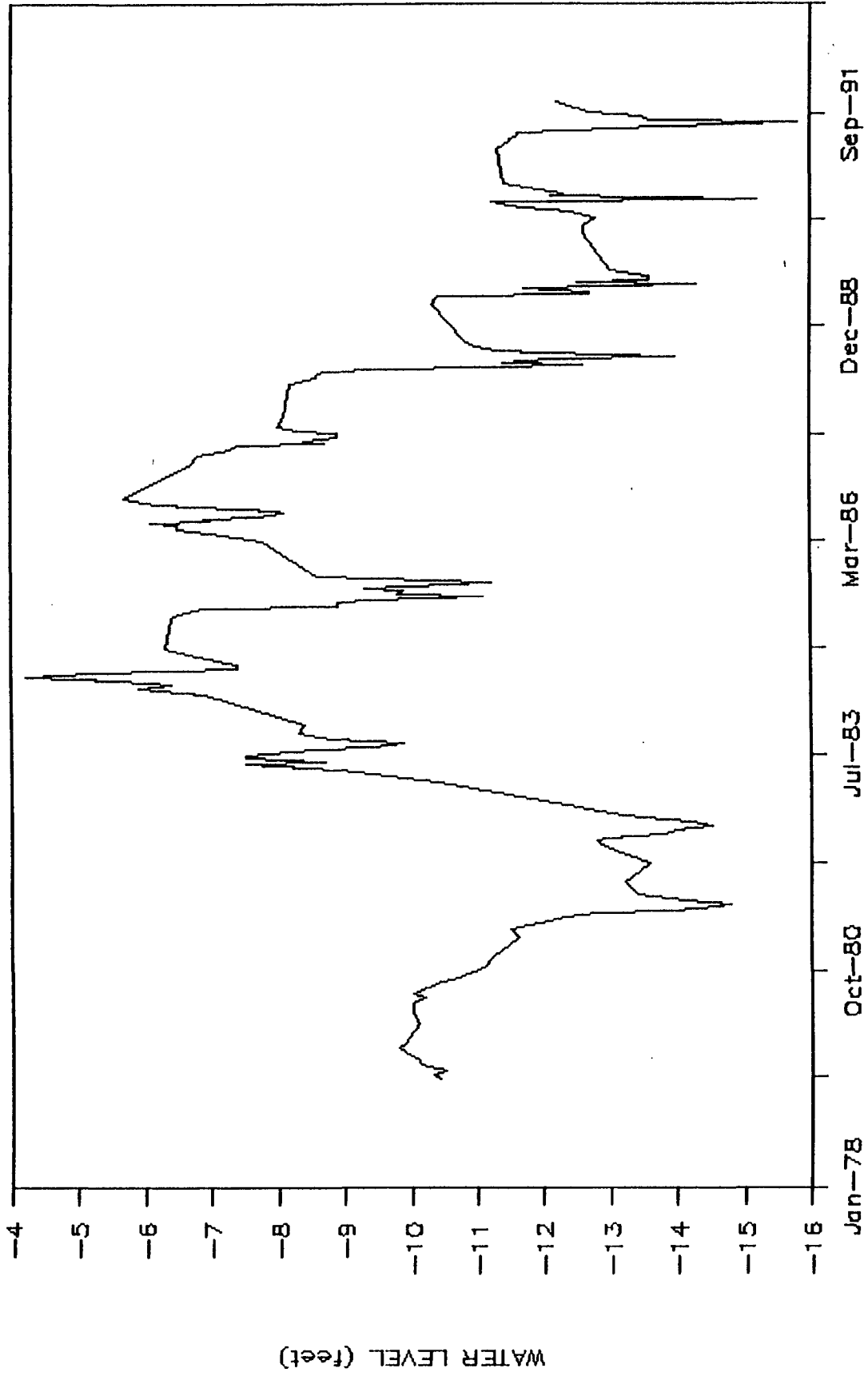
Goodman, J.A., 1992, "Report on Application No. 5643-3 for Kingbrook
Rural Water System", Water Permit No. 5643-3 File, DENR-Division
of Water Rights, Joe Foss Building, Pierre, SD, 57701

Hansen, D.s., 1986, Water Resources of Lake and Moody Counties, SD,
USGS Water-Resources Investigation 84-4209, USGS, Huron, SD,
57350

Hedges, L.S., S.Burch, D.Iles, R.Barari, R.Schoon, 1982, Evaluation of
Ground-Water Resources Eastern South Dakota and Upper Big Sioux
River, South Dakota and Iowa, Task 7: Ground Water Recharge,
U.S. Army Corps of Engineers Contract DACW 45-80-0185

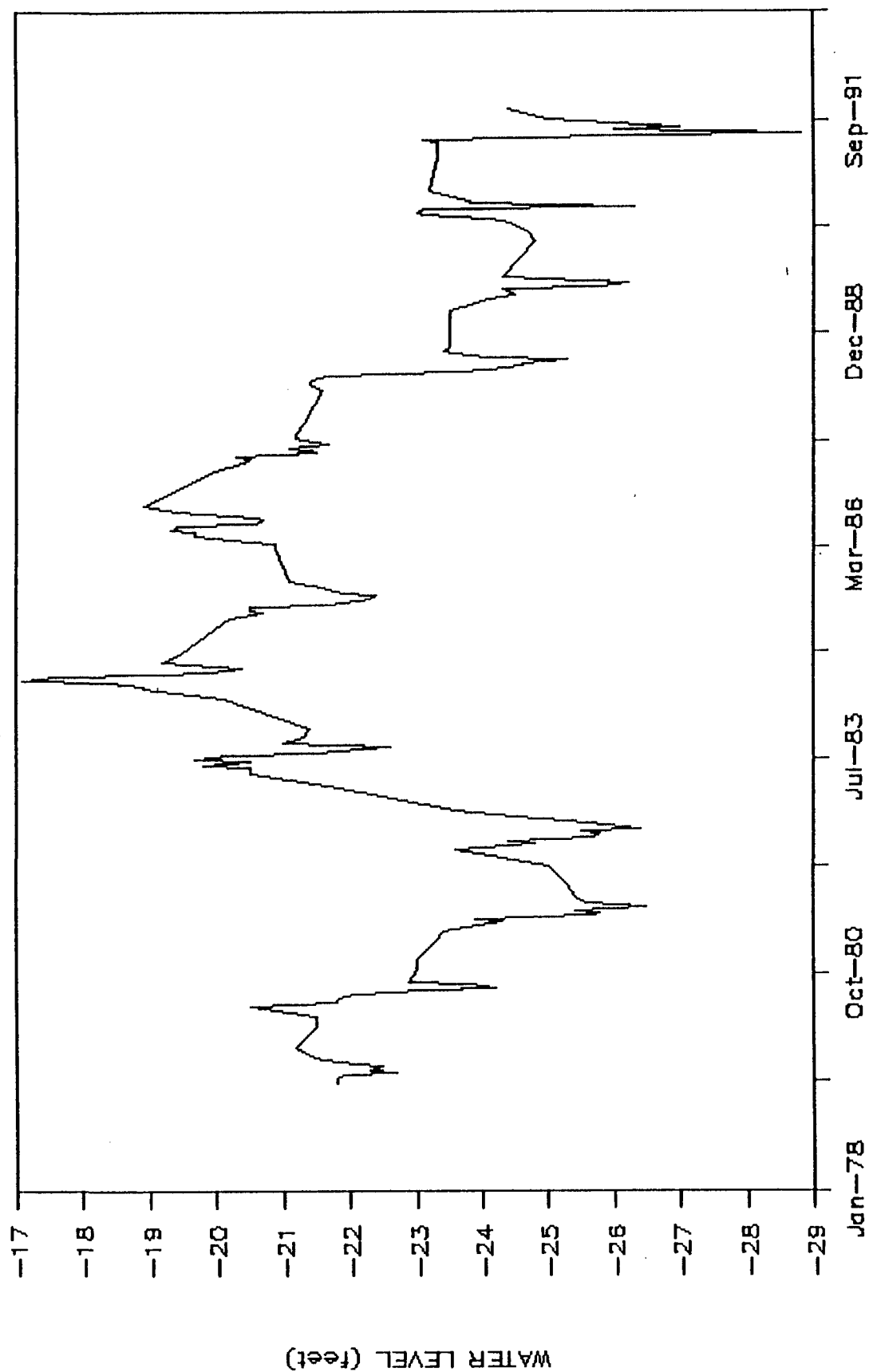
WATER RIGHTS OBSERVATION WELL

LK79A



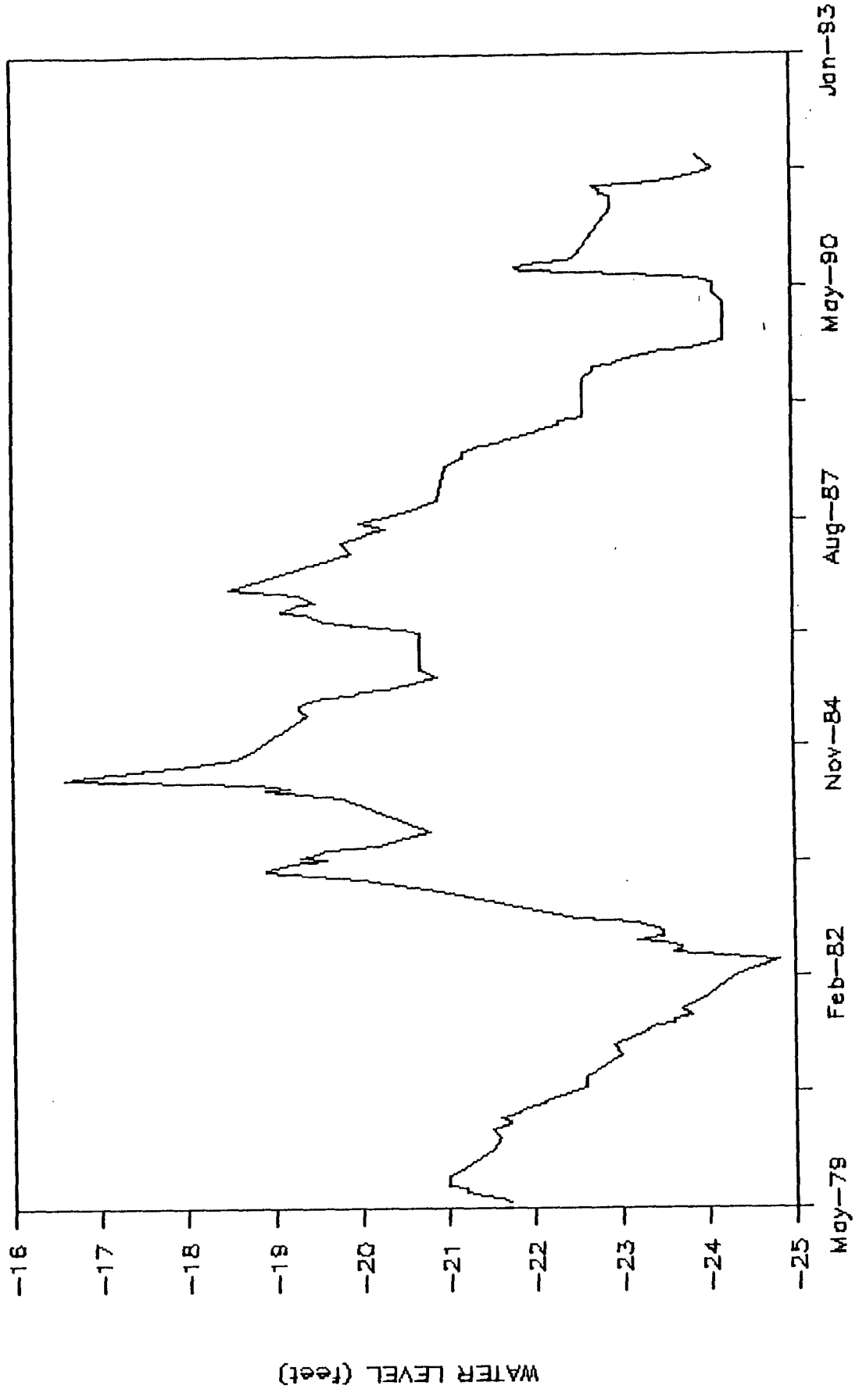
WATER RIGHTS OBSERVATION WELL

LK-79C



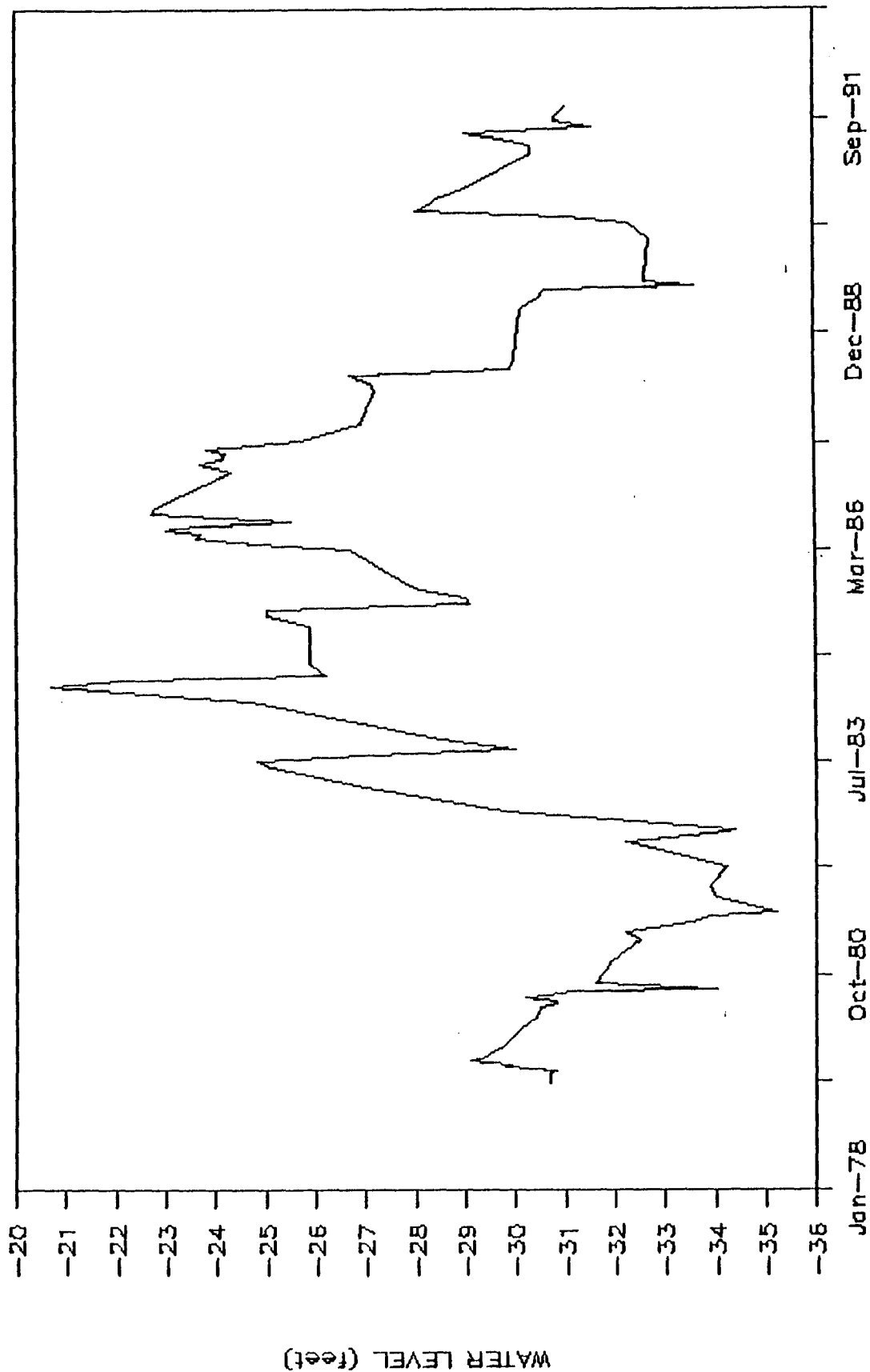
WATER RIGHTS OBSERVATION WELL

LK-79D



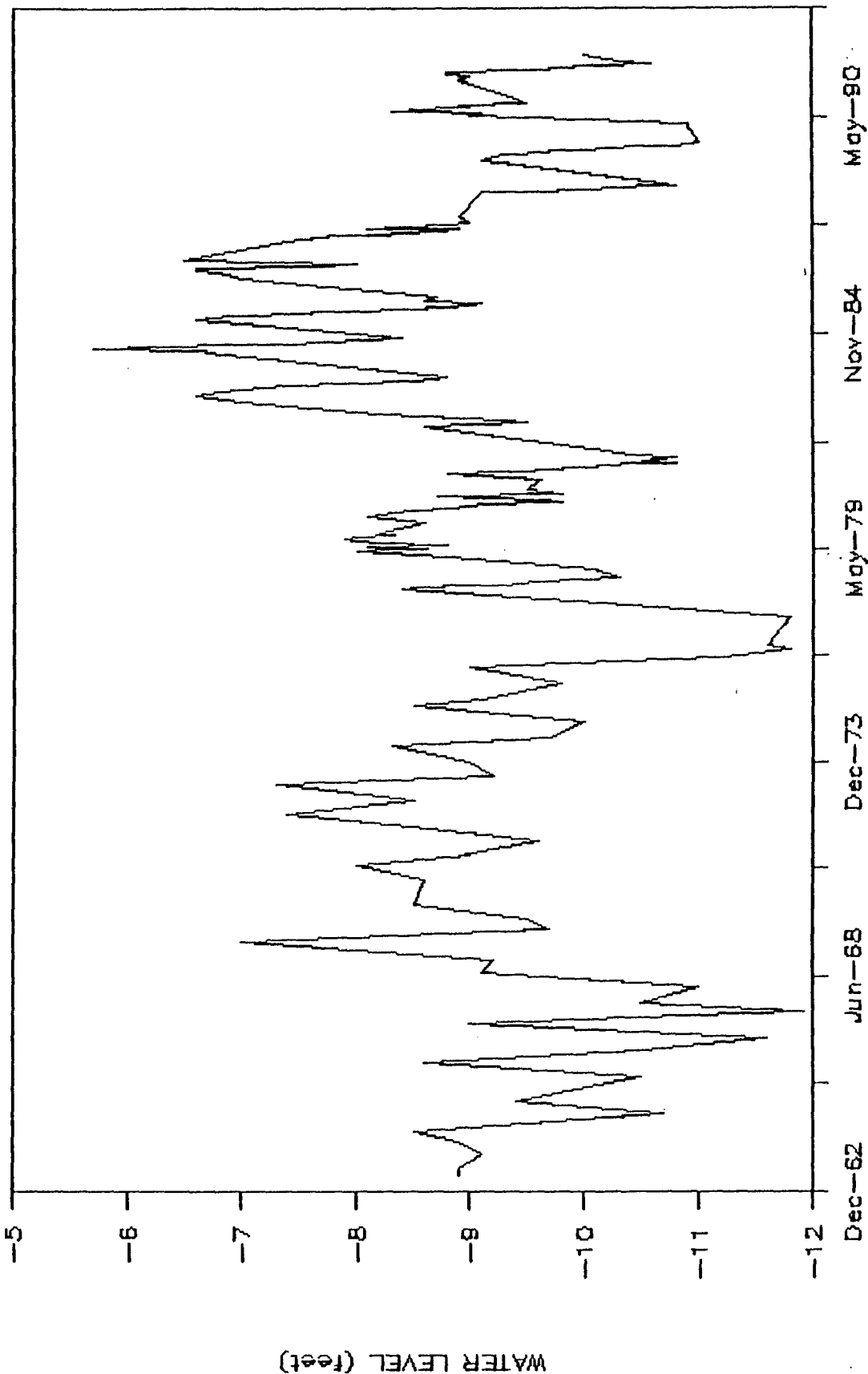
WATER RIGHTS OBSERVATION WELL

LK79E



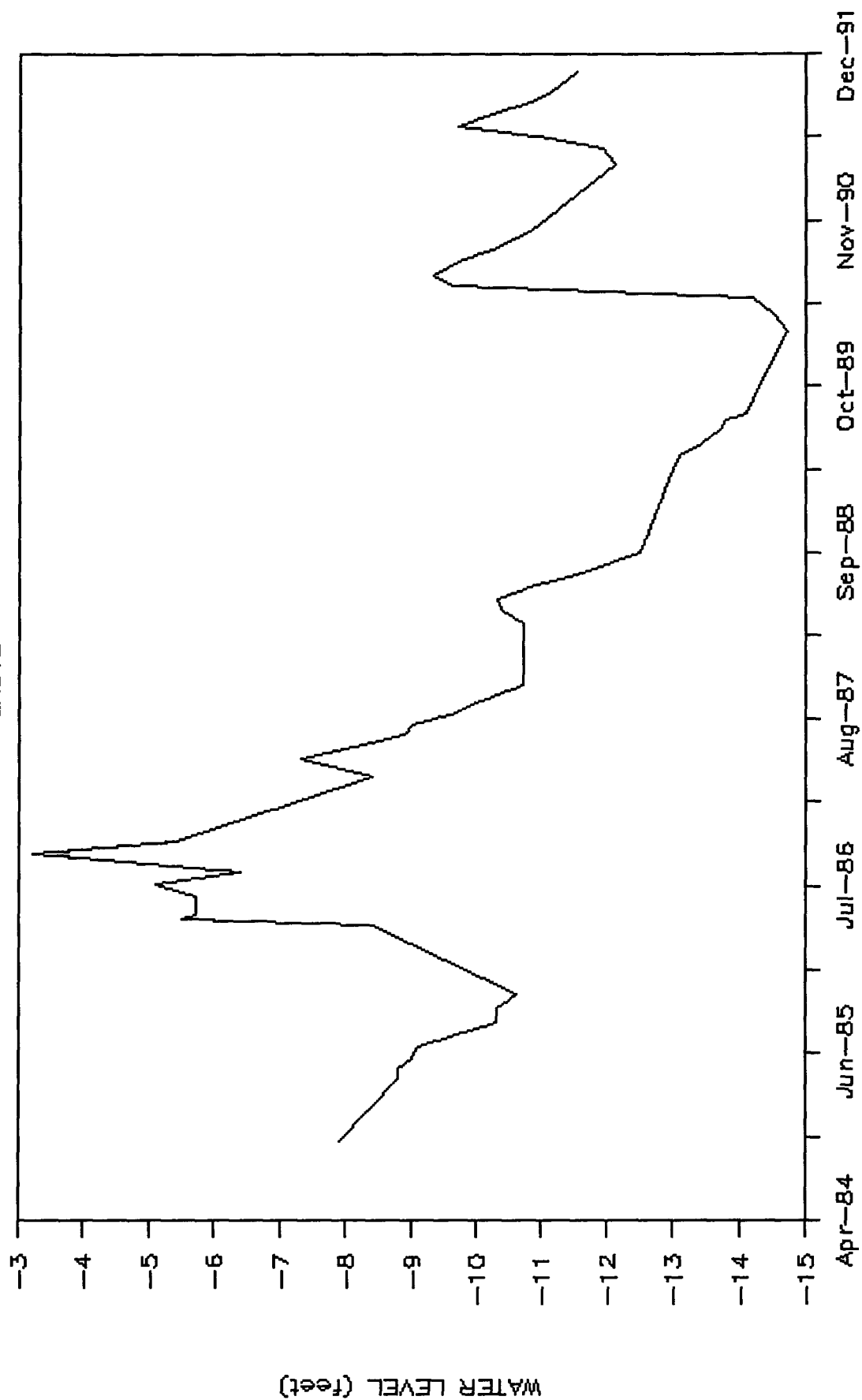
WATER RIGHTS OBSERVATION WELL

LK-81B



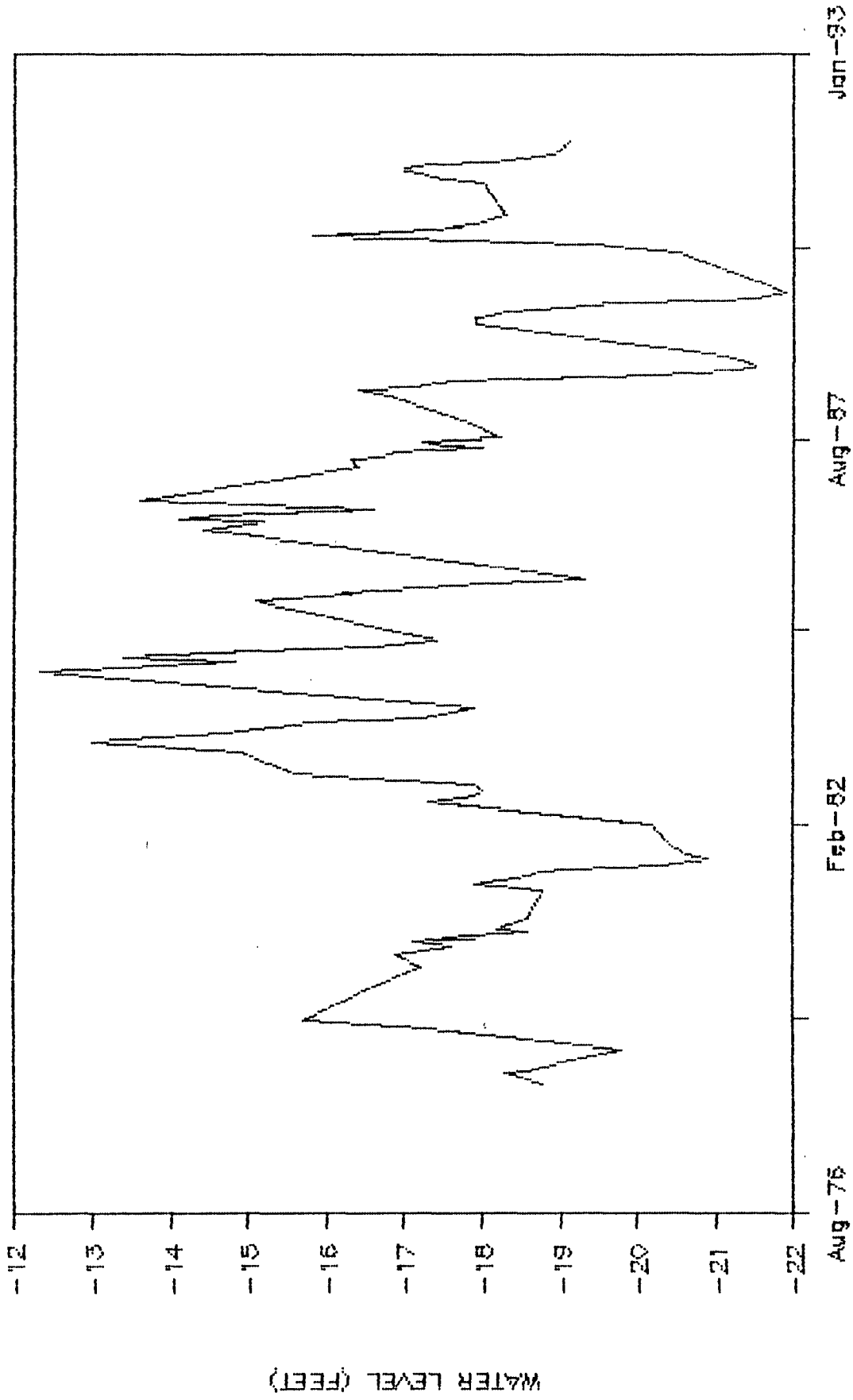
WATER RIGHTS OBSERVATION WELL

LK84B



WATER RIGHTS OBSERVATION WELL

MY-78F



RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 5689-3, Big Sioux Community 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 Future Use Water Permit Application No. 5689-3, Big Sioux Community Water System, Inc., c/o Leonard Heinemann, Box 158, Egan, SD 57024.

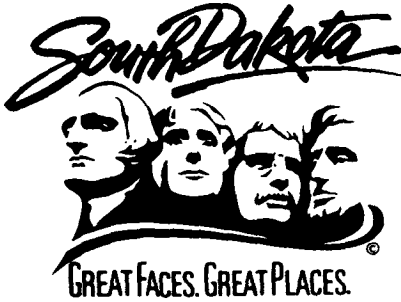
The Chief Engineer is recommending APPROVAL of Application No. 5689-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the quantity of water reserved will be needed by the Big Sioux Community Water System, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Approval of Permit No. 5689-3 reserves 360 acre-feet annually.
2. That Future Use Permit No. 5689-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
4. This permit is approved for groundwater from the Northern Skunk Creek Management Unit of the Big Sioux Aquifer. Wells will be approximately 45 feet deep.

See report on application for additional information.



for JOHN HATCH, Chief Engineer
September 11, 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.

October 8, 1992

Leonard Heinemann
Big Sioux Community Water System, Inc.
Box 158
Egan, SD 57024

Dear Mr. Heinemann:

Water Permit Application No. 5689-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Madison Daily Leader printed at Madison, SD (Ph # 256-4555) and the Moody County Enterprise printed at Flandreau, SD (Ph # 997-3725). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 8, 1992

Madison Daily Leader
PO Box 348
Madison, SD 57042

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5689-3 to be published twice. Please publish the first notice on October 14, 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 the Big Sioux Community Water System, Inc., Box 158, Egan, SD 57024 (Ph # 997-2098).

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

October 8, 1992

Moody County Enterprise
Box 71
Flandreau, SD 57028

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5689-3 to be published twice. Please publish the first notice on October 14, 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 the Big Sioux Community Water System, Inc., Box 158, Egan, SD 57024 (Ph # 997-2098).

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 October 14, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5689-3 to Reserve Water for Future Use

Notice is given that the Big Sioux Community Water System, Inc., Box 158, Egan, SD 57024 has filed an application for a water permit to appropriate for future use 360 acre-feet of water annually from the Big Sioux:North Skunk Creek Aquifer with future wells to be approximately 45 feet deep. The area reserved for future use is to be located in the N 1/2 NW 1/4 Section 9-T105N-R51W. The water is to be reserved for the purposes of providing future water supplies for the rural water system in Lake and Moody Counties. This application is not for construction of works or to put the water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5689-3 because 1) unappropriated water is available, 2) that the quantity of water reserved will be needed by the Big Sioux Community Water System, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 2, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5689-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for November 10, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the November 10, 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 November 10, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 2, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 2, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lake) ss.

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:

Thursday, October 15, 92

Thursday, October 22, 92

Deanna D. Bergheim
(Signature)

Secretary

(Title)

Oct 22, 92

(Date Signed)

Cost of Printing: \$59.80



contact the Division of Water Rights to confirm a hearing date and location. The November 10, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 2, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDDCL 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 Eric Gronlund by November 2, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-24, 46-2A-15, 46-2A-20, 46-2A-21; 46-3-1 thru 46-3-11, 46-3-13 thru 46-3-15, 46-3-24, 46-3-25; 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-1, 46-6-2, 46-6-3, 46-6-4, 46-6-10, 46-6-13, 46-6-14, 46-6-20; 46-6-30 thru 46-6-40; and Board Rules ARSD 74:02:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

ROBERT E. ROBERTS
Secretary
Department of Environment
and Natural Resources

Thurs., Oct. 15, 92

NOTICE OF HEARING
ON APPLICATION NO. 5689-3
TO RESERVE WATER
FOR FUTURE USE

Notice is given that the Big Sioux Community Water System, Inc., Box 158, Egan, SD 57024 has filed an application for a water permit to appropriate for future use 360 acre-feet of water annually from the Big Sioux: North Skunk Creek Aquifer with future wells to be approximately 45 feet deep. The area reserved for future use is to be located in the N½ NW¼ Section 9-T105N-R51W. The water is to be reserved for the purposes of providing future water supplies for the rural water system in Lake and Moody Counties. This application is not for construction of works or to put the water to beneficial use.

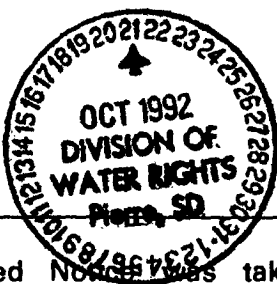
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5689-3 because 1) unappropriated water is available, 2) that the quantity of water reserved will be needed by the Big Sioux Community Water System, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 2, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5689-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for November 10, 1992, and 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the November 10, 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

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:

Oct. 13, 1992

Oct. 20, 1992

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

10-20-92
(Date Signed)

Cost of Printing: \$ 56.94

NOTICE OF HEARING on Application No. 5689-3

to Reserve Water for Future Use

Notice is given that the Big Sioux Community Water System, Inc., Box 158, Egan, SD 57024 has filed an application for a water permit to appropriate for future use 360 acre-feet of water annually from the Big Sioux: North Skunk Creek Aquifer with future wells to be approximately 45 feet deep. The area reserved for future use is to be located in the N 1/2 NW 1/4 Section 9-T105N-R51W. The water is to be reserved for the purposes of providing future water supplies for the rural water system in Lake and Moody Counties. This application is not for construction of works or to put the water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5689-3 because 1) unappropriated water is available, 2) that the quantity of water reserved will be needed by the Big Sioux Community Water System, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 2, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5689-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for November 10, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the November 10, 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 November 10, 1992, hearing date will be automatically delayed for at least

20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 2, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 2, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 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.

Robert E. Roberts, Secretary,
Department of Environment
and Natural Resources

(Oct. 13 & 20, 1992)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

Leonard Heinemann
Big Sioux Community Water System, Inc.
Box 158
Egan, SD 57024

Dear Mr. Heinemann:

Enclosed is Future Use Permit No. 5689-3, as approved by the Water Management Board.

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

Very truly yours,

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

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2000

Martin Jarrett, Mgr.
Big Sioux Community Water System, Inc.
PO Box 158
Egan SD 57024

Dear Mr. Jarrett:

I am writing in regard to the seven year review of Future Use Water Permit No. 5689-3 from groundwater (Big Sioux:Northern Skunk Creek Aquifer) located in the N ½ NW ¼ Section 9-T105N-R51W which is held by the Big Sioux Community Water System, Inc. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the water system. Currently, our records show that 360 acre-feet remain in reserve under this future use permit that was issued in 1992.

Please respond in writing by March 15, 2000, regarding the water system's intention for this future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

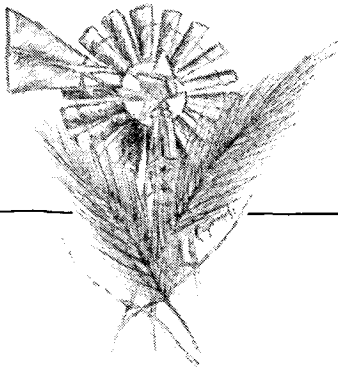
Permit No. 5689-3 will then be public noticed scheduling a review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



Big Sioux Community Water System, Inc.

BOX 158 • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

Karen Schlaak
Environmental Scientist
Water Rights Program
DENR



3/30/00

Dear Karen,

Thank you for your letter of February 10th, 2000. Sorry for the delay in replying but it is only recently that I have been able to get direction on our future needs for permit no. 5689-3.

For the last couple of years we have diverted no water from our Brant Wellfield. However on April 6th, the groundbreaking for the Lake Area Corn Processors Ethanol Plant will take place at Wentworth. Big Sioux Community Water System will then start pumping an estimated 200 million gallons annually to the Ethanol plant. Long range plans are to increase this diversion to 300 million within four years. Therefore we are very interested in keeping Future Use Water Permit No. 5689-3 for 360 acre-feet viable.

Please go ahead and schedule a review of this permit before the Board, and let me know of the allocated time and date.

Thank you again for your patience,

Sincerely

Martin Jarrett
Manager

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5689-3, Big Sioux Community Water System, Inc., Egan SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5689-3, Big Sioux Community Water System, Inc., Box 158, Egan SD 57024.

The Chief Engineer is recommending that Future Use Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5689-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5689-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5689-3 is subject to payment of the \$25.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
June 6, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2000

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

Big Sioux Community Water System, Inc.
Martin Jarrett, Manager
Box 158
Egan SD 57024

Dear Mr. Jarrett:

Future Use Permit No. 5689-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the Publishers of the Daily Leader printed at Madison (Phone #605 256-4555) and the Moody Co. Enterprise printed at Flandreau (Phone #605 997-3725). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2000

Madison Daily Leader
PO Box 348
Madison SD 57042-0348

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5689-3 to be published twice. Please publish the first notice on June 14, 2000 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 the Big Sioux Community Water System, Inc., Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of June 6, 2000 enclosing Notice of Hearing to Review Future Use Water Permit No. 5689-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2000

Moody County Enterprise
Box 71
Flandreau SD 57028-0071

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5689-3 to be published twice. Please publish the first notice on June 14, 2000 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 the Big Sioux Community Water System, Inc., Box 158, Egan SD 57024.

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures.

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

Date _____

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

We are in receipt of your letter of June 6, 2000 enclosing Notice of Hearing to Review Future Use Water Permit No. 5689-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on June 14, 2000 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5689-3

Notice is given that the Water Management Board will review Future Use Permit No. 5689-3 held by Big Sioux Community Water System, Inc., Box 158, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5689-3. This permit was approved in 1992 and currently reserves 360 acre feet from the Big Sioux:Northern Skunk Creek Aquifer located in the N ½ NW ¼ Section 9-T105N-R51W. The water is rural water system use in Lake and Moody Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5689-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD on July 12, 2000 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 3, 2000. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5689-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 3, 2000. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2000. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Wed., June 14, 21, 2000

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Lake)

I, Deanna D. Bergheim

certify that the attached printed Notice was
 taken

from the Madison Daily Leader

printed and published in City of Madison

County of Lake and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, June 14, 2000

Wednesday, June 21, 2000

Cost of Printing 61.08

Deanna D. Bergheim
 (Signature)

Bookkeeper
 (Title)

6-23-2000

(Date Signed)

**NOTICE OF HEARING
 TO REVIEW FUTURE USE
 WATER PERMIT NO. 5689-3**

Notice is given that the Water Management Board will review Future Use Permit No. 5689-3 held by Big Sioux Community Water System, Inc., Box 158, Egan, SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5689-3.

This permit was approved in 1992 and currently reserves 360 acre feet from the Big Sioux: Northern Skunk Creek Aquifer located in the N½ NW¼ Section 9-T105N-R51W. The water is rural water system use in Lake and Moody Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5689-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD on July 12, 2000 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 3, 2000. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5689-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25:03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 3, 2000. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2000. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 14, 2000

June 21, 2000

Cost of Printing \$ 63.83

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

6-21-00
(Date Signed)

July 3, 2000. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by July 3, 2000.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
(June 14 & 21, 2000)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5689-3

Notice is given that the Water Management Board will review Future Use Permit No. 5689-3 held by Big Sioux Community Water System, Inc., Box 158, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5689-3. This permit was approved in 1992 and currently reserves 360 acre feet from the Big Sioux: Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. The water is rural water system use in Lake and Moody Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5689-3 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre, SD on July 12, 2000 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 3, 2000. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5689-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 13, 2000

NOTICE

Big Sioux Community Water System, Inc.
Martin Jarrett, Manager
Box 158
Egan SD 57024

Dear Mr. Jarrett:

I am writing in response to action taken by the Water Management Board at the hearing on July 12, 2000 to review Future Use Permit No. 5689-3. The Board allowed the permit to remain in effect for 360 acre-feet of water annually. Future Use Permit No. 5689-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5689-3 is \$25.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

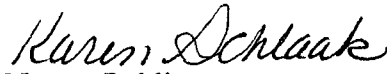
I hereby certify that on July 13, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 13, 2000, regarding action taken by the Water Management Board at the hearing on July 12, 2000, to review Future Use Permit No. 5689-3, addressed as stated below:

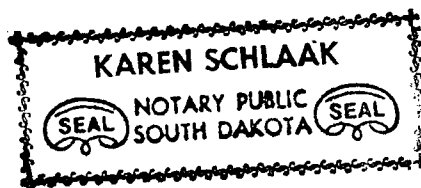
Big Sioux Community Water System, Inc., Martin Jarrett, Manager, Box 158, Egan, SD 57024.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of July, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

N2 416596

Pierre, August 2, 2000

RECEIVED OF Big Sioux Community Water, Inc., P.O. Box 158, Egan, SD 57024-0158
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. 5689-3 to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

25 00

By Harland E. Loe
Chief Engineer



5689-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 2007

Martin Jarrett, Mgr.
Big Sioux Community Water System, Inc.
PO Box 158
Egan SD 57024

Dear Mr. Jarrett:

I am writing in regard to the seven year review of Future Use Water Permit No. 5689-3 from groundwater (Big Sioux:Northern Skunk Creek Aquifer) located in the N ½ NW ¼ Section 9-T105N-R51W. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the water system. Currently, our records show that 360 acre-feet remain in reserve under this future use permit that was issued in 1992 and last reviewed in 2000.

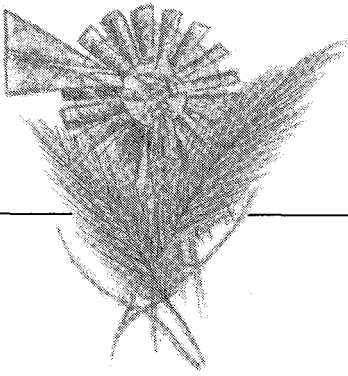
Please respond in writing by June 1, 2007, regarding the system's intention for the future use permit. If the system plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

Permit No. 5689-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

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



Big Sioux
Community Water System, Inc.

RECEIVED

MAY 18 2007

WATER RIGHTS
PROGRAM

BOX 158 • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

Karen Schlaak
Water Rights Program
DENR, Joe Foss Bldg.,
523 East Capitol
Pierre, SD 57501-3182

May 16th, 2007.

Dear Mrs. Schlaak,

Thank you for your letter concerning the re-authorization of our future use Water right Permit No. 5689-3 located in the NW ¼ Section 9, T105N, R51W.

Big Sioux CWS currently has five wells in that area delivering around 450 gpm to Dakota Ethanol, some four miles away from the well field. We have recently been in negotiation with Dakota Ethanol over increasing their water demand as they are planning a future expansion of their facility.

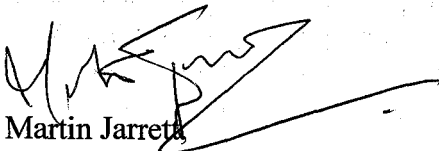
The Lake Madison and Lake Brant area has also experienced unprecedented development in the last five years. There are currently developments offering over 250 lots for sale in the area. Water use in the area has increased from 50,000 gallons a day ten years ago to over 250,000 gallons a day on a summer weekend now.

Big Sioux Community Water system is currently in the process of boring test holes and contracting with engineers with a view to constructing a new water treatment plant at our Brant well field location within the next 18 months.

Because of the expected demand from both the potable and industrial side, Big Sioux CWS would very much appreciate the renewal of this future use water right. The roughly 220 gpm or approximately 320,000 gallons per day covered by this future use water right is not in fact enough to cover these plans for expansion, and is why we currently have an application into your office for additional water rights approximately two miles to the south of this location.

If I can provide any additional information that may help in the consideration of this renewal, please contact me at 1-866-997-2098.

Sincerely



Martin Jarrett
Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5689-3, Big Sioux Community Water System, Inc., Egan SD**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5689-3, Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024.

The Chief Engineer is recommending that Future Use Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5689-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5689-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5689-3 is subject to payment of the \$25.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Garland Erbele, Chief Engineer
May 21, 2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 22, 2007

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

Martin Jarrett, Manager
Big Sioux Community Water System, Inc.
Box 158
Egan SD 57024

Dear Mr. Jarrett:

Future Use Permit No. 5689-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. A notice has been sent to the Publishers of the following papers:

Madison Daily Leader, Madison SD	605 256-4555
Moody County Enterprise, Flandreau SD	605 997-3725
Brookings Register, Brookings SD	605 692-6271
The Argus Leader, Sioux Falls SD	605 331-2200

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on May 30, 2007 with 2nd publication 7 days later. The Big Sioux Community Water System, Inc. is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5689-3

Notice is given that the Water Management Board will review Future Use Permit No. 5689-3 held by the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5689-3. This permit was approved in 1992 and currently reserves 360 acre feet from the Big Sioux:Northern Skunk Creek Aquifer located in the N ½ NW ¼ Section 9-T105N-R51W. The water is for rural water system use in Lake, Brookings Moody and Minnehaha Counties

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5689-3 at 9:00 am on July 11, 2007 at the Community Room, Milbank Visitors Center, 1001 East 4th Avenue, Milbank SD

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2007. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5689-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2007. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



May 22, 2007

Madison Daily Leader
PO Box 348
Madison SD 57042-0348

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5689-3 to be published twice. Please publish the first notice on May 30, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

Date _____

We are in receipt of your letter of May 22, 2007 enclosing Notice of Hearing to Review Future Use Water Permit No. 5689-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 22, 2007

Moody County Enterprise
PO Box 71
Flandreau SD 57028-0071

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5689-3 to be published twice. Please publish the first notice on May 30, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of May 22, 2007 enclosing Notice of Hearing to Review Future Use Water Permit No. 5689-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 22, 2007

Brookings Register
PO Box 177
Brookings SD 57006-0177

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5689-3 to be published twice. Please publish the first notice on May 30, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of May 22, 2007 enclosing Notice of Hearing to Review Future Use Water Permit No. 5689-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 22, 2007

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

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 5689-3 to be published twice. Please publish the first notice on May 30, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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

We are in receipt of your letter of May 22, 2007 enclosing Notice of Hearing to Review Future Use Water Permit No. 5689-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

RECEIVED

JUN - 8 2007

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lake) SS

I, Deanna D. Bergheim

certify that the attached printed Notice was
taken

from the Madison Daily Leader

printed and published in Madison, SD

County of Lake and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

Wednesday, May 30, 2007

Wednesday, June 6, 2007

Cost of Printing 71.14

Deanna D. Bergheim
(Signature)

Secretary
(Title)

June 6, 2007
(Date Signed)

Wednesday, May 30 & June 6

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5689-3

Notice is given that the Water Management Board will review Future Use Permit No. 5689-3 held by the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5689-3. This permit was approved in 1992 and currently reserves 360 acre feet from the Big Sioux-Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. The water is for rural water system use in Lake, Brookings Moody and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5689-3 at 9:00 am on July 11, 2007 at the Community Room, Milbank Visitors Center, 1001 East 4th Avenue, Milbank SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2007. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5689-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2007. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340
Invoice Number: 1031885

SD Dept Of Environment & Natural Resources

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

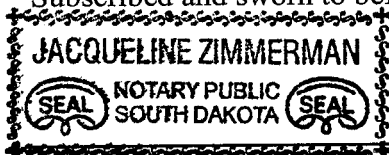
COUNTY OF MINNEHAHA } ss

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

Wednesday, the 30 day of May 2007,
Wednesday, the 6 day of June 2007,
_____, the _____ day of _____ 2007,
_____, the _____ day of _____ 2007,
_____, the _____ day of _____ 2007,
_____, the _____ day of _____ 2007,
_____, the _____ day of _____ 2007,

and that \$166.27 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 6/6/2007



J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2009

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 5689-3
Notice is given that the Water Management Board will review Future Use Permit No. 5689-3 held by the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5689-3. This permit was approved in 1992 and currently reserves 360 acre feet from the Big Sioux/Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. The water is for rural water system use in Lake, Brookings Moody and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water-3) the proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board will conduct the hearing to review Future Use Permit No. 5689-3 at 9:00 am on July 11, 2007 at the Community Room, Milbank Visitors Center, 1001 East 4th Avenue, Milbank SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2007. The Chief Engineer's address is "Water Rights Program", Joe Foss

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

The hearing to review Future Use Permit No. 5689-3 will be conducted pursuant to the provisions of SDCL: 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-2-38.1; Board Rules ARSD 74:02-01:25.01 thru 74:02-01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2007. The time of the hearing will be automatically delayed, for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

May 30 & 1031885 June 6, 2007

RECEIVED

Form 8

JUN - 8 2007

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was
taken

from the Moody County
Enterprise

printed and published in Handrean

County of Moody and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

May 30, 2007

June 6, 2007

Cost of Printing * 71.98

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

6-6-07
(Date Signed)

NOTICE OF HEARING TO REVIEW
FUTURE USE WATER
PERMIT NO. 5689-3

Notice is given that the Water Management Board will review Future Use Permit No. 5689-3 held by the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5689-3. This permit was approved in 1992 and currently reserves 360 acre feet from the Big Sioux: Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. The water is for rural water system use in Lake, Brookings Moody and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5689-3 at 9:00 am on July 11, 2007 at the Community Room, Milbank Visitors Center, 1001 East 4th Avenue, Milbank SD

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2007. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5689-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2007. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a

Affidavit of Publication

RECEIVED

Exhibit "A"

State of South Dakota

JUN 21 2007

ss

County of Brookings

**WATER RIGHTS
PROGRAM**

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

that the

Legal #786 No. 5689-3

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

said newspaper for _____ 2 times, to-wit:

May 30, 2007

June 6, 2007

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

Sixty eight dollars and fifteen cents \$68.15

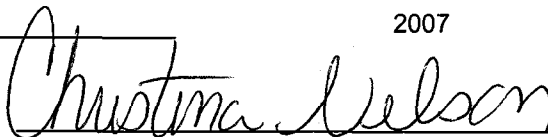
Subscribed and sworn to before me this

6

day of

June

2007



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

Legal 786, 2x, 5/30, 6/6
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NO. 5689-3

Notice is given that the Water Management Board will review Future Use Permit No. 5689-3 held by the Big Sioux Community Water System, Inc., PO Box 158, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 5689-3. This permit was approved in 1992 and currently reserves 360 acre feet from the Big Sioux Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. The water is for rural water system use in Lake, Brookings, Moody and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 5689-3 at 9:00 am on July 11, 2007 at the Community Room, Milbank Visitors Center, 1001 East 4th Avenue, Milbank SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development,

ment, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 29, 2007. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 5689-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 29, 2007. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by June 29, 2007. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

STON



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 13, 2007

NOTICE

Martin Jarrett, Mgr.
Big Sioux Community Water System, Inc.
PO Box 158
Egan SD 57024

Dear Mr. Jarrett:

I am writing in response to action taken by the Water Management Board at the hearing on July 11, 2007 to review Future Use Permit No. 5689-3. The Board allowed the permit to remain in effect for 360 acre-feet of water annually. Future Use Permit No. 5689-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5689-3 is \$25.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

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

Sincerely,

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

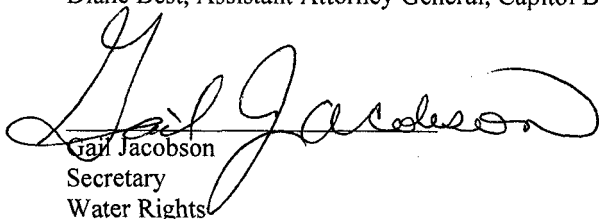
CERTIFICATION

I hereby certify that on July 13, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 13, 2007 regarding future use permit no. 5689-3 addressed as stated below:

Martin Jarrett, Manager
Big Sioux Community Water System, Inc.
PO Box 158
Egan SD 57024

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building

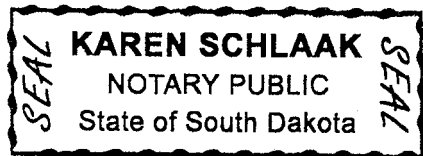

Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)

COUNTY OF HUGHES) SS

Sworn to, before me, this 13th day of July, 2007.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 2, 2007

RECEIVED OF Big Sioux Community Water 23343 479th Ave Egan SD 57024

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5689-3</u> after period of seven years.	25	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	25 00

No.

03107

By

Harold Schuler
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 1, 2014

Martin Jarrett, Manager
Big Sioux Community Water System Inc.
PO Box 158
Egan SD 57024

Dear Mr. Jarrett:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 5689-3 and 6834-3 from the Big Sioux:Northern Skunk Creek Aquifer held by the water system. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserve water for future water supply needs for the water system. Currently, our records show that Permit No. 5689-3 has 360 acre-feet remaining in reserve. This permit was issued in 1992 and last reviewed in 2007. Permit No. 6834-3 has 600 acre-feet remaining in reserve and was issued in 2007.

Please respond in writing by May 27, 2014 regarding the water system's intention for the future use permits. If you plan to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

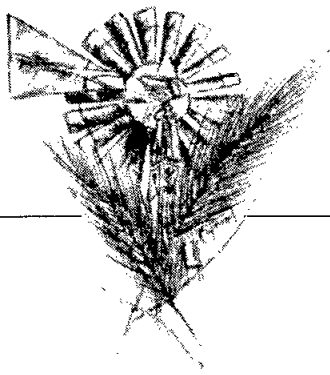
The future use permits will then be public noticed at the water system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. Assuming each permit is allowed to remain in effect for the entire acre-feet amount listed above, the fee for Permit No. 5689-3 would be \$85.00 and Permit No. 6834-3 would be \$105.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



Big Sioux
Community Water System, Inc.

23343 479TH AVE. • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

RECEIVED

MAY - 9 2014

WATER RIGHTS
PROGRAM

Karen Schlaak
Water Rights Program
Department Of Environment & Natural Resources
Joe Foss Building, 523 East Capitol
Pierre, SD 57501

May 6, 2014

Dear Ms. Schlaak,

Thank you for the letter concerning our Future Use Water Permits, No. 5689-3 and 6834-3, both from the Big Sioux: Northern Skunk Creek Aquifer.

Since the last review of these permits we built (2009-10) and are currently operating a micro-filtration water treatment plant utilizing this aquifer. This Treatment plant serves the Lake Madison and Lake Brant areas where we are continuing to see growth in the number of homes hooking up to the system.

We have now been serving Dakota Ethanol 500,000 to 600,000 gallons per day since 2001, also from this aquifer. Dakota Ethanol is currently updating their treatment process which may increase their water usage slightly. An overall expansion of the plant is also possible in the near future for which further allocations from the water supply would be required.

I hope the above examples illustrate that the future use permits are a very valuable tool when planning for the future economy and livelihood of this company and all the residents of Lake County, South Dakota.

Big Sioux Community Water system Inc., is keen on retaining these future use permits and would very much appreciate the Board allowing us to retain them.

If I can be of any further assistance, please don't hesitate to contact me at the above address,

Sincerely

Martin Jarrett
Manager BSCWS



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5689-3, Big Sioux Community Water System, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5689-3, Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024.

The Chief Engineer is recommending that Future Use Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5689-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5689-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5689-3 is subject to payment of the \$85.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Jeanne Goodman, Chief Engineer
May 29, 2014

Instruction to Newspaper-Publish the following Notice on June 11, 2014. Big Sioux Community Water System, Inc. is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5689-3 and 6834-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6834-3 held by Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024 for progress made in the development and future plans for use of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet of water from the Big Sioux:Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux:Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody, and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 10:00 am on July 10, 2014 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 30, 2014. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 30, 2014. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 30, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of_____.



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



May 30, 2014

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

Big Sioux Community Water System Inc.
c/o Martin Jarrett, Manager
PO Box 158
Egan SD 57024

Dear Mr. Jarrett:

Future Use Permit Nos. 5689-3 and 6834-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the publishers of the following papers.

Madison Daily Leader	605 256-4555
Brookings Register	605 692-6271
Moody Country Enterprise	605 997-3725
Argus Leader	605 331-2200

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

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 11, 2014. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 30, 2014

Madison Daily Leader
PO Box 348
Madison SD 57042

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 5689-3 and 6834-3 to be published on June 11, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 30, 2014

Brookings Register
PO Box 177
Brookings SD 57006

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 5689-3 and 6834-3 to be published on June 11, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 30, 2014

Moody County Enterprise
PO Box 71
Flandreau SD 57028

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 5689-3 and 6834-3 to be published on June 11, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 30, 2014

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 5689-3 and 6834-3 to be published on June 11, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF SOUTH DAKOTA }
County of Lake } ss.

JUN 16 2014

WATER RIGHTS
PROGRAM

Sue Anne Artko

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

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

Big Sioux Rural Water

Hearing to Review Future Use Water Permits 5689-3 & 6834-3

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

On Wednesday, the 11th day of June, 2014;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;

That \$41.73 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Sue Anne Artko

Subscribed and sworn to before me this 12th day of June, 2014

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

Wednesday, June 11

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5689-3 and 6834-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6834-3 held by Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024 for progress made in the development and future plans for use of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody, and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 10:00 am on July 10, 2014 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

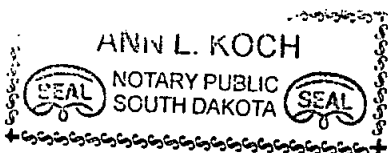
The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after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

Publication Fees _____ \$ _____

Notary Fees _____ \$ _____

Total _____ \$ _____

Received Payment,



In Court
County of

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 30, 2014. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 30, 2014. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 30, 2014.

STEVEN M. PIRNER
Secretary, Department of
Environment and Natural

Resources
Published once at the total
approximate cost of \$41.73

AFFIDAVIT OF PUBLICATION

Filed in the office of on the
..... day of

20

Attorneys for

RECEIVED

JUN 13 2014

WATER RIGHTS
PROGRAM

Form 8

**NOTICE OF HEARING TO REVIEW
FUTURE USE WATER PERMIT
NOS. 5689-3 and 6834-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6834-3 held by Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan, SD 57024 for progress made in the development and future plans for use of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the N ½ NW ¼ Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the SW ¼ Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 10:00 a.m. on July 10, 2014 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 30, 2014. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre, SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County
Enterprise

printed and published in Handrean

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following date:

June 11, 2014

Cost of Printing \$ 40.74

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

June 11, 2014
(Date Signed)

be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 30, 2014. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 30, 2014.

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

(June 11, 2014)

Published once at the total approximate cost of \$42

CUSTOMER NUMBER:	078200	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1442482		
	6/11, 2014		\$102.67pd

RECEIVED
JUN 12 2014
WATER RIGHTS PROGRAM

Big Sioux Community Water System, Inc
% Martin Jarrett, Manager
PO Box 158
Egan, SD 57024

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200

Invoice Number: 1442482

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Wednesday the 11 day of June 2014 ,
the day of 2014 ,
the day of 2014
the day of 2014 ,
the day of 2014 ,
the day of 2014 ,
the day of 2014 ,

and that \$102.67pd was charged for publishing the same

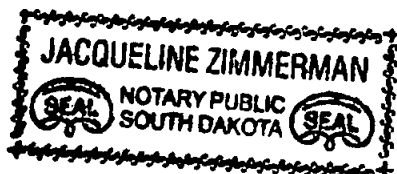
Linda Schulte

Subscribed and sworn to before me 6/11/2014

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5689-3 AND 6834-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6834-3 held by Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024 for progress made in the development and future plans for use of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet of water from the Big Sioux-Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux-Northern Skunk Creek

Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody, and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 10:00 am on July 10, 2014 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

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

with BOTH the permit owner and the Chief Engineer by June 30, 2014. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74-02-01:25.01 thru 74-02-01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 30, 2014. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 30, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$102.67.
1442482 June 11, 2014

RECEIVED

JUN 16 2014

WATER RIGHTS
PROGRAM

Affidavit of Publication

10/

State of South Dakota

Exhibit "A"

ss

County of Brookings

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

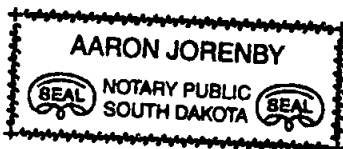
Leg#521 Notice of Hearing Permit #'s 5689-3 & 6834-3

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

June 11, 2014

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

forty dollars and forty-five cents \$40.45



June

12th day of

2014

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 521, 1x, 6/11
NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NOS. 5689-3 and 6834-3

Notice is given that the Water Management Board will review Future Use-Permit Nos. 5689-3 and 6834-3 held by Big Sioux Community Water System, Inc., c/o Martin Jarrett, Manager, PO Box 158, Egan SD 57024 for progress made in the development and future plans for use of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet of water from the Big Sioux:Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux:Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody, and Minnehaha Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-feet annu-

ally because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 10:00 am on July 10, 2014 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 30, 2014. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by June 30, 2014. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 30, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$40.45.



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



July 11, 2014

NOTICE

Big Sioux Community Water System Inc.
c/o Martin Jarrett, Manager
PO Box 158
Egan SD 57024

Dear Mr. Jarrett:

I am writing in response to action taken by the Water Management Board at the hearing on July 10, 2014 to review Future Use Permit Nos. 5689-3 and 6834-3. The Board allowed the permits to remain in effect for 360 acre-feet and 600 acre-feet of water annually, respectively. The permits are subject to another review in seven years.

Pursuant to SDCL 46-2-13(2), the fee for maintaining the effectiveness of Future Use Permit No. 5689-3 is \$85.00 and for Future Use Permit No. 6834-3 the fee is \$105.00 (\$190.00 total). Please remit the fee within 60 days.

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

Sincerely,

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

CERTIFICATION

I hereby certify that on July 11, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 11, 2014 regarding Future Use Permit Nos. 5689-3 and 6834-3 addressed as stated below:

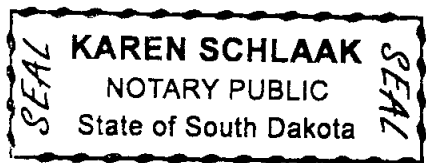
Big Sioux Community Water System Inc., c/o Martin Jarrett, PO Box 158, Egan SD 57024


Gail Jacobson
Secretary Water Rights

[illegible]

Sworn to, before me, this 11th day of July, 2014.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 17, 20 14

Big Sioux Community Water Inc., 23343 479th Ave, Bigan SD 57024

RECEIVED OF _____

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

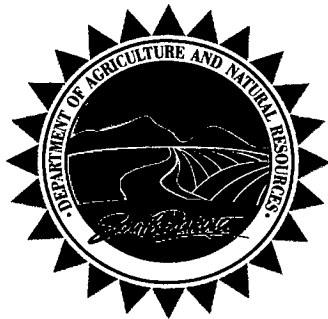
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	85	00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use			
Fee to retain Future Use Permit No. <u>5689-3</u> after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form _____			
Fee for _____			
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____			
Fee for Renewal of Well Driller's License No _____ for C.Y. _____			
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	85.00		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	85.00		

No. **06906**

By

Joanne Goodman
Chief Engineer

(125)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE

May 6, 2021

Jodi Johanson, Manager
Big Sioux Community Water System Inc.
23343 479th Ave
Egan SD 57024

Dear Mr. Johanson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 5689-3 and 6834-3 from the Big Sioux:Northern Skunk Creek Aquifer held by the water system. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the water system. Currently, our records show that Permit No. 5689-3 issued in 1992 has 360 acre-feet remaining in reserve. Permit No. 6834-3 issued in 2007 has 600 acre-feet remaining in reserve. Both permits were last reviewed in 2014.

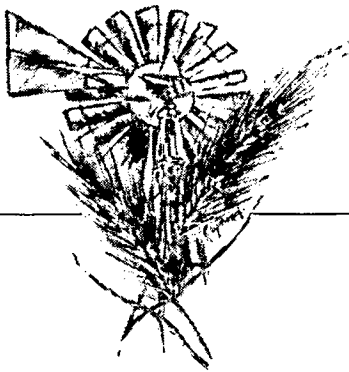
Please respond in writing by June 1, 2021 regarding the system's intention for these future use permits. If the system plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The future use permits will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. Assuming each permit is allowed to remain in effect for the entire acre-feet amount listed above, the fee for Permit No. 5689-3 would be \$85.00 and Permit No. 6834-3 would be \$105.00.

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

Sincerely,

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



Big Sioux
Community Water System, Inc.

23343 479TH AVE. • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

RECEIVED

MAY 19 2021

WATER RIGHTS
PROGRAM

Karen Schlaak
Water Rights Program
Department of Agriculture & Natural Resources
Joe Foss Building, 523 East Capitol
Pierre, SD 57501

May 17, 2021

Dear Ms. Schlaak,

Thank you for the letter concerning our Future Use Water Permits, No. 5689-3 and 6834-3, both from the Big Sioux: Northern Skunk Creek Aquifer.

We are currently operating a micro-filtration water treatment plant utilizing this aquifer. This Treatment plant serves the Lake Madison and Lake Brant areas where we are continuing to see growth in the number of homes hooking up to the system.

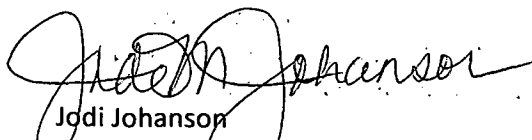
We serve Dakota Ethanol 600,000 to 800,000 gallons per day since 2001, also from this aquifer. Dakota Ethanol is continuously updating their treatment process which may increase their water usage slightly. An overall expansion of the plant is also possible in the near future for which further allocations from the water supply would be required.

I hope the above examples illustrate that the future use permits are a very valuable tool when planning for the future economy and livelihood of this company and all the residents of Lake County, South Dakota.

Big Sioux Community Water System Inc. strongly wants to retain these future use permits and would very much appreciate the Board allowing us to retain them.

If I can be of any further assistance, please don't hesitate to contact me at the above address,

Sincerely


Jodi Johanson
General Manager

Big Sioux Community Water System, Inc.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5689-3, Big Sioux Community Rural Water System Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 5689-3, Big Sioux Community Rural Water System Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024.

The Chief Engineer is recommending that Future Use Permit No. 5689-3 REMAIN in EFFECT for 360 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5698-3, 2) the system has demonstrated a reasonable need for the water reserved by Permit No. 5698-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 5698-3 is subject to payment of the \$85.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.

Eric Gronlund, Chief Engineer
June 7, 2021



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 9, 2021

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

Big Sioux Community Water System Inc
Jodi Johanson, Manager
23343 479th Ave
Egan SD 57024

Dear Ms. Johanson:

Future Use Permit Nos. 5689-3 and 6834-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. Notice of the review has been sent to the following papers:

- ✓ Madison Daily Leader 605 256-4555
- Moody County Enterprise 605 997-3725
- ✓ Brookings Register 605 692-6271
- ✓ Argus Leader 605 332-2200

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

BE SURE TO CONTACT THE ABOVE NEWSPAPERS IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on June 16, 2017. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

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

Notice of Hearing to
Review Future Use
Water Permits Nos.

5689-3 and 6834-3

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

6-16-21

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

\$ 47¹²

my Headrick bookkeeper

Subscribed and sworn to before me this

18 day of June AD 2021

Roger W Janssen
Notary Public, County Moody, South Dakota

ROGER W JANSSEN
NOTARY PUBLIC
SOUTH DAKOTA

My commission expires 2-16-24

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5689-3 and 6834-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6834-3 held by Big Sioux Community Rural Water System Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet from the Big Sioux: Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody and Minnehaha Counties. The permits were last reviewed in 2014.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 9:30 am, July 7, 2021, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 28, 2021. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

RECEIVED

JUN 24 2021

WATER RIGHTS
PROGRAM

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by June 28, 2021. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 28, 2021.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 28, 2021.

Published at a cost of \$47.12

JUN 21 2021

Wednesday, June 16

AFFIDAVIT OF PUBLICATION

WATER RIGHTS
PROGRAM

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER**

STATE OF SOUTH DAKOTA)

) ss.

County of Lake)

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

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

**REVIEW PERM 5689-3/6834-3
WATER RIGHTS PROGRAM**

printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

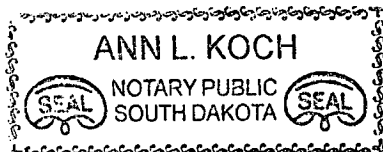
06/16/2021

That \$ 47.48 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Joanne Wheeler

Subscribed and sworn before me this 17th day of

June, 2021



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

Publication

Notary F

T

Received

PERMIT NOS. 5689-3 and 6834-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6834-3 held by Big Sioux Community Rural Water System, Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet from the Big Sioux: Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux: Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody and Minnehaha Counties. The permits were last reviewed in 2014.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 9:30 am, July 7, 2021, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 28, 2021. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a

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

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by June 28, 2021. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 28, 2021.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 28, 2021.

Published once at the total approximate cost of \$47.48

RECEIVED

Affidavit of Publication

State of South Dakota

JUN 21 2021

Exhibit "A"

SS

County of Brookings

WATER RIGHTS PROGRAM

Legal 15312 1X
6/16

NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER PERMIT
NOS. 5689-3 AND
6834-3

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

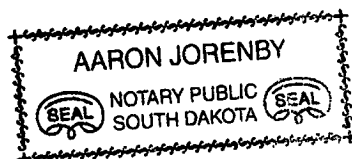
Leg#15312 Notice of Hearing - Permit 5689-3 and 6834-3

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

June 16, 2021

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

Forty-Nine Dollars and Ninety-Nine Cents \$46.99



[Handwritten Signature]

17 day of

June

2021

[Handwritten Signature]

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

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6934-3 held by Big Sioux Community Rural Water System Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits. Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet from the Big Sioux:Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux:Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody and Minnehaha Counties. The permits were last reviewed in 2014. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-

feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest. The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 9:30 am, July 7, 2021, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendations of the Chief Engineer are not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 28, 2021. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Wa-

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 28, 2021.

Published 1X at the total approximate cost of \$49.99.

Argus Leader

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

RECEIVED

JUN 22 2021

WATER RIGHTS
PROGRAM

Account No.: 6059972098

Ad No.: 0004774719

PO #:

Lines : 171

Ad Total: \$54.34

This is not an invoice

of Affidavits 1

BIG SIOUX COMMUNITY WATER SYSTEM INC
23343 479TH AVE
EGAN, SD 57024

Account No.: 6059972098
Ad No.: 0004774719

Argus Leader AFFIDAVIT OF PUBLICATION

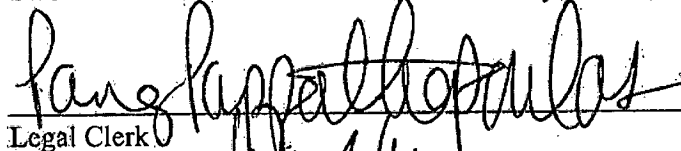
STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

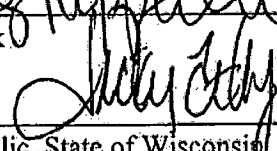
I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher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

Wednesday, June 16, 2021

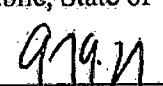
Sworn to and subscribed before me this 16 day of June, 2021.



Legal Clerk



Notary Public, State of Wisconsin, County of Brown



My Commission expires

VICKY FELTY
Notary Public
State of Wisconsin

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
5689-3 and 6834-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6834-3 held by Big Sioux Community Rural Water System Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet from the Big Sioux:Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux:Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody and Minnehaha Counties. The permits were last reviewed in 2014.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 9:30 am, July 7, 2021, Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 28, 2021. The Chief Engineer's address is "Water Rights Program", Joe Foss Building,

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

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by June 28, 2021. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 28, 2021.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 28, 2021. Published once at the approximate cost of \$54.34

4774719 June 16, 2021

Instruction to Newspaper - Publish the following Notice on June 16, 2021. Big Sioux Community Water System Inc. is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 5689-3 and 6834-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 5689-3 and 6934-3 held by Big Sioux Community Rural Water System Inc., Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by the permits.

Permit No. 5689-3 was approved in 1992 and currently reserves 360 acre-feet from the Big Sioux:Northern Skunk Creek Aquifer located in the N 1/2 NW 1/4 Section 9-T105N-R51W. Permit No. 6834-3 was approved in 2007 and currently reserves 600 acre-feet of water from the Big Sioux:Northern Skunk Creek Aquifer located in the SW 1/4 Section 16-T105N-R51W. The water is reserved for rural water system use in Lake, Brookings, Moody and Minnehaha Counties. The permits were last reviewed in 2014.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 5689-3 and 6834-3 REMAIN in EFFECT for 360 acre-feet annually and 600 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 5689-3 and 6834-3 at 9:30 am, July 7, 2021, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by June 28, 2021. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 5689-3 and 6834-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by June 28, 2021. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by June 28, 2021.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by June 28, 2021. Published once at the approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 9, 2021 9:10 AM
To: 'legals@argusleader.com'
Subject: 5689-3 & 6834-3, Big Sioux CWS
Attachments: 5689-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on June 16, 2021.

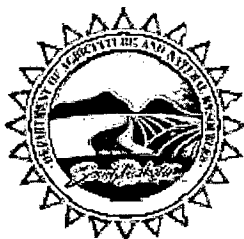
Big Sioux Community Water System Inc, c/o Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 (605 997-2098) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 9, 2021 9:00 AM
To: 'mce6@mcisweb.com'
Subject: 5689-3 & 6834-3, Big Sioux CWS
Attachments: 5689-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on June 16, 2021.

Big Sioux Community Water System Inc, c/o Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 (605 997-2098) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 9, 2021 9:01 AM
To: registerclassifieds@brookingsregister.com
Subject: 5689-3 & 6834-3, Big Sioux CWS
Attachments: 5689-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on June 16, 2021.

Big Sioux Community Water System Inc, c/o Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 (605 997-2098) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 9, 2021 8:59 AM
To: 'ads@madisondailyleader.com'
Subject: 5689-3 & 6834-3, Big Sioux CWS
Attachments: 5689-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on June 16, 2021.

Big Sioux Community Water System Inc, c/o Jodi Johanson, Manager, 23343 479th Ave, Egan SD 57024 (605 997-2098) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 9, 2021 11:20 AM
To: Big Sioux Community Water System (bscws@bigsiouxwsw.com)
Subject: Public Notice for future use review
Attachments: 1296.pdf

Attached is a copy of the chief engineer recommendations and information regarding the public notice for the two future use permits held by BSCWS. As stated in the letter, please contact the papers as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 8, 2021

NOTICE OF ENTRY OF ORDER

Jodi Johanson, Manager
Big Sioux Community Water System Inc.
23343 479th Ave
Egan SD 57024

Dear Ms. Johanson:

I am writing in response to action taken by the Water Management Board at the hearing on July 7, 2021 to review Future Use Permit Nos. 5689-3 and 6834-3. The Board allowed Permit No. 5689-3 to remain in effect for 360 acre-feet of water annually and Permit No. 6834-3 to remain in effect for 600 acre-feet annually. Both permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 5689-3 is \$85.00 and Future Use Permit No. 6834-3 is \$105.00 (total \$190.00) pursuant to SDCL 46-2-13(2). Please make check payable to the Water Rights Program and remit the fee within 60 days.

Please contact Karen Schlaak, if you have any questions.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

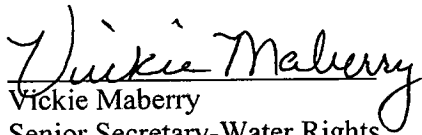
I hereby certify that on July 8, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelope containing a "NOTICE OF ENTRY OF ORDER" dated July 8, 2021 involving action taken by the Water Management Board hearing on July 7, 2021:

Future Use Permit No. 5689-3

Jodi Johanson, Manager, Big Sioux Community Water System Inc., 23343 479th Ave., Egan SD 57024

Future Use Permit No. 6834-3

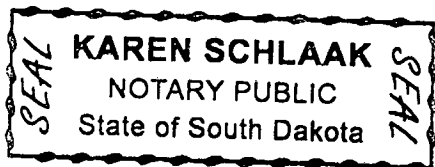
Jodi Johanson, Manager, Big Sioux Community Water System Inc., 23343 479th Ave., Egan SD 57024


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of July, 20 21.


Karen Schlaak Notary Public
My Commission expires April 1, 2025



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date July 19, 2021

RECEIVED OF Big Sioux Community Water Inc. 23343 479th Ave., Egan SD 57024

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. <u>5689-3</u> after period of seven years.	<u>\$85.00</u>
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$85.00</u>

By Eric Gronlund
Chief Engineer
EG