

Considered: _____

WATER PERMIT NO. 5716-3

Phone: 428-3374

Name of Applicant: Minnehaha Community Water, Corp.

Post Office Address: RR 2, Box 26A, Dell Rapids SD 57022

Amount of Water Claimed: 750 ac-ft Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: future use County: MA-LN-MC

About 2 miles south of Dell Rapids

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 8-7-92 Fee: \$35.00 Remarks _____

Corrected Application Received 10-5-92 Period of Annual Use Jan 1 - Dec 31

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

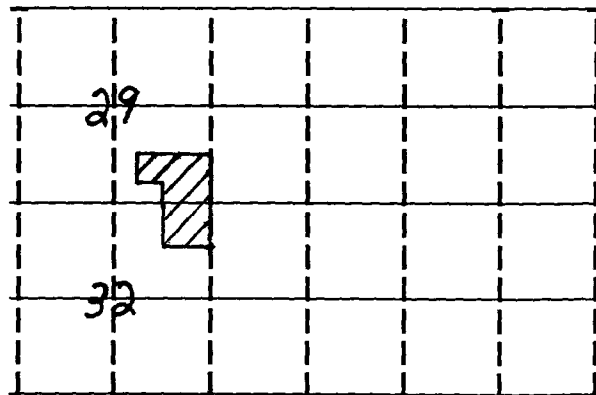
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: _____

NE 1/4 NE 1/4 Sec 32 and S 1/2 S 1/4 Sec 29;

all in T104N-R49W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

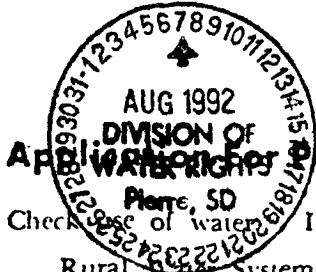
Depth of Well: _____ REMARKS _____

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

Assigned on 10-5-92 By Karen Schlaak

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

No. 5716-3 Hydrologic Unit 10170203
Map No. _____ Basin Sioux River
Newspaper See attached list



Permit To Appropriate Water Within The State Of South Dakota

Check one of water use: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☒ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☒ Change Use ☐
☐ Amend Permit No. _____ with old priority date retained
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant Minnehaha Community Water, Corp. Phone No. 428-3374
Post Office Address RR-2, Box 26A Dell Rapids State SD 57022
(Street, RR or Box) (City) (Zip Code)
2. Amount of water claimed (c.f.s.) 750 Ac-Ft
3. Source of water supply Big Sioux Aquifer
4. Location of point of diversion NE 1/4 Sec. 32 and 5 1/2 SE 1/4 of Sec. 29, All in T-104-N R-49-W

County _____
5. Counties where water will be used Minnehaha-Lincoln-McCook
6. Annual period during which water is to be used Year Around January 1 - December 31
7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Future water for additional new customers and additional water for existing rural customers in rural Minnehaha, Lincoln, and McCook Counties.

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 Minnehaha)^{ss}

I, John Buss for Minnehaha Community Water, Corp. 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 John Buss

PATTY L. HALL
Notary Public
My Commission Expires July 2, 2000

Subscribed and sworn to before me this 5th day of August 19 92

Patty L. Hall
Notary Public

SOUTH DAKOTA FUTURE USE PERMIT NO. 5716-3

Date of first receipt of application August 7, 1992.

Date of return to applicant for corrections, amendments or changes August 11, 1992.

Date of receipt of corrected application October 5, 1992.

The Water Management Board approved Water Permit Application No. 5716-3 on March 3, 1993 for Minnehaha Community Water Corporation, RR 2, Box 26A, Dell Rapids SD 57022 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 5716-3 reserves 750 acre-feet of water annually from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer). The area to be reserved for future water use is to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. This permit does not authorize construction of works or application of water to beneficial use.
2. The water appropriated shall be used for the purpose of supplying water to the Minnehaha Community Water Corporation and may not exceed the amount of water needed for beneficial use for rural water system use.
3. The water is to be used during the following described annual period: January 1 -December 31.
4. The date from which applicant may claim right is August 7, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

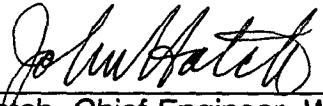
QUALIFICATIONS

1. Approval of Permit No. 5716-3 reserves 750 acre-feet of groundwater annually. This permit is approved for groundwater from the Sioux Falls Management Unit of the Big Sioux Aquifer. Wells will be approximately 50 feet deep.
2. That Future Use Permit No. 5716-3 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.

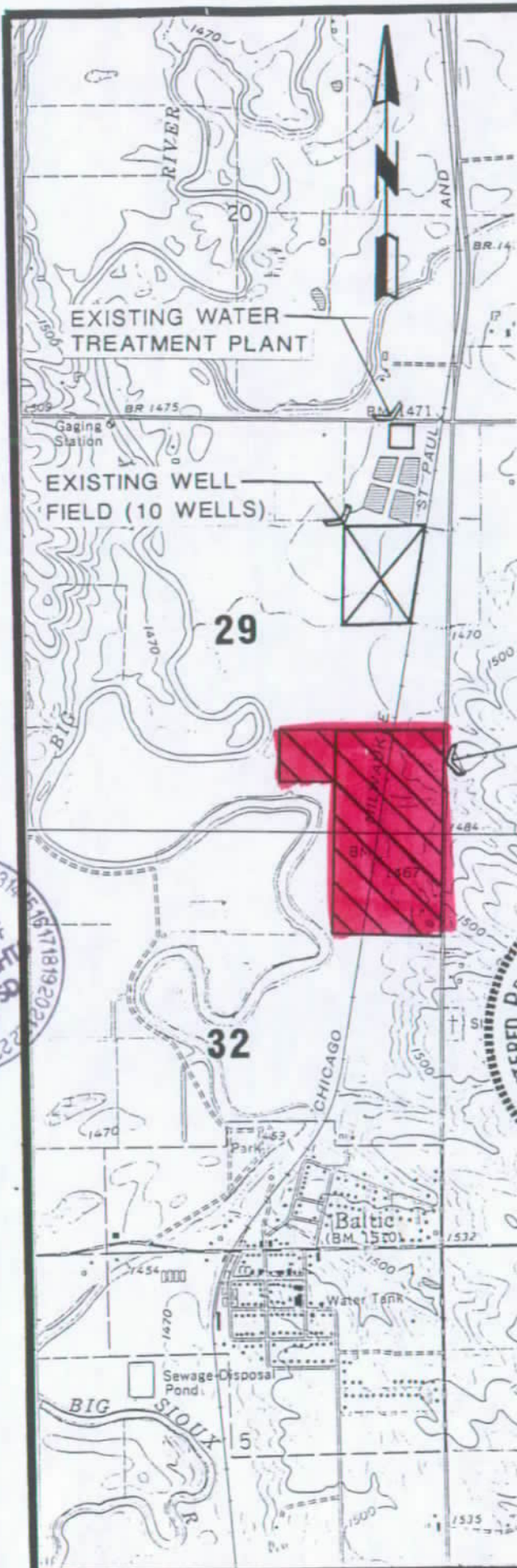
(continued)

4. If development and pumping of the Sioux Falls Management Unit of the Big Sioux Aquifer water reserved by Future Use Permit No. 5716-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriate rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sand and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

WATER MANAGEMENT BOARD

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

MAY 19 1993
date



STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS SS

I, DARYL ENGLUND, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE MINNEHAHA COMMUNITY WATER CORPORATION, DELL RAPIDS, 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 APPROPRIATE 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 5th DAY OF June A.D. 19 92.

Daryl Englund
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS SS

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 9th DAY OF June A.D. 19 92.

Doris C. Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES 12-9-97

LOCATION OF SITES FOR
FUTURE WATER USE PERMIT

AUG 1992
DIVISION OF
WATER RIGHTS
Pierre, SD

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR
REG. NO. 2846
DARYL C. ENGLUND
SOUTH DAKOTA

DORIS C. BROWN
NOTARY
PUBLIC
SEAL
SOUTH DAKOTA

MINNEHAHA COMMUNITY WATER CORPORATION
RR2 BOX 26A
DELL RAPIDS, SOUTH DAKOTA

EXHIBIT 1
APPLICATION FOR FUTURE
USE WATER PERMIT

MINNEHAHA COUNTY, SOUTH DAKOTA
SE1/4 OF SE1/4 SEC. 29 AND
NE1/4 OF NE1/4 SEC. 32 T104N R49W

App'l No. 5716-3

RECEIPT

413456

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 5, 19 92

RECEIVED OF Minnehaha Community Water Corp., RR 2 Box 26A, Dell Rapids, SD 57022

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

Fee for Application for Permit No. <u>5716-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	35	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	35 00

By John Hatakeyama
Chief Engineer



MINNEHAHA COMMUNITY WATER, CORP.

RURAL ROUTE 2, BOX 26A
DELL RAPIDS, SOUTH DAKOTA 57022-9424
TELEPHONE (605) 428-3374 or 529-5799
FAX (605) 428-3395

August 5, 1992



Mr. John Hatch
Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, SD 57501

RE: Future Water Rights from the Sioux Falls Management Unit of the Big Sioux Aquifer.

Dear John:

Please find enclosed Water Rights Applications for two future use permits. Application labeled Exhibit #1 is a request for 750 Acre/Feet of future use located in the SE $\frac{1}{4}$ of Section 29 and the NE $\frac{1}{4}$ of Section 32, all in T104N, R49W, Minnehaha County, South Dakota. (See enclosed color-coded map.)

Application labeled Exhibit #2 is for a transfer and renewal of Permit No. 5063-3 for 1.65 Cubic Feet/Second, presently held by the City of Dell Rapids. I have been in contact with Dell Rapids city officials and they do not intend to reapply for renewal of this permit, as they now purchase their water from Minnehaha Community Water, Corp.

We present the following documentation for your consideration in the awarding of these two future use permits.

1. AVERAGE WATER USE PER METER PER MONTH

Our water usage/meter/month has increased from 2,500/meter/month in 1978 to 16,200/meter/month in 1991. Our projected usage/meter/month in the year 2000 is estimated in excess of 25,000/meter/month. This is due to existing customers switching to total use of rural water as their wells fail, and more customers becoming aware of the benefits of treated, safe water. We estimate that as many as one-quarter of our customers still use their existing wells.

The year 1978 showed total pumpage of 66 Million Gallons, 1991 showed 448 Million, and we are projecting 700 Million pumpage for the year 2000.

Mr. John Hatch
August 5, 1992
Page 2

2. NEW INDIVIDUAL RURAL HOOKUPS

In 1978 we had 1200 hookups. Today we have 2500. We have averaged 100 new hookups per year for the last 13 years. 1991 shows 123 new hookups and mid-year 1992 shows 130 new hookups to date, with another 40-50 anticipated before the year's end. In addition, we have obligations to approximately 260 new hookups in bulk developments surrounding the city of Sioux Falls. We expect to have 3500 hookups by the year 2000.

Minnehaha County Planning and Zoning has been approving new dwelling permits at the rate of 90-100 per year the last few years. Minnehaha County presently has 4100 households in unincorporated rural Minnehaha County.

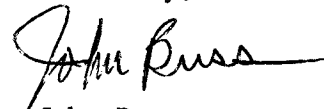
3. COMMUNITY WATER SERVICE FROM MINNEHAHA COMMUNITY WATER, CORP.

Dell Rapids, Baltic, Humboldt, Hartford, and Crooks are presently receiving water on a bulk basis and we also serve individual meters in some of the households in the unincorporated towns of Sherman, Rowena, Renner, and Lyons. Dell Rapids, Hartford, and Crooks are building new homes every day and will be looking to Minnehaha Community Water, Corp. for their future water needs. We also expect to have requests for service to Colton and Garretson in the future as the new EPA safe drinking regulations force more towns into finding a new water source.

I hope we have provided adequate information and documentation for yourself and the Water Rights Board to make a decision on our two future use requests. If more information is needed, please feel free to contact us.

Thank you, in advance, for your consideration of our requests.

Sincerely,

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

John Buss
General Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 1992

Minnehaha Community Water Corp.
John Buss
RR 2, Box 26A
Dell Rapids SD 57022

Dear Mr. Buss:

In regard to the water permit application received on August 7, 1992, the following information needs to be submitted and clarified in order to process the application.

Item No. 2 of the application states the amount of water claimed to be 750 acre-feet. Future Use Permit No. 5063-3 for the City of Dell Rapids authorizes 1.65 cubic feet of water per second (cfs) which is approximately 1,195 acre-feet per year. As a part of the review of future use permits, we have converted existing future use permits from cubic feet of water per second (diversion rate) to acre-feet annually (volume). This conversion from cfs to acre-feet is to increase the permit holder's flexibility when placing reserved water to beneficial use. We have used 60% of the annual pumping rate in making this conversion from a diversion rate to acre-feet annually. Using this formula, 60% of 1,195 acre-feet would be 717 acre-feet. You may request 750 acre-feet be transferred, but please justify the request for more than 717 acre-feet.

The filing fee for this application is \$50.00. The filing fee for the transfer of the water permit (\$2.50) will be requested if this application is approved. A fee will also be assessed if No. 5063-3 is allowed to remain in effect. The fee will be based on the amount of remaining in reserve.

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

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

File No.

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Elaine ?, to relay to John Buss, Minnehaha
Community Water Corp.

ADDRESS: RR 2, Box 26A, Dell Rapids

COUNTY:

DATE: 9/28/92

TELEPHONE: 428-3374

RE: Discussion of pending Future Use Permit applications.

COMMENTS:

Mr. Buss was out ill today so I talked to Elaine (last name unknown), whom will relay the conversation to Mr. Buss.

I told her that from my understanding of the conversation I had with Mr. Buss on Sept. 23, 1992, and his August 5, 1992 letter; Minnehaha Community Water Corp. (MCWC), wants to (1) apply for a new Future Use Permit for 750 ac-ft/yr, and (2) transfer Dell Rapids' Future Use Permit (No. 5063-3) to MCWC, and change the use of that permit from municipal to RWS. I relayed the fact that the actions must be handled with two applications. One application will be for the new future use permit of 750 ac-ft, we can use the paper work we have on hand for this application, however we need to receive a filing fee of \$35.00 before Oct. 7, 1992, to retain the August priority date. The change of use of Permit No. 5063-3 must be handled with a new application, and the original filing fee. We will complete an application and send it with a follow up letter to this conversation.

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

NAME: 



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 28, 1992

Minnehaha Community Water Corp.
John Buss
RR 2, Box 26A
Dell Rapid SD 57022

Dear Mr. Buss:

This letter is a follow-up of the conversation I had with your office earlier today. As I relayed on the phone, it is my understanding that Minnehaha Community Water Corp. (MCWC) intends to: (1) apply for a new future use permit for 750 acre-feet/year; and (2) transfer Dell Rapids' future use permit (No. 5063-3) to MCWC, and change the use of that permit from municipal to rural water system use. These two actions must be handled with two applications.

One application must be used for a new future use permit, reserving 750 acre-feet/year. The paper work on file with our office can be used for this application, however, a filing fee of \$35.00 must be submitted for this application. The filing fee must be received before October 7, 1992, to retain the original priority date of the application.

The change of use from municipal to rural water system use on Permit No. 5063-3 must be handled with a separate application. Enclosed is a set of partially completed application forms to change the use on Permit No. 5063-3. Please review the application forms, have them signed and notarized. The \$50 filing fee for this application has already been submitted.

Upon receipt of the above, further processing of your applications will continue. If you have any questions, feel free to contact me.

Very truly yours,

Ken Buhler
Natural Resources Engineer
(605) 773-3352

enclosures

FUTURE USE APPLICATION NO. 5716-3
MINNEHAHA COMMUNITY WATER, CORP.
NOVEMBER 13, 1992

Application No. 5716-3 is to appropriate 750 acre-feet of water annually from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer). The area to be reserved for future water use is to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

AQUIFER: Big Sioux: Sioux Falls (BS:SF)

AQUIFER CHARACTERISTICS:

The Sioux Falls Management Unit of the Big Sioux Aquifer is an alluvium mantled, glacial outwash deposit, which consists of silt, fine to coarse sand, and gravel. The management unit underlies approximately 22,900 acres in Minnehaha County and contains an estimated 103,050 acre-feet of recoverable water in storage in the county (Hedges, 1982). The aquifer is restricted to the Big Sioux Alluvial Valley, and is bounded both to the north (near Dell Rapids) and on the south (Sioux Falls) by the relatively impermeable Sioux Quartzite. The aquifer attains a maximum thickness of approximately 48 feet. The aquifer is predominately under unconfined conditions.

The Division of Water Rights monitors 14 observation wells completed into the Sioux Falls Management Unit. 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. Hydrographs also show the unusually high annual precipitation (recharge) in 1985-1987 where groundwater levels were above the norm. Measurements taken from Division of Water Rights' Observation Wells indicate that long-term water level declines have not occurred in the Sioux Falls Management Unit. 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 observation well hydrographs.

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 Minnehaha Community Water

Corporation, and there is little question that rural water system use is a beneficial use and in the public interest.

Water Availability:

In the Sioux Falls Management Unit water availability must be evaluated in two ways: (1) 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; and, (2) by considering the appropriation with respect to the November 14, 1991, Water Management Board declaratory ruling.

SDCL 46-6-3.1 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. The best information (recharge estimates and pumping estimates), indicates that the quantity of water withdrawn annually from the Sioux Falls Management Unit exceeds the calculated average estimated annual recharge by at least 4,000 ac-ft/yr (Buhler, 1991). If estimates are correct, 4,000 ac-ft/yr would be lost from storage annually. This amounts to approximately 4% of the recoverable water in storage in the aquifer. A reduction of recoverable water in storage would be apparent by lowering water levels. Since a sustained downward trend in the water level of the aquifer has not been observed in Division of Water Rights Observation Wells, it is apparent that the physical evidence (water level readings) does not support the estimates for average annual recharge. Since the affects of pumping are not distinguishable from natural or seasonal water level fluctuations, it can be assumed that withdrawals do not approach recharge at the current level of development.

On November 14, 1991, through a declaratory ruling, the Water Management Board (Board) established a limitation on the annual withdrawals due to pumping by Water Permit/Right holders from the Sioux Falls Management Unit of 32,200 acre-feet per year (ac-ft/yr).

Water use from the Sioux Falls Management Unit in the future will be limited to a total withdrawal of 32,200 ac-ft/yr. When this limit is approached, water use will be restricted on a priority basis until withdrawals do not exceed 32,200 ac-ft/yr. The practical effect of the 32,200 ac-ft/yr limit allows for management of the aquifer, and on a priority basis, if necessary.

Following the declaratory ruling, the Board approved a reservation for future use by the City of Sioux Falls, (Permit No. 5523-3) from the Sioux Falls Management Unit for an amount that was less than had been applied for. In its consideration of this future use permit, the Board concluded that "it is prudent to not allocate all water arguably available so as to accommodate any increase in lawful use of water already under permit". The Board left a "contingency for expansion of use under existing legal rights and a contingency for expansion of

present and new systems" amounting to 1,866 ac-ft/yr. This amount was arrived at by taking: the annual withdrawal limit - the amount of water use during 1990 - the total amount reserved under existing future use permits - the reservation made by Future Use Permit No. 5523-3.

$$32,200 - 19,519 - 6,765 - 4,050 = 1,866 \text{ ac-ft/yr}$$

An appropriation made by a future use permit may be completely developed. Since this is a reservation of 750 ac-ft/yr, the amount of water remaining available for expansion under existing water rights and expansion of systems would be 1,116 ac-ft/yr.

Effects on Existing Rights:

Although a future use permit is a reservation of a definite amount of water with a specified priority date, it does not authorize construction or putting the water to beneficial use. SDCL 46-5-38.1 requires that before the holder of a future use permit initiates construction of the works to put reserved water to beneficial use, a water permit application must be approved. One requirement for permit approval required by SDCL 46-2A-9, is that there must be a reasonable probability that the proposed diversion can be developed without unlawful impairment of existing rights. It may not be prudent to reserve water for future use, if it is likely that development of the future use could not occur because the development would impair existing rights.

Unlawful impairment of groundwater rights may be due to "well interference", which is the overlapping of drawdown cones of depression of two or more wells; or by the lowering of the water level throughout the entire aquifer, as the result of an extended interim between withdrawal and recharge causing an "overdraft" from storage. In either case mitigation may be necessary, if the pumping authorized by junior priority rights is to continue.

"Well interference" is not expected to adversely impact existing rights in the Sioux Falls Management Unit because the aquifer is under unconfined conditions. This is especially the case, if adequate well spacing is observed. However, since the Sioux Falls Management Unit is relatively thin, a prolonged interim between withdrawal and recharge could lead to a lowering of water levels in the aquifer that would reduce needed water supplies to some existing wells.

Although the Board has established an annual withdrawal limitation of 32,200 ac-ft/yr, the potential of adverse impact to existing rights is independent of the amount of water that can be appropriated from the aquifer. Water rights could be adversely impacted even though substantially less than 32,200 acre-feet per year is pumped. The Board adopted a declaratory ruling on November 14, 1991 stating:

"That private domestic wells are being impacted and deprived of reasonable use of water for domestic purposes by appropriative permit holders' withdrawals from the Big Sioux Aquifer: Sioux Falls Management Unit."

The City of Sioux Falls offered a seven point proposal that would eliminate the problem addressed in the declaratory ruling issued November 14, 1991. Since the problem was addressed and corrected through the proposal, the board did not need to order mitigation.

Following the declaratory ruling, the Board approved a reservation for future use by the City of Sioux Falls, (Permit No. 5523-3). The consequence of the declaratory ruling was the inclusion of the following qualification on the permit:

"If development and pumping of Sioux Falls Management Unit of the Big Sioux Aquifer water reserved by Future Use Permit No. 5523-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04."

CONCLUSIONS:

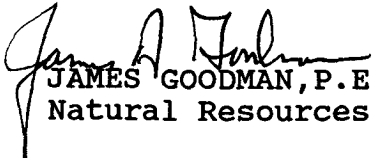
1. This is an application to reserve 750 acre-feet annually from the Sioux Falls Management Unit of the Big Sioux Aquifer.
2. There is a reasonable probability unappropriated water is available for this future use application.
3. This appropriation should not cause withdrawals to exceed the annual limitation that was established for the management unit by Board's November 14, 1992 declaratory ruling (32,200 acre-feet per year).
4. Before construction of the works to put water reserved by this future use are initiated, specific water permit applications must be approved.
5. It is probable that water permit applications can be approved for all of the water reserved by this application.

6. If water levels in the Sioux Falls Management Unit are lowered to a level that private domestic wells are deprived of reasonable use, mitigation may be necessary.



KEN BUHLER
Natural Resources Engineer

Approved by:



JAMES GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

Buhler, K.A., 1991, "Report for Water Permit Application No. 5523-3, City of Sioux Falls", DENR-Water Rights Division, Joe Foss Building, Pierre, SD

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

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, U.S.Army Corps of Engineers
Contract DACW 45-80-C-0185

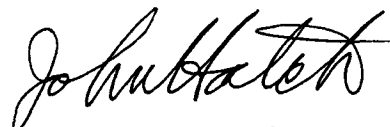
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5716-3, Minnehaha Community Water Corp.

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 No. 5716-3, Minnehaha Community Water Corporation, c/o John Buss, RR 2 Box 26A, Dell Rapids, SD 57022.

The Chief Engineer is recommending that Future Use Permit No. 5716-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5716-3, 2) Minnehaha Community Water Corp. has demonstrated a reasonable need for the water reserved by Permit No. 5716-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. Approval of Permit No. 5716-3 reserves 750 acre-feet of groundwater annually. This Permit is approved for groundwater from the Sioux Falls Management Unit of the Big Sioux Aquifer. Wells will be approximately 50 feet deep.
2. That Future Use Permit No. 5716-3 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 reserves water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.
4. If development and pumping of the Sioux Falls Management Unit of the Big Sioux Aquifer water reserved by Future Use Permit No. 5716-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

See report on application for additional information.


JOHN HATCH, Chief Engineer
November 17, 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.

November 19, 1992

John Buss
Minnehaha Community Water Corp.
RR 2 Box 26A
Dell Rapids, SD 57022

Dear Mr. Buss:

Water Permit Application No. 5716-3 for future 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 Argus Leader printed at Sioux Falls, SD (Ph # 331-2200), Sioux Valley News printed at Canton, SD (Ph # 987-2631) and Salem Special printed at Salem, SD (Ph # 425-2361). 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.

cc: Gary Hanson, Commissioner, City of Sioux Falls
Lyle Johnson, WS, City of Sioux Falls



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 1992

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5716-3 to be published twice. Please publish the first notice on December 3, 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 Minnehaha Community Water Corp., RR 2 Box 26A, Dell Rapids, SD 57022 (Ph # 428-3374).

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

November 19, 1992

Salem Special
Box 220
Salem, SD 57058

ATTENTION: Legal Department

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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 Minnehaha Community Water Corp., RR 2 Box 26A, Dell Rapids, SD 57022 (Ph # 428-3374).

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Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 1992

Sioux Valley News
Box 255
Canton, SD 57013

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5716-3 to be published twice. Please publish the first notice on December 3, 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 Minnehaha Community Water Corp., RR 2 Box 26A, Dell Rapids, SD 57022 (Ph # 428-3374).

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Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 3, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5716-3 to Reserve Water for Future Use

Notice is given that the Minnehaha Community Water Corporation, RR 2 Box 26A, Dell Rapids, SD 57022 has filed an application for a future use water permit to appropriate 750 acre-feet of water annually from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer). The area to be reserved for future water use is to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 5716-3 because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5716-3, 2) Minnehaha Community Water Corp. has demonstrated a reasonable need for the water reserved by Permit No. 5716-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest. This application is being brought before the Board based upon the finding that the application presents important issues of public interest which should be heard by the Board.

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 February 19, 1993. 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.

The Board will consider this application at 10:00 am, March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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. The March 3, 1993, 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 February 19, 1993.

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 February 19, 1993, 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 Lincoln) ss.

I, Sandra Lundstrom

certify that the attached printed Notice was taken
 from the Sioux Valley News

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

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

December 3

December 10, 1992

Sandra Lundstrom
 (Signature)

Book Keeper
 (Title)

Dec 10, 1992
 (Date Signed)

Cost of Printing: \$ 60.10

WILLIAM R. THORSON
 / commission expires
 January 20, 1995.

NOTICE OF HEARING
on Application No. 5716-3
to Reserve Water
For Future Use

Notice is given that the Minnehaha Community Water Corporation, RR 2 Box 26A, Dell Rapids, SD 57022 has filed an application for a future use water permit to appropriate 750 acre-feet of water annually from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer). The area to be reserved for future water use is to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

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(over)

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County McCook) ss.



I, Troy Schwans

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

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

of Salem

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

December 3, 1992

December 10, 1992

Troy Schwans
 (Signature)

Editor

(Title)

12-10-92

(Date Signed)

Cost of Printing: 1st Insertion-110 lines x .2864= \$31.50
2nd Insertion 80% x 31.50 25.20
total 56.70

Notice of Hearing

on Application No. 5716-3
 to Reserve Water for
 Future Use

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12/3, 12/10

AFFIDAVIT OF PUBLICATION

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

M. DEVISH

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, by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 3 day of December, 1993,

Thursday, the 10 day of December, 1993,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

_____, the _____ day of _____, 19____,

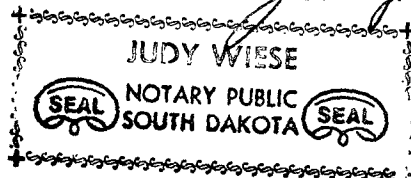
and that \$114.09 was charged for publishing the same including a \$2.00 affidavit fee.

M. Devish

Subscribed and sworn to before me January 25, 1993.

Judy Wiese

Notary Public, South Dakota



30/7 NOV. 19, 20; DEC. 3, 10, 1992

NOTICE OF HEARING

on Application No. 5716-3 to Reserve Water for Future Use Notice is given that the Minnehaha Community Water Corporation, RR 2 Box 26A, Dell Rapids, SD 57022 has filed an application for a future use water permit to appropriate 750 acre-feet of water annually from groundwater (Sioux Falls Management Unit of the Big Sioux Aquifer). The area to be reserved for future water use is to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. The water is to be reserved for the purpose of providing future water supplies to the rural water system. This application does not authorize construction of works or application of water to beneficial use.

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Robert E. Roberts, Secretary
Department of Environment and
Natural Resources
Dec. 3, 10, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

John Buss
Minnehaha Community Water Corporation
RR 2 Box 26A
Dell Rapids, SD 57022

Dear Mr. Buss:

Enclosed are Future Use Permit Nos. 5063A-3 and 5716-3, as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in the future use permits 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

CONSULTING ENGINEERS & ARCHITECTS

BANNER ASSOCIATES, INC.
409 22nd Avenue South • P.O. Box 298
Brookings, South Dakota 57006-0298
(605) 692-6342
FAX: (605) 692-5714



May 25, 1993

South Dakota Department of Environment
and Natural Resources
Water Rights Division
Foss Building
Pierre, SD 57501

Attn. Eric Gronlund

RE: Minnehaha Community Water
System, Well Field Expansion,
Banner Proj. 7576-01

Dear Mr. Gronlund:

Enclosed please find a location map and a proposed well cross section for the proposed new wells for the Minnehaha Community Water Corporation, Dell Rapids, South Dakota. The well section shown includes 13 vertical linear feet of grout. This is less than the twenty feet required by the South Dakota standards for well construction. A variance is hereby requested to permit the use of 13 feet of grout for the proposed wells. The permission to use a reduced quantity of grout is requested because the wells are relatively shallow and we do not wish to place grout in the water bearing formation. The well cross section is submitted for review and approval of the request for a variance. Complete sets of plans and specifications will be submitted for review and approval by the Department of Environment and Natural Resources later this week.

The Minnehaha Community Water Corporation Board will be establishing a bid opening date and time at their regular Board meeting in May. We will advise you of the schedule following that meeting.

Thank you for your assistance and attention to this project. If you have any questions, please call me at 692-6342.

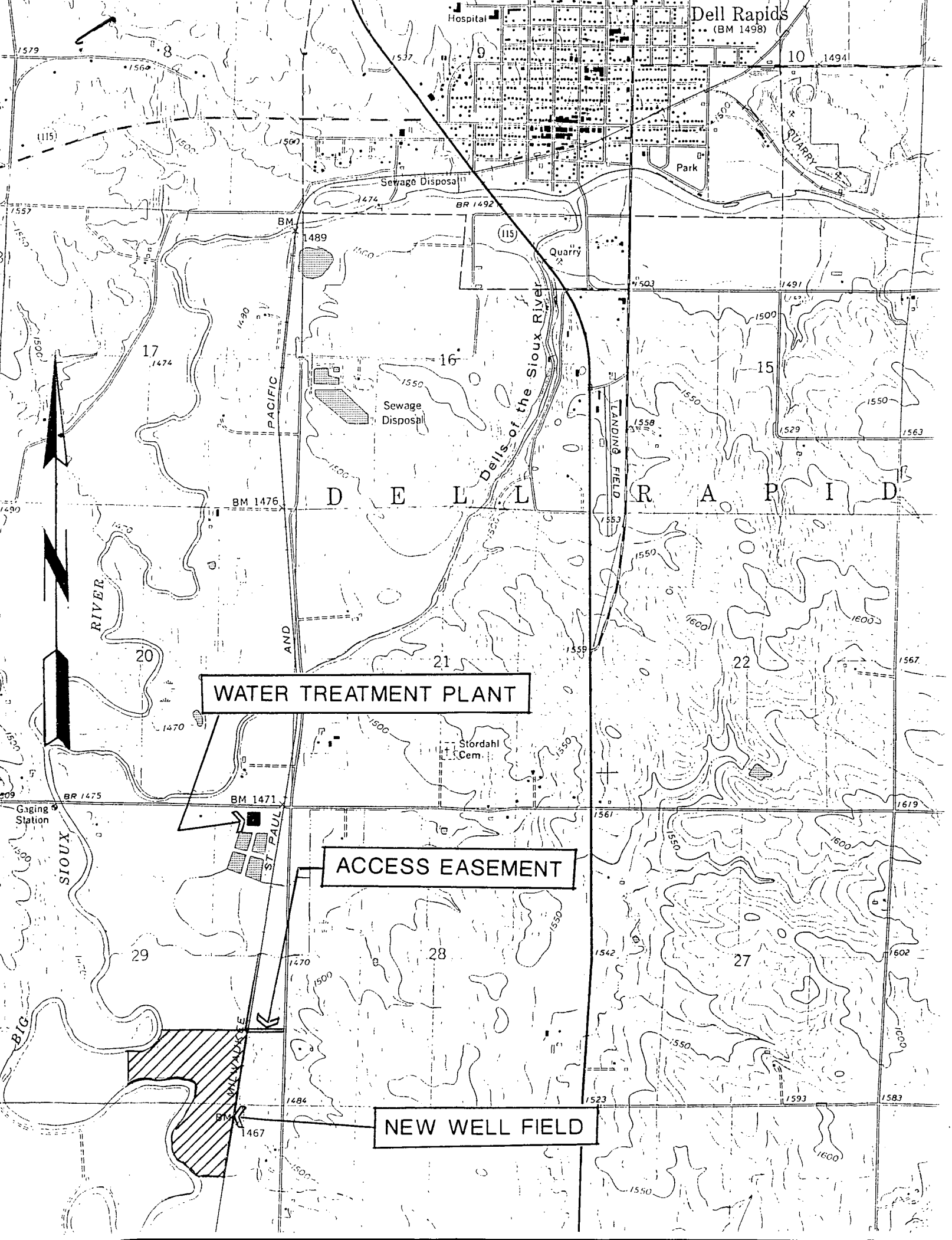
Sincerely,

David Odens, PE

Enclosure

cc: John Buss, Minnehaha Community Water
Dell Rapids, South Dakota





WATER TREATMENT PLANT

ACCESS EASEMENT

NEW WELL FIELD

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: David Odens

ADDRESS: Banner Associates, Inc. COUNTY: Brookings

DATE: June 3, 1993 TELEPHONE: (605)692-6342

RE: Minnehaha Community Water System, Well Field Expansion

COMMENTS:

I called Mr. Odens to discuss his May 25, 1993, letter requesting a variance from the Well Construction Standards. I relayed to Odens that according to 74:02:04:28, a variance is not required as long as the well casing is grouted from the top of the producing formation to the ground surface, (up to 20 feet maximum). I also told Odens that 5716-3 is a future use permit only, Minnehaha Community Water System will need to make an application before any portion of the water reserved by the permit is put to beneficial use.

Odens was aware of the fact that this was a Future Use Permit and said that he thought John Buss, MCWC, was currently working on an Water Permit Application for this project.



Ken Buhler
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5716-3, Minnehaha Community Water Corporation

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. 5716-3, Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305.

The Chief Engineer is recommending that Future Use Permit No. 5716-3 REMAIN in EFFECT for 750 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5716-3 , 2) the corporation has demonstrated a reasonable need for the water reserved by Permit No. 5716-3, 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. 5716-3 is subject to payment of the \$35.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the corporation after the Board hearing.

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

Garland Erbele, Chief Engineer
June 6, 2000

AFFIDAVIT OF PUBLICATION-

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Christy Duncan 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

THUR, the 15 day of JUNE 2000,

THUR, the 22 day of JUNE 2000,

_____, the _____ day of _____, 2000,

_____, the _____ day of _____, 2000,

_____, the _____ day of _____, 2000,

_____, the _____ day of _____, 2000,

_____, the _____ day of _____, 2000,

and that \$164.10 was charged for publishing the same including

A \$5.00 affidavit fee.

Christy Dunne

Subscribed and sworn to before me June 22, 2000,

Joan Stane

JOAN STAHL
NOTARY PUBLIC
SOUTH DAKOTA
Notary Public, South Dakota

My Commission expires June 30, 2005

**NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.
4838A-3, 6053A-3, and 5716-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 74381 248th

St., Dell Rapids, SD 57022-5305 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE1/4- NE1/4 Section 32 and the S1/2 SE1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 50694-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE1/4 NE1/4 Section 32 and S1/2 SE1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4838A-3 remain in effect for 33 acre-feet annually; 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3, and 5716-3 at the Floyd Matthew Training Center, Joe Foss Building, 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 SDCI 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 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 Nos. 4838A-3, 5063A-3 and 5716-3 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 through 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
8580 June 15, 22, 2000





PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of McCook)

I, Troy Schwan

certify that the attached printed Notice was taken

from the Salem Special

printed and published in Salem

County of McCook and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 15, 2000

June 22, 2000

Cost of Printing \$ 79.47

Troy Schwan
 (Signature)

Owner
 (Title)

6/22/00
 (Date Signed)

PUBLIC NOTICE

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NOS.

4838A-3, 5063A-3, and 5716-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3, and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids, SD 57022-5305 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4838A-3 remain in effect for 33 acre-feet annually; 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-3 at the Floyd Matthew Training Center, Joe Foss Building, 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



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

CONNIE RENLI

being first duly sworn on her oath says that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred and Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4838-A, 5063A-3 AND 5716-3

a printed copy of which is hereto attached was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

**JUNE 15, 2000
JUNE 22, 2000**

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$84.51** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Connie Renli

Subscribed and sworn to before me this **22nd** day of **JUNE 2000**.

Jeanne M. Limoges
Notary Public, South Dakota

(Seal)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 4838A-3, 5063A-3 and 5716-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381248th St, Dell Rapids SD 57022-5305 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 4NE 1/4 Section 32 and the S 1/2SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4N E 1/4 Section 32 and S 1/2S E 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 4838A-3 remain in effect for 33 acre-feet annually; 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-3 at the Floyd Matthew Training Center, Joe Foss Building, 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, 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 Nos. 4838A-3, 5063A-3 and 5716-3 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.

Jeanne M. Limoges
My Commission Expires
November 18, 2003



**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

John Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

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 Nos. 4838A-3, 5063A-3 & 5716-3. The Board allowed the permits to remain in effect as follows:

Permit No. 4838A-3	33 acre-feet remaining in reserve	\$15.00
Permit No. 5063A-3	717 acre-feet remaining in reserve	32.50
Permit No. 5716-3	750 acre-feet remaining in reserve	<u>35.00</u>
		\$82.50

Pursuant to SDCL 46-2-13(2), the fee for maintaining the effectiveness of each permit is listed above. Please remit the fee within 60 days. The permits are subject to another review in seven years.

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

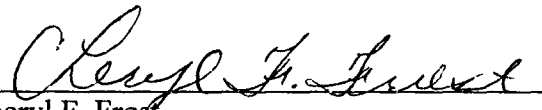
Sincerely,

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

CERTIFICATION

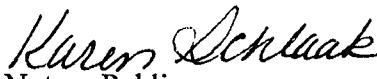
I hereby certify that on July 13, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 13, 2000, regarding response to action taken by the Water Management Board at the hearing on July 12, 2000, to review Future Use Permit Nos. 4838A-3, 5063A-3 & 5716-3, addressed as stated below:

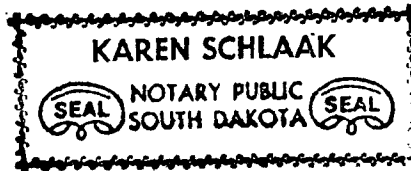
John Buss, Manager, Minnehaha Community Water Corporation, 47381 248th St., Dell Rapids, SD 57022-5305.


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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 11, 2000

John Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

On July 13, 2000, we requested the fees for maintaining the effectiveness of Future Use Permit Nos. . 4838A-3, 5063A-3 & 5716-3. To date, we have not received this payment. Below is a breakdown of the fee required for each permit.

Permit No. 4838A-3	33 acre-feet remaining in reserve	\$15.00
Permit No. 5063A-3	717 acre-feet remaining in reserve	32.50
Permit No. 5716-3	750 acre-feet remaining in reserve	<u>35.00</u>
		<u>\$82.50</u>

Please submit the \$82.50 fee as soon as possible to avoid jeopardizing the future use permits. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
605 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416659

Pierre, October 19, 2000, _____

RECEIVED OF Minnehaha Community Water Corp, 47281 248th St Dell Rapids SD 57022

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. 5716-3 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

35 00

By

Harland Erbele

Chief Engineer

KS



5716-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2007

Scott Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapid SD 57022-5303

Dear Mr. Buss:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3 and 5716-3 held by Minnehaha Community Water Corporation. 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 corporation.

Currently, our records indicate the following:

Permit No. 4838A-3	Sioux Falls Management Unit of Big Sioux Aquifer 33 acre-feet remaining in reserve
Permit No. 5063A-3	Wells less than 70 feet deep 717 acre-feet remaining in reserve
Permit No. 5716-3	Sioux Falls Management Unit of Big Sioux Aquifer 750 acre-feet remaining in reserve

Please respond in writing by April 1, 2007, regarding the corporation's intention for the future use permit. If the corporation 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.

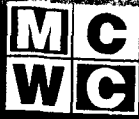
The permits will then be public noticed at the corporation's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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



MINNEHAHA
COMMUNITY
WATER CORP.

47381 248TH STREET
DELL RAPIDS, SD 57022-5305
TELEPHONE (605) 428-3374 or (605) 529-5799
FAX (605) 428-3395

March 19, 2007

RECEIVED
MAR 21 2007
WATER RIGHTS
PROGRAM

Ms. Karen Schlaak
Water Rights Program
South Dakota DENR
523 East Capitol
Pierre, SD 57501-3182

Dear Karen,

I am writing in regards to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3, and 5716-3 held by Minnehaha Community Water Corporation. We would like to renew these three future use permits and we submit the following justification for renewal.

- Farming operations within Minnehaha County continue to expand and take more water. New dairies and ethanol plants are also investigating sites within the county.
- Our water pumping volumes have increased at a rate of 5% per year over the last ten years.
- MCWC has added between 80 and 150 new users in each of the last five years.
- Bulk water delivered to the towns within Minnehaha County continues to increase. Hartford's projection of water use increases from 400 gpm to 1,500 gpm over the next twenty years. The City of Crooks expects to double the number of homes over the next ten years.
- MCWC is a member of the Lewis & Clark Rural Water System and expects to get 2 MGD, but will additionally need to expand our treatment plant to meet long term growth projections.

I hope that this is sufficient justification to retain our Future Use Permits. Thank you for your consideration of our renewal request.

Sincerely,

Scott J. Buss
Executive Director



**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. 5716-3, Minnehaha Community Water Corporation**

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. 5716-3, Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022.

The Chief Engineer is recommending that Future Use Permit No. 5716-3 REMAIN in EFFECT for 750 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5716-3, 2) the corporation has demonstrated a reasonable need for the water reserved by Permit No. 5716-3, 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. 5716-3 is subject to payment of the \$35.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the corporation after the Board hearing.

Garland Erbele, Chief Engineer
April 4, 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

April 4, 2007

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

Scott J Buss, Executive Director
Minnehaha Community Water Corp.
47381 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. The notice of this review has been sent to the following papers:

Minnehaha County -- Argus Leader, Sioux Falls SD 605 331-2200
Lincoln County -- Sioux Valley News, Canton SD 605 793-2293
McCook County -- Salem Special, Salem SD 605 425-2361

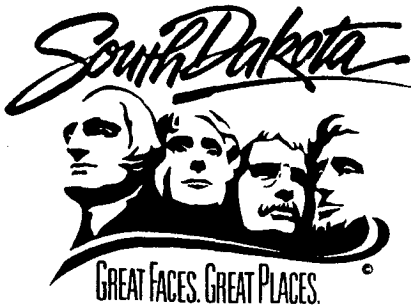
For your information, a copy of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

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 the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 2007

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on April 11, 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 Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305.

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 April 4, 2007 enclosing Notice of Hearing to Review Future Use Water Permits 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

April 4, 2007

Sioux Valley News
PO Box 255
Canton SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on April 11, 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 Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022-5305.

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 April 4, 2007 enclosing Notice of Hearing to Review Future Use Water Permits which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 2007

Salem Special
PO Box 220
Salem SD 57058-0220

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 to be published twice. Please publish the first notice on April 11, 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.

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

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Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on April 11, 2007 with 2nd publication 7 days later. Minnehaha Community Water Corporation is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE $\frac{1}{4}$ Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-3 at 10:00 am on May 9, 2007 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 April 30, 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 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.

(continued)

The hearing to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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Any person wishing a copy of the Chief Engineer's recommendations, further information on these 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 April 30, 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 Permits. The request for a delay must be filed with the Chief Engineer by April 30, 2007. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

RECEIVED

APR 23 2007

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

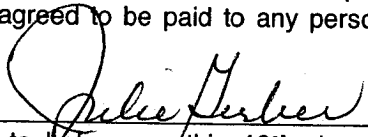
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

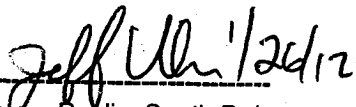
a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

APRIL 12, 2007

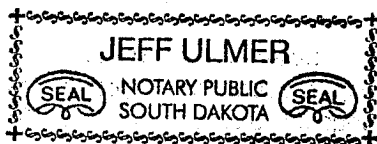
APRIL 19, 2007

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$61.81** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.


Subscribed and sworn to before me this **19th** day of **APRIL, 2007**.


Notary Public, South Dakota

(Seal)



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St, Dell Rapids, SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by permits. The permits supply water for rural water system use in Minnehaha, Lincoln and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management unit of the Big Sioux Aquifer to be located in the NE1/4NE1/4 Section 32 and the S1/2SE1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet remain in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE1/4NE1/4 Section 32 and S1/2SE1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-3 at 10:00 a.m. on May 9, 2007 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 the SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 30, 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 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.

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(4-12, 19)

RECEIVED

APR 25 2007

WATER RIGHTS
PROGRAM

Form 8

Public Notice

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

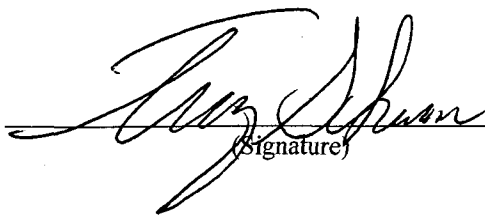
County of McCook) SSI, Troy Schwans

certify that the attached printed Notice was taken

from the Salem Specialprinted and published in SalemCounty of McCook and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Apr. 12, 2007Apr 19, 2007Cost of Printing \$ 86.67


(Signature)

Owner

(Title)

4/20/07

(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

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Permit No. 5716-3 reserves water from the Sioux Falls Management unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

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The Water Management Board will conduct the hearing to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 at 10:00 am on May 9, 2007 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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4/12,19

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340

Invoice Number: 1016723

SD Dept Of Environment & Natural Resources

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Betty Jones 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 April 2007,
Wednesday, the 18 day of April 2007,
 _____, the _____ day of _____ 2007,
 _____, the _____ day of _____ 2007,
 _____, the _____ day of _____ 2007,
 _____, the _____ day of _____ 2007,
 _____, the _____ day of _____ 2007,

and that \$199.59 was charged for publishing the same

Subscribed and sworn to before me 5/2/2007

JACQUELINE ZIMMERMAN

NOTARY PUBLIC
SOUTH DAKOTA

Notary Public, South Dakota

My Commission expires December 22, 2009

RECEIVED

MAY 07 2007

AIR QUALITY
PROGRAM

Miscellaneous

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, 47381 248th St. Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and

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Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet remain in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet remain in reserve by Permit No. 5716-3.

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**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 10, 2007

NOTICE

Scott Buss, Manager
Minnehaha Community Water Corporation
47381 248th St
Dell Rapid SD 57022-5303

Dear Mr. Buss:

I am writing in response to action taken by the Water Management Board at the hearing on May 9, 2007 to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3. The Board allowed each of the permits to remain in effect. Pursuant to SDCL 46-2-13(2) the fees for maintaining the effectiveness of each permit are as follows:

Permit No. 4838A-3 - 33 acre-feet annually remains in reserve - \$15.00
Permit No. 5063A-3 - 717 acre-feet annually remains in reserve - \$32.50
Permit No. 5716-3 - 750 acre-feet annually remains in reserve - \$35.00

Please remit a total of \$82.50 within 60 days. The Future Use Permits are subject to another review in seven years.

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

Sincerely,

A handwritten signature in black ink that reads "Garland Erbele". The signature is written in a cursive, flowing style.

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

CERTIFICATION

I hereby certify that on May 10, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 10, 2007 regarding permits 4838A-3, 5063A-3 and 5716-3 addressed as stated below:

Scott Buss, Manager
Minnehaha Community Water Corp
47381 248th St
Dell Rapids SD 57022-5303



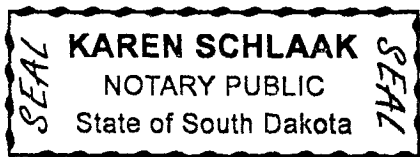
Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of May, 2007.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007/3



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/1, 20 07

RECEIVED OF Minnehaha Community water Corp 47381 248th St Dell Rapids SD 57022

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>5716-3</u> after period of seven years.	35	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	35 00

No.

03060

By

Donald Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 15, 2013

Scott Buss, Manager
Minnehaha Community Water Corp.
47381 248th Street
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3 and 5716-3 held by the Minnehaha Community Water Corporation. 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. These permits reserve water for future water supply needs for the corporation.

Currently, our records indicated the following:

Permit No. 4838A-3	Sioux Falls Management Unit of Big Sioux Aquifer 33 acre-feet remaining in reserve
Permit No. 5063A-3	Wells less than 70 feet deep 717 acre-feet remaining in reserve
Permit No. 5716-3	Sioux Falls Management Unit of Big Sioux Aquifer 750 acre-feet remaining in reserve

Please respond in writing by January 1, 2014 regarding the corporation's intention for the future use permits. If the corporation plans to retain the permits, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs.

The permits will then be public noticed at the corporation'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. If the entire acre-feet amount for each permit remains in reserve, the total fee will be \$740.00.

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

*not correct
\$290*



47381 248TH STREET
DELL RAPIDS, SD 57022-5305
TELEPHONE (605) 428-3374
FAX (605) 428-3395

RECEIVED

DEC - 5 2013

WATER RIGHTS
PROGRAM

December 3, 2013

Ms. Karen Schlaak
Water Rights Program
South Dakota DENR
523 East Capitol
Pierre, SD 57501-3182

Dear Karen,

I am writing in regards to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3, and 5716-3 held by Minnehaha Community Water Corporation. We would like to renew these three future use permits and we submit the following justification for renewal.

- Existing farming operations within Minnehaha County are expanding and using more water. New livestock operations are investigating sites within the county. MCWC has added between 50 and 90 new users in each of the last five years.
- Eight of ten all-time record months for water pumping volume have occurred in the past two years.
- Bulk water delivered to the towns within Minnehaha County increases yearly. Hartford and Dell Rapids continue to add residential housing, and both towns have aggressive plans for industrial development.
- MCWC is a member of the Lewis & Clark Regional Water System and has reserved capacity of 2 MGD. Only one of three connections to L&C has been completed. The other connections are held up by the slow pace of Federal funding for the project.
- MCWC has received inquiries into supplying water to help with distribution issues on neighboring rural water systems. MCWC has also been approached by other L&C members to investigate short term supply arrangements.

I hope that this is sufficient justification to retain our Future Use Permits. Thank you for your consideration of our renewal request.

Sincerely,

A handwritten signature in black ink that reads 'Scott J. Buss'.

Scott J. Buss
Executive Director



**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. 5716-3, Minnehaha Community Water Corporation**

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. 5716-3, Minnehaha Community Water Corp, 47381 248th St, Dell Rapid SD 57022.

The Chief Engineer is recommending that Future Use Permit No. 5716-3 REMAIN in EFFECT for 750 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5716-3, 2) the water corporation has demonstrated a reasonable need for the water reserved by Permit No. 5716-3, 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. 5716-3 is subject to payment of the \$125.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the water corporation after the Board hearing.

Jeanne Goodman, Chief Engineer
January 13, 2014



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



January 14, 2014

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

Minnehaha Community Water Corp.
c/o Scott J Buss, Director
47381 248th St
Dell Rapids SD 57022

Dear Mr. Buss:

Future Use Permit Nos. 4838A-3, 5063-3 and 5716-3 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:

Argus Leader, Sioux Falls SD 605 331-2200
Moody County Enterprise, Flandreau SD 605 997-3725
Daily Leader, Madison SD 605 256-4555
The New Era, Parker SD 605 297-4419
Salem Special, Salem SD 605 425-2361
Sioux Valley News, Canton SD 605 764-2000

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 January 22 or 23, 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

Instruction to Newspaper-Publish the following Notice on January 22 or 23, 2014. Minnehaha Community Water Corp. 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 PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-3 at 9:00 am, March 6, 2014 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 February 24, 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. 4838A-3, 5063A-3 and 5716-3 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.

(continued)

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 February 24, 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 February 24, 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



January 14, 2014

Argus Leader
PO Box 5043
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permits to be published on January 22, 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 Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 (605 428-3374).

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



January 14, 2014

Moody County Enterprise
PO Box 71
Flandreau SD 57028

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permits to be published on January 22, 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

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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



January 14, 2014

Daily Leader
PO Box 348
Madison SD 57042

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permits to be published on January 22, 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

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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



January 14, 2014

The New Era
PO Box 579
Parker SD 57053

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permits to be published on January 23, 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

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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



January 14, 2014

Salem Special
PO Box 220
Salem SD 57058

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permits to be published on January 23, 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

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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



January 14, 2014

Sioux Valley News
PO Box 255
Canton SD 57013

Dear Sir:

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

RECEIVED

FEB 24 2014

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Robin Schneider of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#5749 Notice of Hearing to Review Future Water Permits

_____ printed copy of hereto attached, is printed and published in the said newspaper one successive weeks, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 23rd day of Jan. , 2013

That \$47.99 being the full amount of the fees for publication of the attached notices insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

See attached

Robin Schneider

Subscribed and sworn to before me this 19th

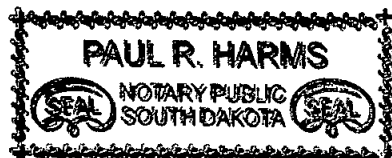
Day of February 2014

Paul R. Harms

Notary Public, Turner County, South Dakota

My Commission Expires: March 20, 2018

Publication Fee \$
Notary Fees \$
Total \$47.99



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

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St. Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually; 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-3 at 9 am, March 6, 2014 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 hear-

ing 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 Feb. 24, 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.

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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 Feb. 24, 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 Feb. 24, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$47.99.

(#5749, 01/23/14, The New Era)

RECEIVED

FEB 24 2014

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Hearing to Review Future Use Water Permits

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

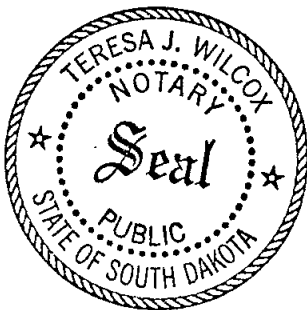
January 23, 2014

that the full amount of the fees charged for publishing the same to-wit: the sum of \$48.37 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Andy Wilcox
Ascribed and sworn to before me this 23rd day of
January, 2014.

[Signature]
Notary Public, South Dakota

(Seal)



My Commission Expires
12/9/2014

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

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Published in the Sioux Valley News on January 23, 2014 at the total approximate cost of \$48.37.

RECEIVED

FEB 10 2014

WATER RIGHTS
PROGRAM

**AFFIDAVIT OF PUBLICATION
RECEIVED**

Wednesday, Jan. 22

STATE OF SOUTH DAKOTA }
County of Lake } ss.

JAN 27 2014

**WATER RIGHTS
PROGRAM**

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

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux

Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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.

Publicat The Water Management Board will conduct the hearing to review
Notary F Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 at 9:00 am,
T March 6, 2014 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

Received Payment,

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

Minnehaha Community Water Corp.

Hearing to Review Future Use Water Permits

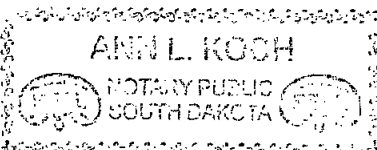
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 22nd day of January, 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;
On , the day of , 20;

That \$ 48.79 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 23rd day of January, 2014



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

In Court
County of

AFFIDAVIT OF PUBLICATION

Filed in the office of
..... on the
..... day of
20

Attorneys for

The recommendation of the Chief Engineer is 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 February 24, 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 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. 4838A-3, 5063A-3 and 5716-3 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 February 24, 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 February 24, 2014.

STEVEN M. PIRNER
Secretary, Department of
Environment and
Natural Resources

Published once at the total
approximate cost of \$48.79

RECEIVED

JAN 27 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Troy Schwans

certify that the attached printed Notice was
taken

from the Salem Special

printed and published in Salem

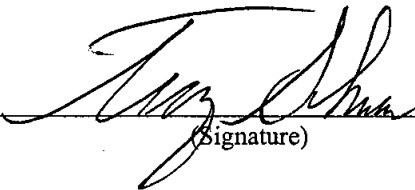
County of McCook and

state of South Dakota. The notice was
published

in the newspaper on the following date:

January 23, 2014

Cost of Printing \$50.78


(Signature)

Owner
(Title)

1/23/14
(Date Signed)

Public Notice

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-

3 at 9:00 am, March 6, 2014 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 February 24, 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. 4838A-3, 5063A-3 and 5716-3 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 February 24, 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 February 24, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$50.78.

1-23

RECEIVED

JAN 24 2014

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Dibelink

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 date:

January 22, 2014

Cost of Printing \$47.61

Angela Dibelink
(Signature)

Office Manager
(Title)

Jan. 22, 2014
(Date Signed)

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No.

4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-3 at 9:00 am, March 6, 2014 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the 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 February 24, 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

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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 February 24, 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 February 24, 2014.

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

Published once at the total approximate cost of \$50

CUSTOMER NUMBER:	078200	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349	
AD ORDER NUMBER:	1433912		
	1/22, 2014		\$116.97

Minnehaha Community Water Corp
% Scott J Buss, Director
47381 248th St
Dell Rapids, SD 57022

RECEIVED
JAN 24 2014
WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078200
Invoice Number: 1433912

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	22	day of	January	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 \$116.97 was charged for publishing the same

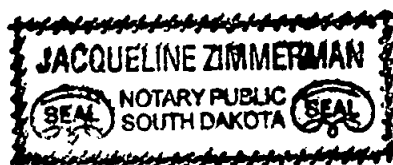
Linda Schulte

Subscribed and sworn to before me 1/22/2014

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF HEARING TO REVIEW FUTURE USE PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by Minnehaha Community Water Corporation, c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the Permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Moody, Lake, Turner and McCook Counties.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and the S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the water permits/rights indicates that 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the water permits/rights indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, 5063A-3 remain in effect for 717 acre-feet annually and 5716-3 remain in effect for 750 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. 4838A-3, 5063A-3 and 5716-3 at 9:00 am, March 6, 2014 at the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD. The recommendation of the Chief Engineer is not final and binding upon the Board and the Board is authorized to 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 February 24, 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 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.

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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 February 24, 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 February 24, 2014. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the approximate cost of \$116.97.

The Board is authorized to 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

1433912 Jan. 22, 2014



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



March 7, 2014

NOTICE

Minnehaha Community Water Corp.
c/o Scott J Buss, Director
47381 248th St
Dell Rapids SD 57022

Dear Mr. Buss:

I am writing in response to action taken by the Water Management Board at the hearing on March 6, 2014 to review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3. The Board allowed Permit No. 4838A-3 to remain in effect for 33 acre-feet of water annually, Permit No. 5063A-3 to remain in effect for 717 acre-feet of water annually and Permit No. 5716-3 to remain in effect for 750 acre-feet annually. The three permits are subject to another review in seven years.

The fee for maintaining the effectiveness of each permit is as follows: Permit No. 4838A-3 (\$50.00), Permit No. 5063A-3 (\$115.00) and Permit No. 5716-3 (\$125.00) for a total of \$290.00. 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 March 7, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7, 2014 regarding Future Use Permits addressed as stated below:

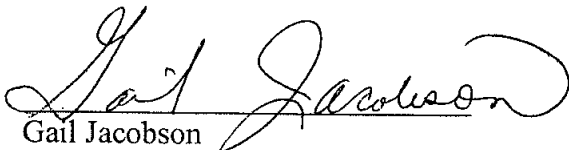
City of Spearfish, T Callaway, 625 N 5th St, Spearfish SD 57783 # **1872-1**

Southern Black Hills WS, Don Peterson, 26858 Hwy 385, Hot Springs SD 57747 # **2580-2**

Watertown Municipal Utilities, J DeVille, 901 4th Ave SW, Watertown SD 57201 # **5862-3**

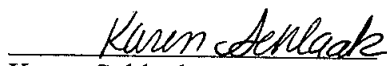
City of Brandon, B Read, PO Box 95, Brandon SD 57005 # **4002-3**

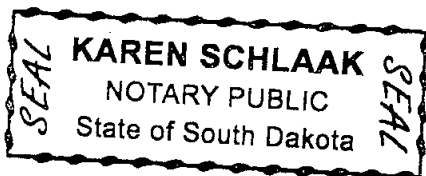
Minnehaha Community Water, S J Buss, 47381 248th St, Dell Rapids SD 57022
#s **4838A-3, 5063A-3 & 5716-3**


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 14.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/31, 20 14

RECEIVED OF Minnehaha Comm Water Corp 47381 248th Srt Dea1 Rapids SD 57022

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	125	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>5716-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	125 00

No. **06804**

By J Anne Lockman
Chief Engineer



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 2021

Scott Buss, Manager
Minnehaha Community Water Corp.
47281 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corporation. 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. These permits reserve water for future water supply needs for the water corporation and were last reviewed in 2014.

Currently, our records indicate the following:

Permit No. 4838A-3	Sioux Falls Management Unit of Big Sioux Aquifer 33 acre-feet remaining in reserve
Permit No. 5063A-3	Wells less than 70 feet deep 717 acre-feet remain in reserve
Permit No. 5716-3	Sioux Falls Management Unit of Big Sioux Aquifer 750 acre-feet remain in reserve

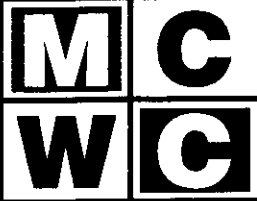
Please respond in writing by February 1, 2021 regarding the corporation's intention for the future use permits. If you plan to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

The permits will then be public noticed at the corporation'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. If the entire acre-feet amount for each permit remains in reserve, the total fee will be \$290.00.

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



MINNEHAHA COMMUNITY WATER CORP.

47381 248th St.
Dell Rapids, SD 57022

Phone : 605-428-3374
Fax : 605-428-3395
Web : www.minnehahacommunitywater.com
Email : mcwcbilling@siouxvalley.net

January 8, 2021

RECEIVED

JAN 11 2021

WATER RIGHTS
PROGRAM

Ms. Karen Schlaak
Water Rights Program
South Dakota DENR
523 East Capitol
Pierre, SD 57501-3182

Dear Karen,

I am writing in regards to the seven year review of Future Use Water Permit Nos. 4838A-3, 5063-3, and 5716-3 held by Minnehaha Community Water Corporation. We would like to renew these three future use permits and we submit the following justification for renewal.

- Existing farming operations within Minnehaha County are expanding and using more water. Two new dairies have added sites in the past year. MCWC has added between 50 and 90 new users in each of the last five years.
- During 2020, MCWC passed 1 Billion gallons sold for the first time.
- Bulk water delivered to the towns within Minnehaha County increases yearly. Hartford, Dell Rapids, Baltic and Crooks continue to add residential housing. Hartford and Dell Rapids have aggressive plans for industrial development.
- MCWC is a member of the Lewis & Clark Regional Water System and has reserved capacity of 2 MGD. During August of 2020, MCWC used the full allocated capacity from L&C.
- MCWC has contracted with Big Sioux Community Water to deliver 1 MGD. Big Sioux then delivers a portion of the volume to Madison, SD to help with supply until the L&C pipeline can reach Madison.

I hope that this is sufficient justification to retain our Future Use Permits. Thank you for your consideration of our renewal request.

Sincerely,

Scott J. Buss
Executive Director



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 5063A-3, Minnehaha Community Water Corp.**

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. 5063A-3, Minnehaha Community Water Corp, 47381 248th St, Dell Rapids SD 57022.

The Chief Engineer is recommending that Future Use Permit No. 5063A-3 REMAIN in EFFECT for 717 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 5063A-3, 2) the corporation has demonstrated a reasonable need for the water reserved by Permit No. 5063A-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. 5063A-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the corporation after the Board hearing.

Eric Gronlund, Chief Engineer
January 28, 2021

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 4:41 PM
To: 'mcwcbilling@siouxvalley.net'
Subject: Review of MCWC future use permits
Attachments: 0471.pdf; OrderConf.pdf

Attached is a copy of the chief engineer recommendations and information regarding the public notice for your future use permits. 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.

The second document is the confirmation from the Argus Leader. Hopefully this information will help when contacting them to authorize publication.

Karen Schlaak

Water Rights Program
(605) 773-3352



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2021

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

Minnehaha Community Water Corp.
c/o Scott J Buss, Director
47381 248th St
Dell Rapids SD 57022

Dear Mr. Buss:

Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in each county where water will be diverted or used. Notice of this review has been sent to the following papers:

Argus Leader, Sioux Falls 605 331-2200
Moody County Enterprise, Flandreau 605 997-3725
Daily Leader, Madison 605 256-4555
The New Era, Parker 605 297-4419
Salem Special, Salem 605 425-2361
Sioux Valley News, Canton 605 764-2000

For your information, a copy of the Chief Engineer's recommendations for each permit 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 February 3 or 4, 2021. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Instruction to Newspaper - Publish the following Notice on February 3 or 4, 2021. The Minnehaha Community Water Corp. is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 these future use permits at 10:00 am central time, March 3, 2021, in the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amends the permit 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 February 22, 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. 4383A-3, 5063A-3 and 5716-3 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 February 22, 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 February 22, 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 February 15, 2021. Published once at the approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:48 PM
To: 'legals@argusleader.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:49 PM
To: 'mce6@mcisweb.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 3, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:50 PM
To: 'ads@madisondailyleader.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:51 PM
To: 'newera@ncppub.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:51 PM
To: Salem Special (tschwans@triotel.net)
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, January 28, 2021 3:52 PM
To: 'svn@siouxvalleynewsonline.com'
Subject: Notice of Hearing - Minnehaha Community Water Corp.
Attachments: 4838A-3FU pub notice.doc; FORM8.FRM.doc

Attached is a notice to be published on February 4, 2021.

Minnehaha Community Water Corp, c/o Scott J Buss, Mgr, 47381 248th St, Dell Rapids SD 57022 (605 428-3374) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak
Water Rights Program
(605) 773-3352



DENR
SOUTH DAKOTA

Argus Leader

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

Account No: SFA-0000000742

Ad No: 0004579635

PO #: AD#4579635

Lines : 214

Ad Total \$131.21

This is not an invoice

of Affidavits: 1

MINNEHAHA COMMUNITY WATER CORP
47381 248TH ST
DELL RAPIDS, SD 57022

Account No.: SFA-0000000742

Ad No.: 0004579635

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, February 3, 2021

Sworn to and subscribed before me this 17 day of February, 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 PERMITS**

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 hearings to review these future use permits at 10:00 am central time, March 3, 2021, in the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permit 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 February 22, 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. 4838A-3, 5063A-3 and 5716-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-36.1, Board Rules ARSD 74:02:01:23.01 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 February 22, 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 February 22, 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 February 15, 2021.

Published once at the approximate cost of \$131.21.
4579635 Feb. 3, 2021

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FEB 22 2021

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Turner) SS

I, Julie Novell

certify that the attached printed Notice was taken
from the NEW Era

printed and published in Parker

County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

February 4, 2021

Cost of Printing \$ 71.16

Julie Novell
(Signature)

Office Manager
(Title)

Feb. 18, 2021
(Date Signed)

made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17, T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be

Notice of Hearing to Review Future Use Water Permits

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress

located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 these future use permits at 10:00 a.m. central time, Wednesday, March 3 in the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the

Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permit 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 February 22, 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. 4838A-3, 5063A-3 and 5716-3 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 February 22, 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 February 22, 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 Monday, February 15.

Published once at the approximate cost of \$71.16

(N0204-4)

... of hearing for minor

Affidavit of Publication

RECEIVED

FEB 22 2021

WATER RIGHTS
PROGRAM

February 10 L25226
NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 2580-2

Notice is given that the Water Management Board will review Future Use Permit No. 2580-2 held by the Southern Black Hills Water System, c/o Don Peterson, 26856 Hwy 385, Hot Springs SD 57747 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. 2580-2. This permit was approved 2007 and currently reserves 1,474 acre-feet from the Madison Aquifer. The area reserved for future use is the approximate center of the NW 1/4 Section 6-T3S-R5E (Custer County); S 1/2 SE 1/4 Section 16-T6S-R4E (Custer County); W 1/2 NW 1/4 Section 21-T8S-R5E (Fall River County) and S 1/2 NW 1/4 Section 24-T6S-R5E (Custer County). The water is reserved for rural water use serving users in Fall River, Custer, and Pennington Counties.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 2580-2 REMAIN IN EFFECT for 1,474 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. 2580-2 at 10:00 am central time, March 3, 2021 in the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 22, 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 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. 2580-2 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.

STATE OF SOUTH DAKOTA

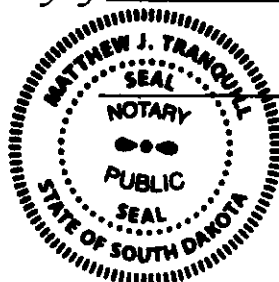
County of Pennington

SS:

Sheri Sponder being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the RAPID CITY JOURNAL, a corporation of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Rapid City Journal, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each day for one successive day, the first publication there of being on the 10th day of Feb 2021 that the fees charged for the publication there of are 85 dollars and 11 cents.

Sheri Sponder

Subscribed and sworn to before me this 18th day of February, 2021.



Matthew J. Tranter
Notary public

December 5, 2025

My commission expires

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Ron Duvall, Water Rights Program, (605 773-3352) by February 22, 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 Permit. The request for a delay must be filed with the Chief Engineer by February 22, 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 February 22, 2021.

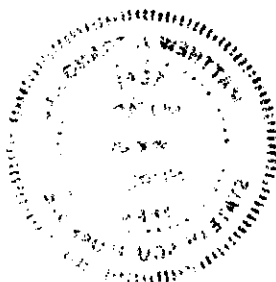
(Published once at the approximate cost of \$85.11)

IN THE _____ COURT
COUNTY OF PENNINGTON

**Publisher's and Attorney's
Affidavit**

Filed in the office of _____ on
the _____ day of _____
20____

Attorney for _____



RECEIVED

FEB 08 2021

Form 8

WATER RIGHTS
PROGRAM

ay, February 4, 2021 - Page 7

Public Notice

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 these future use permits at 10:00 am central time, March 3, 2021, in the Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permits for

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Troy Schwans

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

printed and published in McCook Salem

County of McCook and
state of South Dakota. The notice was published

in the newspaper on the following date:

Feb. 4, 2021

Cost of Printing _____

Approx. \$57.38

Troy Schwans
(Signature)

Editor
(Title)

2/4/21
(Date Signed)

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 February 22, 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. 4383A-3, 5063A-3 and 5716-3 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 February 22, 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 February 22, 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 February 15, 2021.

Published once at the total approximate cost of \$57.38.

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF SOUTH DAKOTA }
 County of Lake } ss.

FEB 08 2021

WATER RIGHTS
PROGRAM

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

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

Water Rights Program

Notice of Hearing to Review Future Use Water Permits

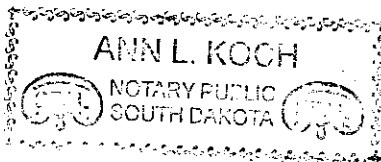
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 4th day of February, 2021;
 On , the day of , 2021;
 On , the day of , 2021;
 On , the day of , 2021;
 On , the day of , 2021;
 On , the day of , 2021;
 On , the day of , 2021;
 On , the day of , 2021;

That \$ 53.12 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Joanne Wheeler

Subscribed and sworn to before me this 5th day of
 February, 2021



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

Thursday, Feb. 4

NOTICE OF HEARING
TO REVIEW FUTURE USE
WATER PERMITS

Notice is given that the Water Management Board will review Future Use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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.

Publication Fees _____ \$

Notary Fees _____ \$

Total _____ \$

Received Payment,

County of

he office of

on the

day of

Attorneys for

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 February 22, 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

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 February 15, 2021.

Published once at the total approximate cost of \$53.12

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

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:

2-3-21

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

\$ 53⁹⁶

M. Headrick

bookkeeper

Subscribed and sworn to before me this

4 day of February AD 2021

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

Notice is given that the Water Management Board will review future use Permit Nos. 4838A-3, 5063A-3 and 5716-3 held by the Minnehaha Community Water Corp. c/o Scott J Buss, Director, 47381 248th St, Dell Rapids SD 57022 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved by the permits. The permits supply water for rural water system use in Minnehaha, Lincoln, Lake, Moody, Turner and McCook Counties and were last reviewed in 2014.

Permit No. 4838A-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates 33 acre-feet of water remains in reserve by Permit No. 4838A-3.

Permit No. 5063A-3 reserves water from wells less than 70 feet deep to be located in the NE 1/4 Section 17-T104N-R49W. A review of the permit indicates 717 acre-feet of water remains in reserve by Permit No. 5063A-3.

Permit No. 5716-3 reserves water from the Sioux Falls Management Unit of the Big Sioux Aquifer to be located in the NE 1/4 NE 1/4 Section 32 and S 1/2 SE 1/4 Section 29; all in T104N-R49W. A review of the permit indicates that 750 acre-feet of water remains in reserve by Permit No. 5716-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4838A-3 remain in effect for 33 acre-feet annually, Permit No. 5063A-3 remain in effect for 717 acre-feet annually and Permit No. 5716-3 remain in effect for 750 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 these future use permits at 10:00 am central time, March 3, 2021, in the Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permit 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 February 22, 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. 4838A-3, 5063A-3 and 5716-3 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 February 22, 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 February 22, 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 February 15, 2021. Published once at

RECEIVED

FEB 08 2021

WATER RIGHTS
PROGRAM



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2021

NOTICE OF ENTRY OF ORDER

Scott Buss, Manager
Minnehaha Community Water Corp.
47281 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

I am writing in response to action taken by the Water Management Board at the hearing on March 3, 2021 to review Future Use Permit Nos. 4838A-3, 5063-3 and 5716-3. The Board allowed the permits to remain in effect as follows with the fee for maintaining effectiveness also listed.

4838A-3	33 acre-feet annually	\$50.00
5063A-3	717 acre-feet annually	\$115.00
5716-3	750 acre-feet annually	\$125.00

The total fee for maintaining the effectiveness of the permits is \$290.00. Please make checks payable to the Water Rights Program and remit the fee within 60 days. The three permits are subject to another review in seven years.

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 March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 4, 2021, regarding Future Use Review addressed as stated below:

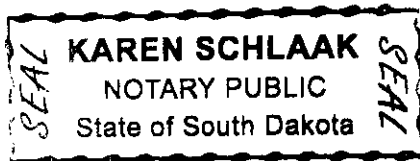
City of Spearfish, Brandy Kean, Public Works Director, 625 5th St., Spearfish SD 57783
Southern Black Hills Water System, C/O Don Peterson, 26858 Hwy 385, Hot Springs SD 57747
Matthew E Naasz, Gunderson Palmer Nelson & Ashmore, PO Box 8045, Rapid City SD 57709
Tami Jansma, City Engineer, City of Brandon, PO Box 95, Brandon SD 57005
Scott Buss, Manager, Minnehaha Community Water Corp., 47281 248th St., Dell Rapids SD 57022-5305

Vickie Maberry
Senior Secretary-Water Rights

[illegible]

Sworn to, before me, this 4th day of March, 2021.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 27, 2021

Scott Buss, Manager
Minnehaha Community Water Corp.
47281 248th St
Dell Rapids SD 57022-5305

Dear Mr. Buss:

On March 4, 2021 we requested fees for maintaining the effectiveness of Future Use Permit Nos. 4838A-3, 5063-3 and 5716-3. As of today, we have not received this payment.

Please submit the total fee of \$290.00 as soon as possible to avoid violating the regulation regarding the water corporation's three future use permits. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 3, 2021

RECEIVED OF Minnehaha Community Water Corp. 47281 248th St Dell Rapids SD 57022-5305

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>5716-3</u> after period of seven years.	\$125.00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$125.00

By

Eric Gronlund

Chief Engineer

vm