

WATER PERMIT NO. 5751-3

Phone: 853-3159

Name of Applicant: Mid-Dakota Rural Water System, Inc.

Post Office Address: PO Box 69, Miller SD 57362

Amount of Water Claimed: 16.49 cfs - 9,999 AF Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: Rural Water System County: Hughes

About _____ miles _____ of _____

PRIORITY _____ Date Received: 2-11-93 Fee: \$2,650.00 Remarks: to supply

13 counties

Corrected Application Received: 2-26-93 Period of Annual Use: Jan 1 - Dec 31

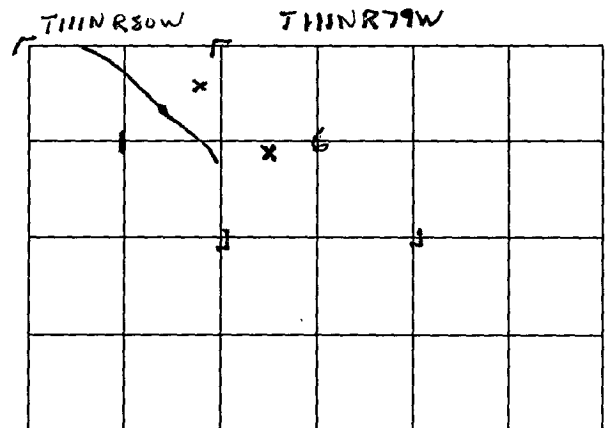
WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: Lot 3 (E 1/2 NE 1/4)

Sec 1-T111N-R80W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: topo PREPARED BY: Douglas W. Mund Reviewed and the Number

Assigned on: 3-1-93 By: Karen Schlaak

No. 5751-3 Hydrologic Unit 10130105
 Map No. _____ Basin _____
 Newspaper (See attached sheet)

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

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

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 Mid-Dakota Rural Water System, Inc. Phone No. (605) 853-3159

Post Office Address P.O. Box ³¹⁸ 69, 120 W. 2nd Str., Miller State SD 57362
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 16.49 cfs = 7400 GPM (6250 Rural Water + 1150 Wetland Enhancement)
(9,999 acre-feet annually)

3. Source of water supply Missouri River
Lot 3 (E 1/2 NE 1/4) Sec 1-T11N-R80W

4. Location of point of diversion The diversion point will be the existing COE Powerplant Intake
located at the Oahe Dam. Mid-Dakota will utilize the existing COE Intake Facilities
Lot 17 (N 1/2 SW 1/4) Sec 6-T11N-R79W

by connecting to piping within the Powerplant. County Hughes

5. Counties where water will be used Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle,
Buffalo, Jerauld, Sanborn, Kingsbury and Aurora

6. Annual period during which water is to be used All year (Jan. - Dec.)

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)

See Attachment No. 1

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. (see instruction)

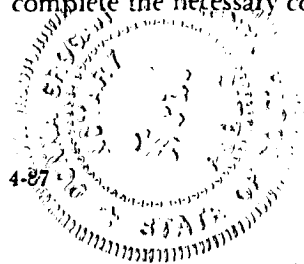
STATE OF SOUTH DAKOTA)
 County of _____) ss

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

Signed Susan Hargens

Subscribed and sworn to before me this 9th day of February 1993

Donna Logan
 Notary Public

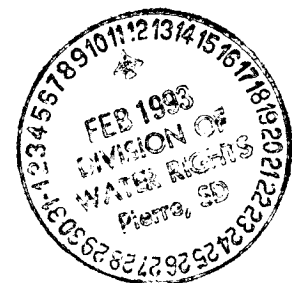


ATTACHMENT NO. 1

The Mid-Dakota Rural Water System will provide a dependable supply of high-quality drinking water for rural, domestic, and municipal users throughout central South Dakota. The project will provide high-quality Missouri River water to over 30,000 people in 24 communities and through 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water.

The Mid-Dakota project was signed into law October 30, 1992. The federal authorizing language, in addition to the drinking water aspects, provides for a Wetland Trust to be administered by the South Dakota Game, Fish, and Parks Foundation. This unique wetland enhancement component has potential to improve existing wetlands and to create new wetlands.

Copies of the November 1988 Mid Dakota Rural Water System Feasibility Study and Report by DeWild Grant Reckert & Assoc. Co. and the March, 1990 Supplemental Report for Mid-Dakota Rural Water System by Bartlett & West Engineers, Inc. have been included.



**SOUTH DAKOTA
WATER PERMIT NO. 5751-3**

Date of first receipt of application February 11, 1993.

Date of return to applicant for corrections, amendments or changes February 11, 1993.

Date of receipt of corrected application February 26, 1993.

The Water Management Board approved Water Permit Application No. 5751-3 on May 5, 1993 for Mid-Dakota Rural Water System, Inc., PO Box 318, Miller SD 57362 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5751-3 appropriates 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam Powerhouse located in Lot 17 (N1/2 SW 1/4) Section 6-T111N-R79W.
2. The water appropriated will be used for the purpose of supplying water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.
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 February 11, 1993.
5. One-fifth of the construction is to be completed on or before November 5, 1995.
6. All construction is to be completed on or before May 5, 1998.
7. Water is to be put to beneficial use on or before May 5, 2002.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The Mid-Dakota Rural Water System, Inc. shall report to the Chief Engineer, annually, the amount of water withdrawn from the Missouri River.

WATER MANAGEMENT BOARD

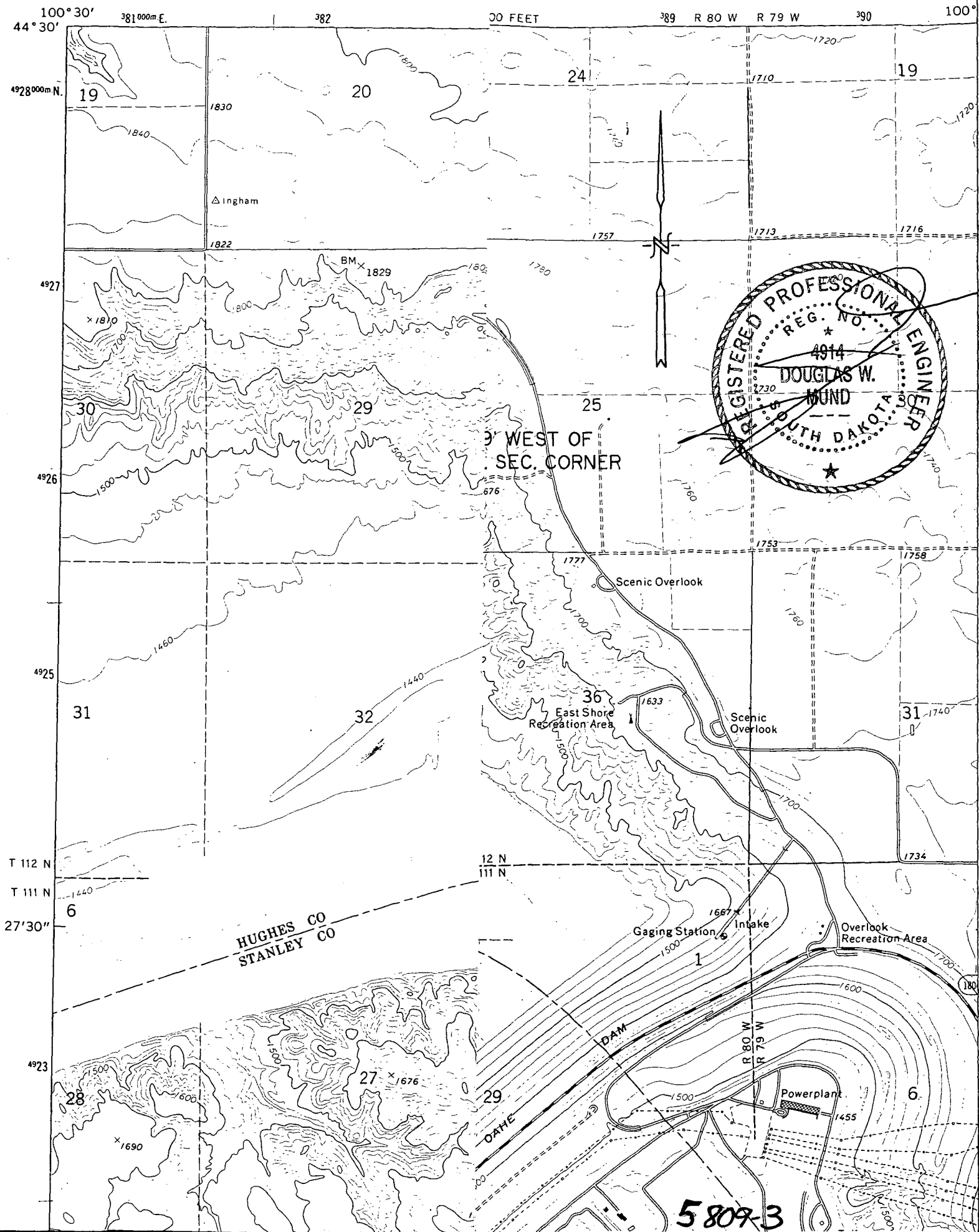
By: John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

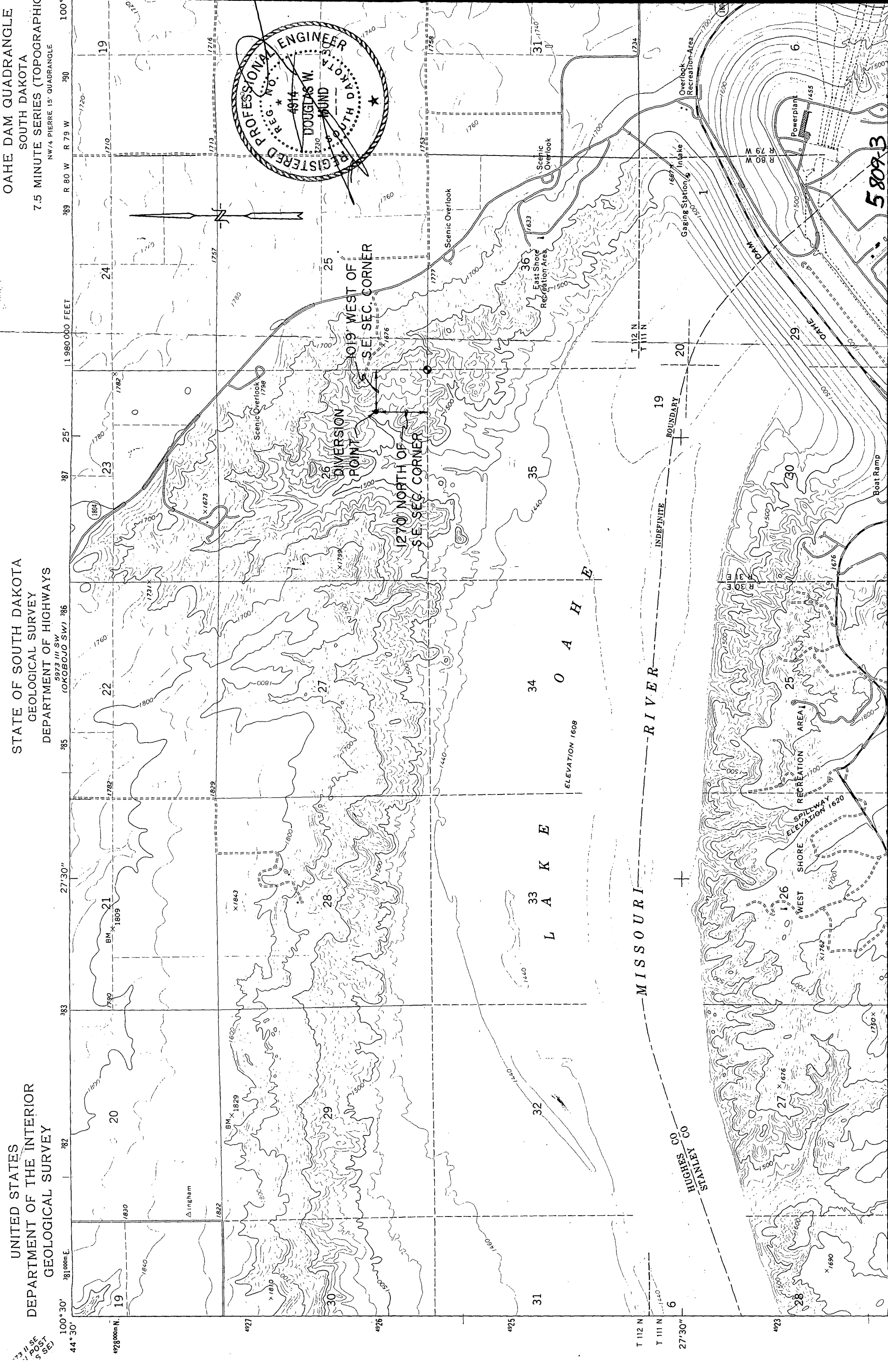
SEP 17 1993
date

311 SE
11 POST
5 SE

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

OAHE DAM QUADRANGLE
SOUTH DAKOTA
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 PIERRE 15' QUADRANGLE





5809-3

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Mid Dakota RWS Water Permit Application

ADDRESS: _____ COUNTY: _____

DATE: 2/11/93 TELEPHONE: _____

RE: Discussion with Doug Mund, consulting engineer

COMMENTS:

Upon received the water permit application for Mid Dakota RWS, I stated that for the notice of hearing we would need the legal description of the point of diversion. From the map submitted it appeared the legal description are:

Intake - E1/2 NE1/4 Section 1, T111N, R80W

Mid Dakota Oahe Pumping Plant - N1/2 SW1/4 Section 6, T111N, R79W

Mr. Mund stated he would get back to me to confirm these legal descriptions.

Additionally, I stated that the application would need to include a annual acre foot volume. I explained SDCL 46-5-20.1 regarding any appropriation over 10,000 acre feet requiring legislative approval. Faxed Mr. Mund a copy of statute. He's going to get back to me with a acre-foot volume.

I stated the fee would be based on the annual acre foot volume. I stated that we are suppose to receipt checks in ASAP, however, if he got ahold of me by tomorrow that would be okay. Additionally I told him if we were to receipt check, we would refund any overpayment.

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

NAME: Eric Gronlund

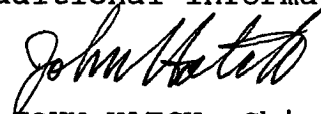
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5751-3, Mid-Dakota Rural Water System, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5751-3, Mid Dakota Rural Water System, Inc., c/o Susan Hargens, PO Box 69, 120 West 2nd Street, Miller, SD 57362.

The Chief Engineer is recommending APPROVAL of Application No. 5751-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The Mid-Dakota Rural Water System, Inc. shall report to the Chief Engineer, annually, the amount of water withdrawn from the Missouri River.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 18, 1993

RECEIPT

413634

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 12, 19⁹³

RECEIVED OF Mid-Dakota Rural Water System, PO Box 69, Miller, SD 57362

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

Fee for Application for Permit No. <u>5751-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	2,650	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	2,650 00

By John Hatch
Chief Engineer

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Mid Dakota RWS Water Permit Application

ADDRESS: _____ COUNTY: _____

DATE: 2/17/93 TELEPHONE: _____

RE: Discussion with Doug Mund, consulting engineer

COMMENTS:

Doug Mund called regarding our conversation from 2/11/93. He stated that the volume the Mid Dakota RWS will claim is 9,999 acre - feet of water annually.

In regards to the legal descriptions he stated that maybe the old plat maps should be used to describe the location of the diversion points. I stated that I'd contact Archives and get the plat maps for this area and see if I could find out which lots the proposed diversion points are located in. Once I determine this I'll fax the applicable portion of the map to see if they agree.

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

NAME: Eric Lund

State Historical Society Board of Trustees

900 ~~800~~ Governors Drive
Pierre, South Dakota 57501-2294

State Agency Billing

February 18, 1993

Received
By:

Eric Gronlund
DENR
Foss Bldg.

Items/Services Received:

3 plats

\$9.00

j f



TOTAL DUE \$9.00

This is a copy for your records only. It is not a bill. A non-cash voucher will be submitted quarterly to your office.

(thank you for your order)

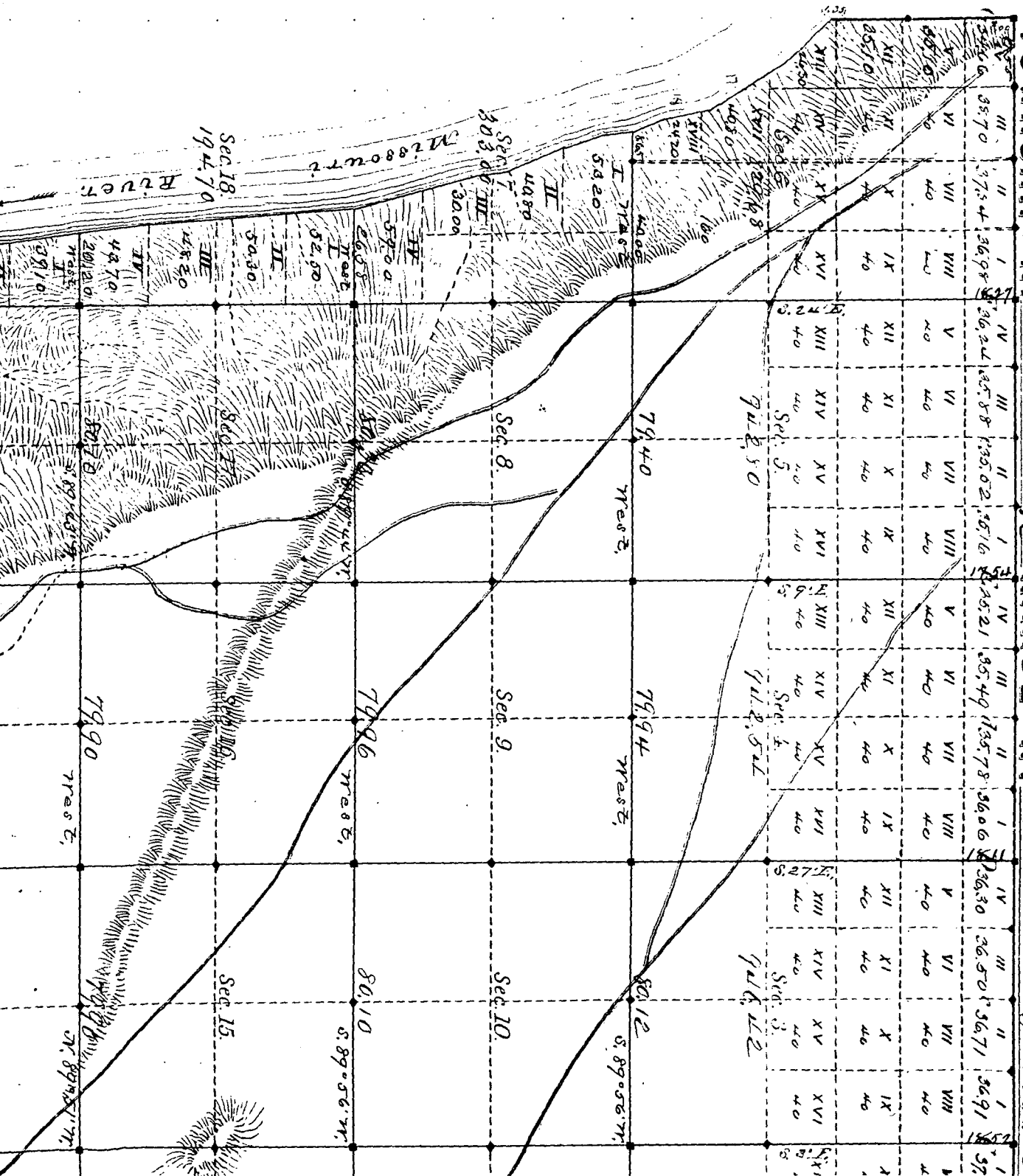
1 - ORIG.

2 - REMITT.

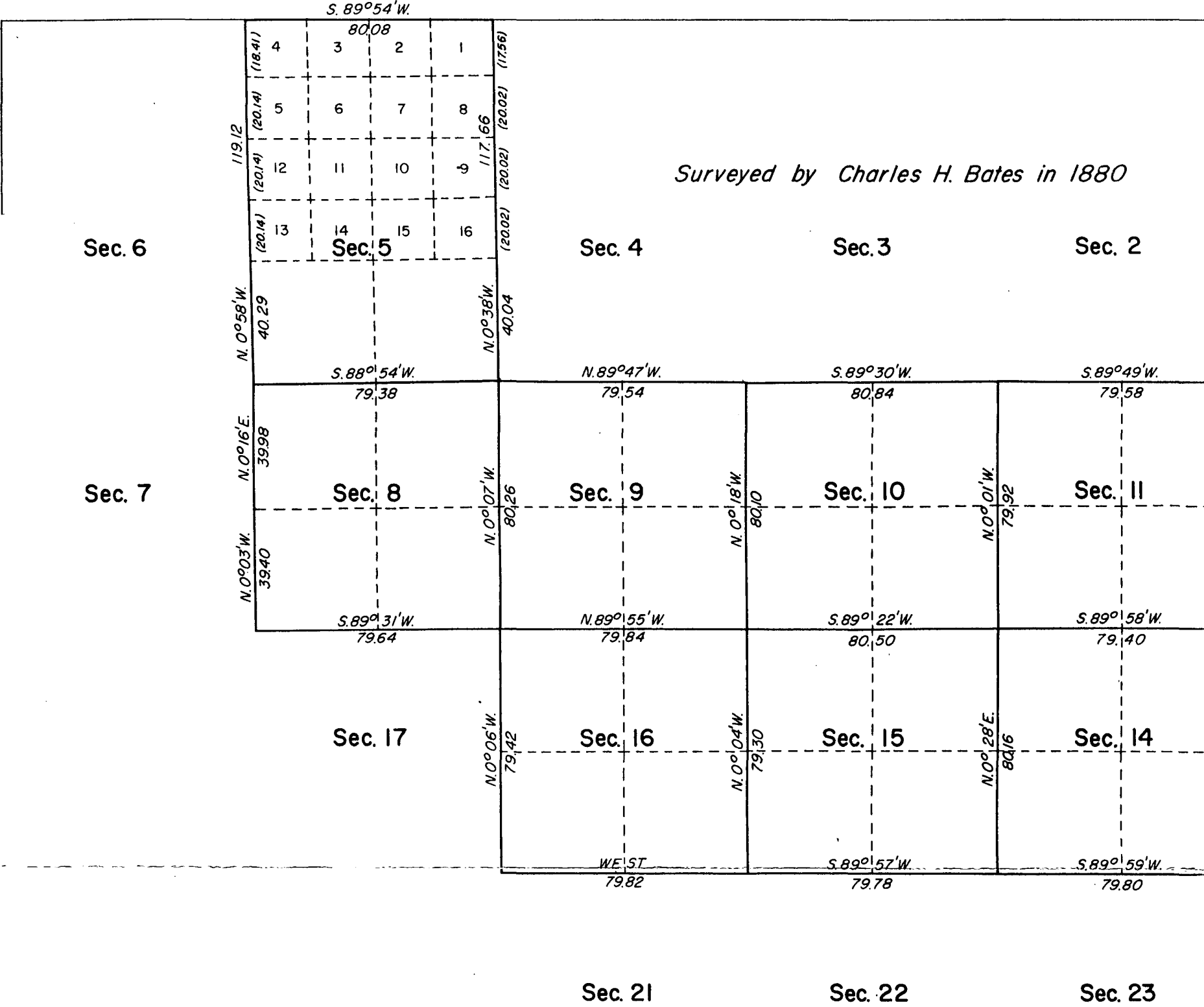
3 - DUP.

4 - OFFICE

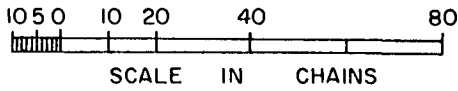
V



TOWNSHIP 111 NORTH, RANGE 79 WEST OF THE FIFTH
DEPENDENT RESURVEY



ic declination
°E.



Sec. 2

Sec. 1

S. 89° 49' W.

79.58

N. 88°59'W.

79.64

Sec. 11

Sec. 12

S. 89° 158' W.

79.40

N 88° 55' W

50	50
79	48

Sec. 14

Sec. 13

S. 89° 159' W.

79.80

N 88° 56' W

79 50

Sec. 23

Sec. 24

80.00
N. 0° 28' E.
W. C. S. 0° 28' W. 2.00

Latitude 44°23.8'N.
Longitude 100°16.1'W.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. February 11, 1975

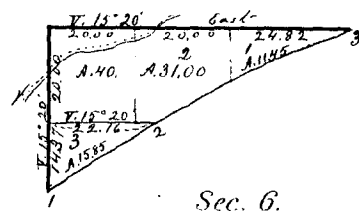
This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Acting Chief, Division of Cadastral Survey

TOWNSHIP N^o 111 North RANGE N^o 80 West of the 5th P.

G f F e E d D c C b



M i s s o u r i R i

g	Sec. 6. A. 48.30	Sec. 5.	Sec. 4.	Sec. 3.	Sec.
H					
h	Sec. 7.	Sec. 8.	Sec. 9.	Sec. 10.	Sec. 11.
I					
i	Sec. 18.	Sec. 17.	Sec. 16.	Sec. 15.	Sec. 14.
K					
k	Sec. 19.	Sec. 20.	Sec. 21.	Sec. 22.	Sec. 23.
L					
l	Sec. 30.	Sec. 29.	Sec. 28.	Sec. 27.	Sec. 26.
M					
m	Sec. 31.	Sec. 32.	Sec. 33.	Sec. 34.	Sec. 35.
N	n	O	o	P	p
				Q	q
					R

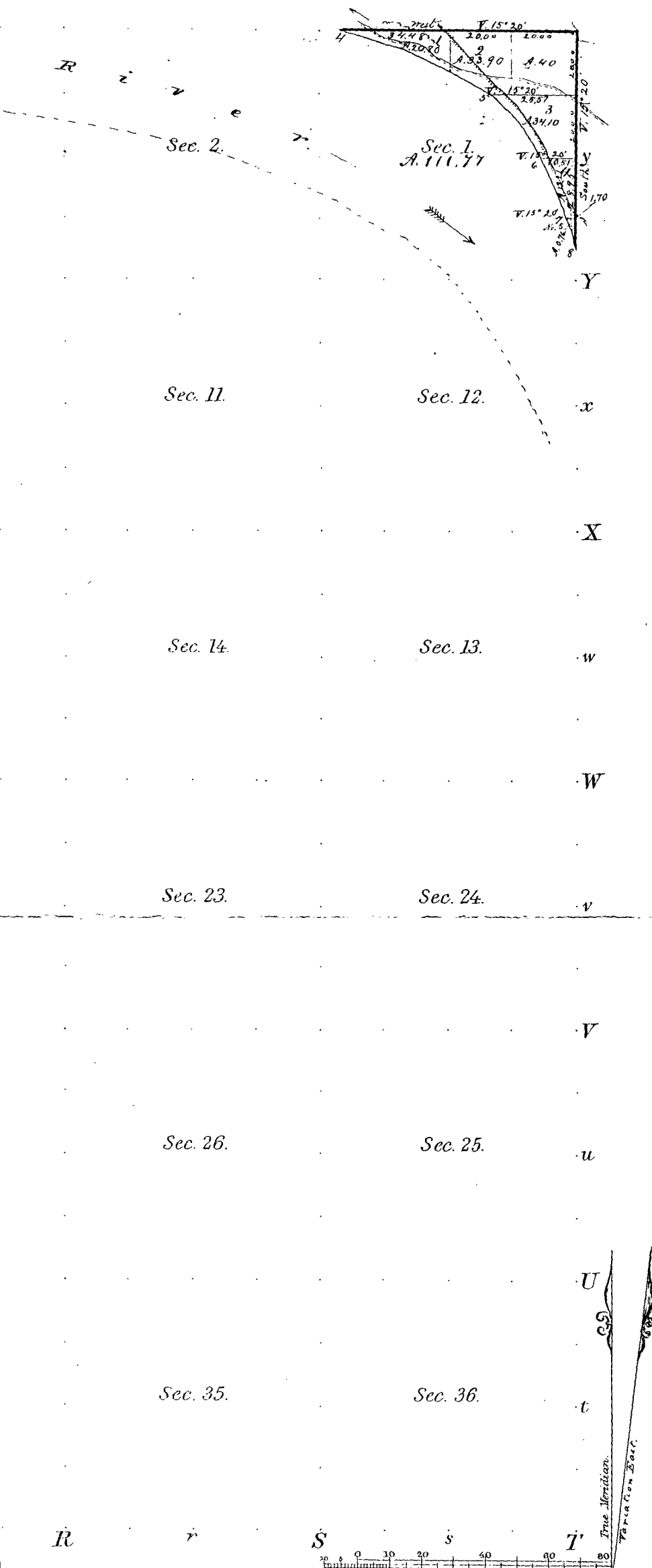
Total number of Acres. A. 210.07				
Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines Subdivisions	Thomas B. Medary	June 28 th , 1875	M ₃ C ₆₂ I ₅₂	Aug. 19 th & 20 th 1875
	Thomas B. Medary	June 28 th , 1875	O' 59-94	Sept. 9 th 1875

The above
Princip.
notes of the
Survey
Yankton

the 5th Principal MERIDIAN.

111-60.

C b B a A



Meanders of left bank of Missouri River, down stream.								
Posts	Courses	Ch ^s Lk ^s	Posts	Courses	Ch ^s Lk ^s	Posts	Courses	Ch ^s Lk ^s
1	N. 57° 45' E.	26.20						
2	N. 62° E.	26.00						
3	N. 67° E.	21.10						
4	S. 71° 30' E.	24.00						
	S. 68° E.	18.00						
	S. 58° 30' E.	11.10						
5	S. 44° 30' E.	12.00						
	S. 30° E.	13.30						
6	S. 24° E.	21.90						
7 & 8	S. 10° E.	9.85						
Total	Miles 2	Chains 23	Links 45					

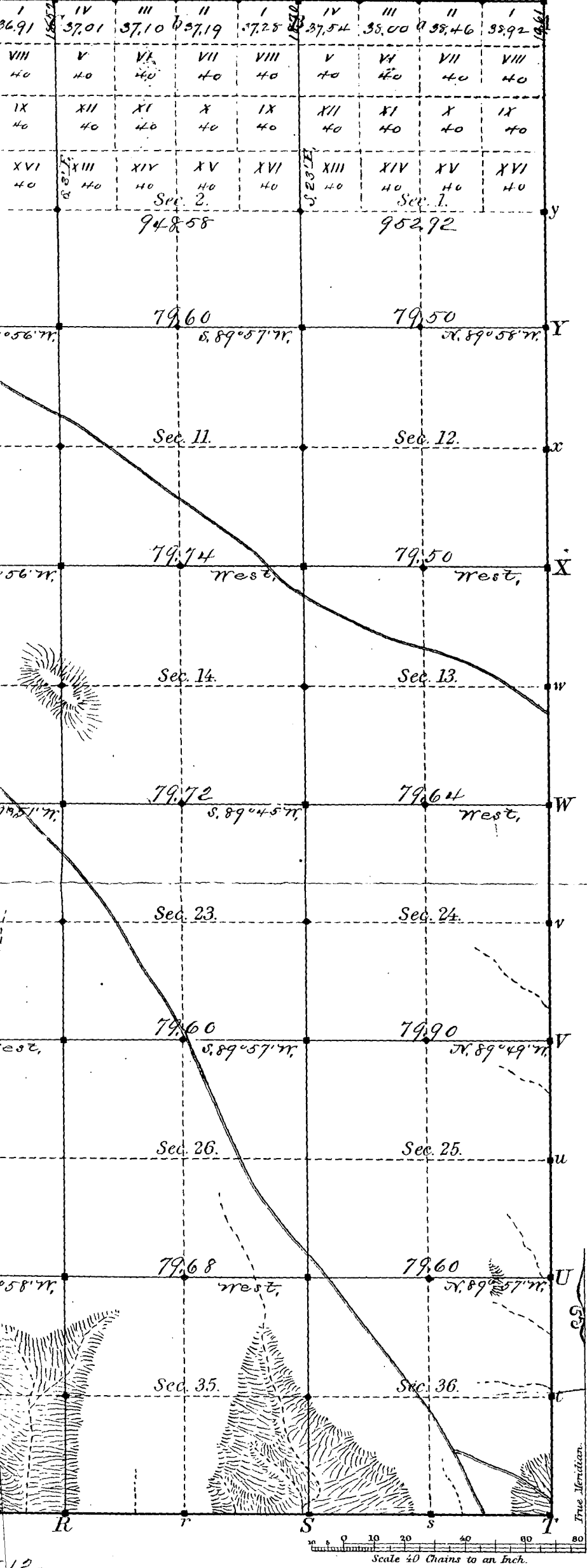
The above Map of Township 11N, 18E, 180W of Range 180 West of the 5th Principal Meridian, Dakota Territory is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office
Yankton, D. T. Feb. 7th 1876

Wm. R. Dewey
Sur. Gen.

Accepted:
Commissioner's letter 187
dated Feb. 21 1876

The 5th Principal MERIDIAN



Meanders of the left bank of Missouri river - Down Stream

Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.
In Sec. 6								
	S. 41° E.	19.00						
	S. 29° E.	26.00						
	S. 15° E.	15.00						
	S. 24° 10' E.	7.15						
In Sec. 7								
	S. 6 1/2° E.	6.00						
	S. 16 1/2° E.	18.00						
	S. 20 3/4° E.	14.00						
	S. 8 3/4° E.	6.00						
	S. 13° 36' E.	39.20						
In Sec. 18								
	S. 3 1/2° E.	55.00						
	S. 6° E.	12.00						
	S. 7 1/2° E.	12.25						
In Sec. 19								
	S. 3° E.	14.00						
	S. 7 3/4° E.	7.00						
	S. 8 3/4° E.	11.50						
	S. 9 1/2° E.	15.00						
	S. 11 1/2° E.	20.00						
	S. 13 1/2° E.	6.50						
	S. 23° E.	6.25						
In Sec. 30								
	S. 14° E.	19.00						
	S. 8 1/2° E.	12.00						
	S. 17° E.	7.00						
	S. 17° 30' E.	4.50						
	S. 3 1/2° W.	6.00						
	S. 11 1/2° E.	8.32						
In Sec. 29								
	S. 5° E.	10.00						
	S. 2° W.	10.00						
	S. 3 1/2° E.	4.10						
In Sec. 32								
	S. 20° 15' E.	8.00						
	S. 15° E.	5.00						
	S. 19 3/4° E.	20.00						
	S. 26° E.	9.00						
	S. 22 3/4° E.	17.50						
	S. 22° E.	8.00						
	S. 25 3/4° E.	13.00						
	S. 30° E.	6.30						
Total 5m 77ch 57in								

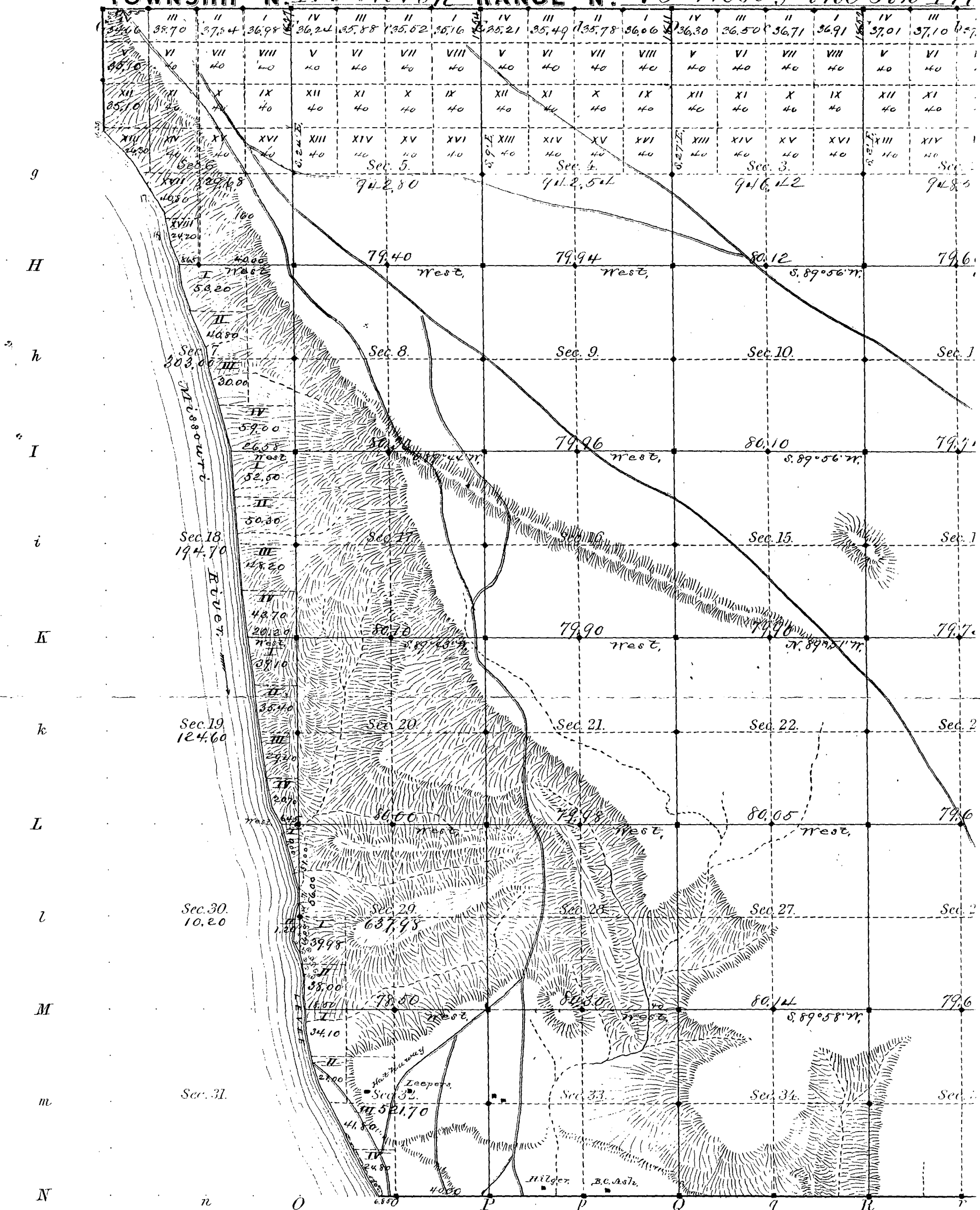
The above Map of Township 12N, Range 10W, is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office
Yankton, S.D., Dec. 27, 1880

Henry C. Spurr
Sur. Gen.

Accepted:
Commissioner's letter "G"
dated Jan. 31, 1881

TOWNSHIP N: 111 North RANGE N: 79 West of the 5th Pr



Total number of Acres. 22,075.12					
Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed	Mag Dec,
S & E Township lines	Charles H. Bates	July 15, 1880	31 ^{sq} - 6 ^{sq} - 46 ^{sq}	September 1880	14° 50' East.
	do	Oct. 20, 1880	57 - 24 - 19	Nov 5-11-1880	14° 50' "
N & W Bandaries	T. B. Medary	June 28, 1875	6 - 58 - 90	August 1875	15° 20' "

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Mid Dakota RWS Water Permit Application

ADDRESS: _____ COUNTY: _____

DATE: 2/26/93 TELEPHONE: _____

RE: Call from Doug Mund (Bartlett & West 701 258-1110)

COMMENTS:

Mr. Mund from the engineering consulting firm for Mid Dakota RWS called in regards to the legal description of the point of diversion. Stated from what they could tell from the faxed plat map that the intake location is in Lot 3 (E1/2 NE1/4) Section 1, T111N, R80W and the pumping plant is in Lot 17 (N1/2 SW1/4) Section 6, T111N, R79W.

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

NAME: Eric Lund

REPORT ON WATER PERMIT APPLICATION NO. 5751-3
MID-DAKOTA RURAL WATER SYSTEM, INC.
MARCH 10, 1993

Application No. 5751-3, proposes to appropriate 16.49 cubic feet of water per second (cfs) (9,999 acre-feet annually) from the Missouri River. The diversion point is located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam Powerhouse) in Hughes County. Mid-Dakota Rural Water System, Inc. will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe ~~Pump Station~~ ^(NP) ~~Dam Powerhouse~~ Powerplant which is located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W.

Discussion

The Mid-Dakota Rural Water System would provide a dependable supply of high-quality drinking water from the Missouri River for rural, domestic, and municipal users throughout central South Dakota. The project would provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo.

The Congressional Authorization for the Mid-Dakota project was signed into law October 30, 1992. The federal authorizing language, in addition to the drinking water aspects, provides for a Wetland Trust to be administered by the South Dakota Game, Fish and Parks Foundation. This unique wetland enhancement component has the potential to improve existing wetlands and to create new wetlands. The wetlands enhancement projects, located in Beadle and Hughes Counties, cover approximately 1,965 acres of land. There are four waterfowl production areas, three in Beadle County and one in Hughes County, that are slated for the wetlands enhancement project and a proposal to develop an additional 1,280 wetland acres around the Hyde Waterfowl Production Area in Hughes County. The Hyde Waterfowl Production Area consists of 320 acres located 1 1/2 miles south of the proposed water treatment plant site in Hughes County and will utilize untreated water. The three Waterfowl Production Areas (WPA) in Beadle County are the Anderson WPA, Marshall WPA, and Kahre WPA. Together, the three WPA's cover approximately 365 acres which will be supplied with treated water. Four municipalities have the potential to develop wetlands for wastewater treatment.

The Mid-Dakota Rural Water System is to be developed similar to the WEB Rural Water Development Project. The amount of water diverted will be approximately 13.91 cfs for rural water and approximately 2.58 cfs for the wetland enhancement projects.

Water Source - Missouri River

The source of water is the Missouri River. The Missouri River is known to have ample supplies of unappropriated water available.

Review of Existing Water Rights/Permits

There are numerous water rights/permits diverting from the Missouri River below Application No. 5751-3. Because there is ample water in the Missouri River, Application No. 5751-3 is unlikely to cause adverse effects on downstream water rights/permits. There have been no water use complaints reported on the Missouri River.

Conclusions

1. The Missouri River is known to have ample supplies of unappropriated water available; therefore, water is available from the Missouri River to meet the needs of Water Permit Application No. 5751-3.
2. If Water Permit Application No. 5751-3 is approved, it should contain the following qualification:

The Mid-Dakota Rural Water System, Inc. should report to the Chief Engineer, annually, the amount of water withdrawn from the Missouri River.

Norma C. Job

Norma C. Job
Natural Resource Engineer II
Approved by:

Delvin D. Brosz

Delvin D. Brosz, PE
Natural Resource Engineer IV

References

Mid-Dakota Rural Water System, 1990, The Wetland Development and Enhancement Component of the Mid-Dakota Rural Water System, Mid-Dakota Rural Water System, Miller, South Dakota, 57362.

Bartlett & West Engineers, Inc., 1990, Supplemental Report for Mid-Dakota Rural Water System, Bartlett & West Engineers, Inc., Bismarck, North Dakota, 58502.

DeWild Grant Reckert & Assoc. Co., 1988, Mid-Dakota Rural Water System Feasibility Study and Report, DGR Project No. 3782, DeWild Grant Reckert & Assoc. Co., Sioux Falls, South Dakota.

Conversation or File Documentation

NAME OF PERSON OR FILE:

Mid-Dakota RWIS Water Permit Application

ADDRESS: _____

COUNTY _____

DATE: 3-16-93

TELEPHONE _____

RE: Discussion with Doug Mund, consulting Engineer

COMMENTS:

Mr. Mund stated that there were only
23 communities that have signed up at this time
for the service provided by Mid-Dakota
not 24 as stated on ~~that~~ Attachment ~~1~~ No. 1.

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: Norma C. Job



March 22, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Redfield Press
Box 440
Redfield, SD 57469

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5751-3 to be published twice. Please publish the first notice on March 31, 1993, with the ~~second~~ publication 7 days later.

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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

March 22, 1993

The Plainsman
Box 1278
Huron, SD 57350

ATTENTION: Legal Department

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March 22, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Brule County News
Box 46
Kimball, SD 57355

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5751-3 to be published twice. Please publish the first notice on April 1, 1993, with the second publication 7 days later.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 22, 1993

True Dakotan
Box T
Wessington Springs, SD 57382

ATTENTION: Legal Department

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

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

March 22, 1993

Woonsocket News
Box 218
Woonsocket, SD 57385

ATTENTION: Legal Department

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Eric Gronlund
Natural Resources Engineer
605 773-3352

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March 22, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DeSmet News
Box 69
DeSmet, SD 57231

ATTENTION: Legal Department

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 1993

South Dakota Mail
Box 367
Plankinton, SD 57368

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Natural Resources Engineer
605 773-3352

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**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.

March 22, 1993

Susan Hargens
Mid-Dakota Rural Water System, Inc.
PO Box 69
Miller, SD 57362

Dear Ms. Hargens:

Water Permit Application No. 5751-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Potter County News printed at Gettysburg, SD (Ph # 765-2464); Faulk Co. Record printed at Faulkton, SD (Ph # 598-6525); Onida Watchman printed at Onida, SD (Ph # 258-2724); Capital Journal printed at Pierre, SD (224-7301); Highmore Herald printed at Highmore, SD (Ph # 852-2927); Miller Press printed at Miller, SD (Ph # 853-3575); Redfield Press printed at Redfield, SD (Ph # 472-0822); The Plainsman printed at Huron, SD (Ph # 352-6401); Brule County News printed at Kimball, SD (Ph # 778-6253); True Dakotan printed at Wessington Springs (Ph # 539-1281); Woonsocket News printed at Woonsocket, SD (Ph # 796-4221); DeSmet News printed at DeSmet, SD (Ph # 854-3331); and South Dakota Mail printed at Plankinton, SD (Ph # 942-7770). 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
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: Doug Mund, Bartlett & West Engineers, Inc., PO Box 1077, Bismarck, ND 58502



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 1993

Potter County News
Box 190
Gettysburg, SD 57442-0190

ATTENTION: Legal Department

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Eric Gronlund
Natural Resources Engineer
605 773-3352

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Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 1993

Miller Press
Box 196
Miller, SD 57362

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March 22, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Faulk Co. Record
Box 68
Faulkton, SD 57438

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JOE FOSS BUILDING
523 EAST CAPITOL
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March 22, 1993

Onida Watchman
Box 205
Onida, SD 57564

ATTENTION: Legal Department

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**DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Capital Journal
PO Box 878
Pierre, SD 57501

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 1993

Highmore Herald
Box 435
Highmore, SD 57345

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Instruction to Newspaper - Publish first Notice on March 29, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5751-3 to Appropriate Water

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box ³¹⁸~~89~~, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe ~~Dam Powerhouse~~ located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R9W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5751-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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 April 23, 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 a.m., May 5, 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 May 5, 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 April 23, 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 April 23, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Length of line 12 pice
Size of type 8 p v
Number of lines 129
Line rate 285816

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

County of Hand)

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

that the notice of hearing on
application to appropriate
water

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

<u>March 29 1993</u> ;	_____	19	<u>2804</u>
<u>April 5 1993</u> ;	_____	19	<u>2249</u>
_____	_____	19	_____
_____	_____	19	_____
_____	_____	19	_____

that the full amount of the fees for the publication of the annexed notice is \$ 50.47

Gary L. McFarlane

Subscribed and sworn to before me this 7

day of April, 19 93

Carol W. King

Notary Public

County of Hand, South Dakota



Notice of Hearing

on Application No. 5751-3 to Appropriate Water

Notice is given that Mid-Dakota Rural Water System, Inc., P.O. Box 318, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4 Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5751-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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 applicants mailing address is given above. A petition filed by either an interested person or the applicant must be

filed by April 23, 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 a.m., May 5, 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 May 5, 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 April 23, 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 April 23, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

FPNO 31

LPNO 32

My Commission Expires July 9, 1993

No. 6754 July 22, 45

NOTICE OF HEARING

on Application No. 5751-3 to
Appropriate Water

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) ssI, Peggy Warner

certify that the attached printed Notice was

taken from the Capital
Journalprinted and published in PierreCounty of Hughes and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:March 29, 1993
April 5, 1993Cost of Printing: \$69.87Peggy Warner
(Signature)Legal Representative
(Title)April 6, 1993
(Date Signed)

Notice is given that Mid-Dakota Rural Water System, Inc., P.O. Box 318, Miller, S.D. 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam Powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W. The project will provide water to over 30,000 people in 23 communities and 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) ss

I, Mary Walz
certify that the attached printed Notice was

taken from the Huron Plainsman

printed and published in Huron

County of Beadle and State of

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

March 29, 1993

April 5, 1993

Cost of Printing: \$134.28

F.P. 3-29-93 L.P. 4-5-93

NOTICE OF HEARING on Application No. 5751-3 to Appropriate Water

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 318, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam Powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence,

Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5751-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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

No. 154 (adv.)

14 1/2" x 2 1/2" x 4 1/2" = 134.28

Mary B. Walz
(Signature)

Business Manager
(Title)

April 5, 1993
(Date Signed)



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Sanborn) ss

I, _____

certify that the attached printed Notice was
taken from the Woonsocket News

printed and published in Woonsocket

County of Sanborn and State of

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

4/1/93

4/8/93

Cost of Printing: 66.15

Gerald W. Klass
(Signature)

Publisher
(Title)

4/8/93
(Date Signed)

NOTICE OF HEARING on Application No. 5751-3 to Appropriate Water

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 318, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-

Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brule) ssI, Rod Hays

certify that the attached printed Notice was

taken from the Brule County Newsprinted and published in KimballCounty of Brule and State of

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

April 1, 1993April 8, 1993Cost of Printing: 56⁶⁰Rod Hays
(Signature)Publisher
(Title)April 9, 1993
(Date Signed)Patricia L. HaysNotary Public
My Commission
expires Oct. 1, 1999

NOTICE OF HEARING ON APPLICATION NO. 5751-3 TO APPROPRIATE WATER

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 318, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W. The project will provide water to cover 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

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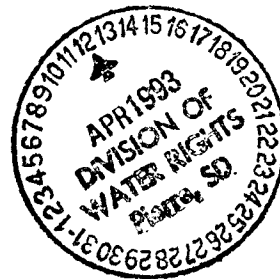
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Robert E. Roberts,
Secretary, Department of Environment
and Natural Resources.

(Apr. 1, Apr. 8)



Affidavit of Publication

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF HYDE)

MARY ANN MORFORD

of said county and state, being duly sworn, on her oath says: THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Mary Ann Morford and has been such a newspaper during the times hereinafter mentioned; that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit and that the advertisement entitled

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being made on April 1, 1993, and the last publication on April 8, 1993; that \$ 63.18 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Ann Morford
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 23th
day of April, 1993

Robert S. Keller
Notary Public, Hyde County, South Dakota

My Commission Expires 3-30-95

NOTICE OF HEARING on Application No. 5751-3 to Appropriate Water

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FPNO 29 LPNO 30



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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Potter) ssI, Jack L. Stoner

certify that the attached printed Notice was

taken from the Potter County
Newsprinted and published in GettysburgCounty of Potter and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:April 1, 1993
April 8, 1993Cost of Printing: 68.65Jack L. Stoner
(Signature)Publisher
(Title)4-21-93
(Date Signed)

Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5751-3 because: 1) unappropriated water is available; 2) existing rights will not be unlawfully impaired; 3) it is a beneficial use of water; and 4) it is in the public interest.

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 April 23, 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 a.m., May 5, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, S.D. 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 May 5, 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 April 23, 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 April 23, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Robert E. Roberts, Secretary
Department of Environment
and Natural Resources
(Published in the Potter County News, April 1 and 8, 1993.)

NOTICE OF HEARING ON APPLICATION NO. 5751-3 TO APPROPRIATE WATER

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 318, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E1/2NE1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam Powerhouse located in Lot 17 (N1/2SW1/4) Section 6-T111N-R79W.

The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Kingsbury) ss

I, Dale Bleger

certify that the attached printed Notice was

taken from the De Smet News

printed and published in De Smet

County of Kingsbury and State of

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

March 31, 1993

April 7, 1993

Cost of Printing: 59.79

(Signature)

(Title)

(Date Signed)

NOTICE OF HEARING
on Application No. 5751-3
to Appropriate Water

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 318, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing power plant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam Powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5751-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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 April 23, 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 a.m., May 5, 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 May 5, 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 April 23, 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 April 23, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.
3-31-93 wc-4-7

NOTICE OF HEARING on Application No. 5751-3 to Appropriate Water

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Aurora) ssEdward Van Lenderen

certify that the attached printed Notice was

taken from the South Dakota Mailprinted and published in Black HillsCounty of Aurora and State of

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

April 4, 1993April 8, 1993Cost of Printing: 66.47Edward Van Lenderen

(Signature)

Brookings

(Title)

4-1-93

(Date Signed)



Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 318, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E $\frac{1}{2}$ NE $\frac{1}{4}$) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam powerhouse located in Lot 17 (N $\frac{1}{2}$ SW $\frac{1}{4}$) Section 6-T111N-R79W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

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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 in opposition 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 April 23, 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.

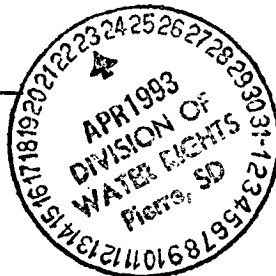
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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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

2-1c.-APR. 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Spink) ss

o/c

Mid-Dakota Rural Water Systems files application

I, Margaret Mundstuck

certify that the attached printed Notice was

taken from the Redfield Pressprinted and published in RedfieldCounty of Spink and State of

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

March 31April 7Cost of Printing: \$51.86Margaret Mundstuck
(Signature)Bookkeeper
(Title)April 7, 1993
(Date Signed)

No. 42

NOTICE OF HEARING on Application No. 5751-3 to Appropriate Water

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 318, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6 T111N-R79W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Qsceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5751-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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petition filed by either an interested person or the applicant must be filed by April 23, 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.

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

(March 31, April 7)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Faulk) ss

I, James B. Moritz

certify that the attached printed Notice was

taken from the _____

Faulk County Record

printed and published in Faulkton

County of Faulk and State of

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

Wednesday, March 31, 1993

Wednesday, April 7, 1993

Cost of Printing: \$61.92

vided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5751-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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 April 23, 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.

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Notice of Hearing

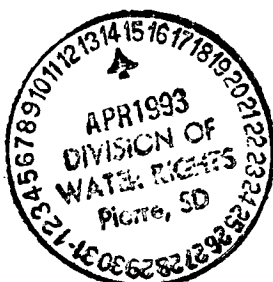
No. 90, March 31 & April 7, 1993
**Notice of Hearing on Application
 No. 5751-3 to Appropriate Water**

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 69, Miller, SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam Powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be pro-

James B. Moritz
 (Signature)

Publisher
 (Title)

April 13, 1993
 (Date Signed)



Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Karen Wenzel being first duly sworn, deposes and says: that he is a resident of the County of Jerauld and State of South Dakota; and The Wessington Springs True Dakotan is a weekly newspaper of general circulation, printed and published in Wessington Springs, in said county by J. Craig and Dennis P. Wenzel; and is now and has been such newspaper continuously, during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all the facts stated in this affidavit;

and that the notice and advertisement headed *Notice of Hearing*

a printed copy of which is hereunto attached and made a part hereof, was printed and published in said newspaper in *2* successive issues. That the first publication of said notice in said newspaper aforesaid was on Wednesday, the *30* day of *March* *1993*; and that the succeeding publications were:

on Wednesday, the *6* day of *April* *1993*

on Wednesday, the day of 19

on Wednesday, the day of 19

on Wednesday, the day of 19

on Wednesday, the day of 19

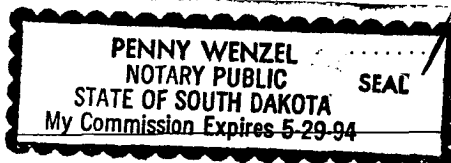
on Wednesday, the day of 19

on Wednesday, the day of 19

that the fee charged for the printing and publishing of said notice and advertisement in said news-

paper as aforesaid, was *77* dollars and *97* cents, and for this affidavit; twenty-five (25) cents, and that said fee for printing and publishing said notice and advertisement in said newspaper has been fully paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that the said newspaper is a legal newspaper as provided by law. *Karen Wenzel*

Subscribed and sworn to before me, this *19* day of *April* *1993*.



Penny Wenzel Notary Public in and for
Jerauld County, South Dakota

AFFIDAVIT EX-REL. PUBLICATIONS F

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

..... being first duly sworn on
the authorized attorneys of the

..... in the action
annexed notice; that the affiar to this application, to assure access to the
understanding for any divisor hearing by the handicapped or to obtain
that no part thereof has been 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;
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thru 74:02:01:15. Robert E. Roberts,
Secretary, Department of Environment
and Natural Resources.

Subscribed and sworn to before

.....

NOTICE OF HEARING

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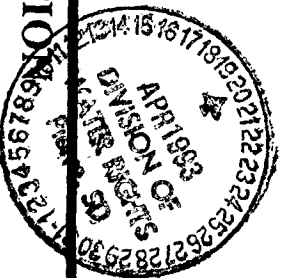
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AFFIDAVIT OF PUBLICATION



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Sully)

Parker Knox of said County and State, being first duly sworn on his oath, says that THE ONIDA WATCHMAN is a weekly newspaper of general circulation, published in the English language in the city of Onida, in said County and State, by said Parker Knox, and has been admitted to the United States mail under the second class mailing privilege at all the times hereinafter mentioned, and for more than one year immediately preceding the first publication herein mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the advertising department thereof and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

Notice of Hearing on
Application No. 5751-3
to Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being made on THURSDAY, the 1 day of April, 1993, and the last publication on THURSDAY, the 8 day of April, 1993, and that \$ 59.04, being the full amount of the fee for publication of the annexed notice inures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Parker Knox

(SEAL)

Subscribed and sworn to before me this

19 day of April, 1993

My commission

Diana Craig

expires 10-11-97

Notary Public in and for Sully County, South Dakota

**NOTICE OF HEARING
on Application No. 5751-3
to Appropriate Water**

Notice is given that Mid-Dakota Rural Water System, Inc., PO Box 318, Miller SD 57362 has filed an application for a water permit to appropriate 16.49 cubic feet of water per second (9,999 acre-feet annually) from the Missouri River located in Lot 3 (E 1/2 NE 1/4) Section 1-T111N-R80W (existing powerplant intake for the Oahe Dam powerhouse) in Hughes County. Mid-Dakota RWS will utilize the existing intake facilities below the Oahe Dam by connection to the existing Oahe Dam Powerhouse located in Lot 17 (N 1/2 SW 1/4) Section 6-T111N-R79W. The project will provide water to over 30,000 people in 23 communities and to 3,000 rural hookups in an area covering more than 7,000 square miles. In addition, over 640,000 head of livestock will be provided access to water. The rural water system will serve Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora counties. The 23 communities that are to be served in these counties include: Gettysburg, Highmore, Huron, Miller, Wessington Springs, Agar, Blunt, Harrold, Hoven, Lane, Onida, Ree Heights, St. Lawrence, Tolstoy, Virgil, Wessington, Alpena, Broadland, Forestburg, Artesian, Lebanon, Osceola, and Polo. The water will also be used for several wetland enhancement projects located in Beadle and Hughes Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5751 -3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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 April 23, 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 a.m., May 5, 1993, Floyd Matthew Training Center, J. 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 May 5, 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 April 23, 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 April 23, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.



Bartlett & West
Engineers, Inc.



April 22, 1993

S.D. Department of Water & Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Attn: Mr. Eric Gronlund

MID-DAKOTA RURAL WATER SYSTEM WATER RIGHT PERMIT

Attached is a copy of your March 10, 1993 Report On Water Permit Application No. 5751-3 for the Mid-Dakota Rural Water System, Inc.

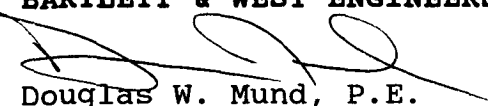
As we discussed during our April 1, 1993 telephone conversation, the Congressional Authorization for the Mid-Dakota project which was signed into law on October 30, 1992 did not include the Wetland Trust. This was made a separate bill by conference committee although it remained in the same funding bill as Mid-Dakota. To date, a printed version of the Mid-Dakota bill is not available, therefore, the actual wording is unknown.

During our telephone conversation, you informed me that this change would not affect Mid-Dakota's Water Right Permit application, however if we wanted, we could send you the changes for a revised report. These changes have been indicated on the attachment. Please file a revised report if you feel it is necessary.

We anticipate that Mid-Dakota will have a representative present at the May 5, 1993 application hearing to answer questions that may arise concerning the project.

We appreciate the time you have spent helping us with this permit application. If you require additional information or have questions concerning this matter, please contact us.

BARTLETT & WEST ENGINEERS, INC.


Douglas W. Mund, P.E.

cc: Mid-Dakota - K. Pfeifle w/attach.

File: Mid-Dakota Task 18 Water Right Permit w/attach.

(701) 258-1110
2718 Gateway Ave., Suite 201
P.O. Box 1077
Bismarck, ND 58502

1

OTHER OFFICE
Topeka, KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

Susan Hargens
Mid-Dakota Rural Water System, Inc.
PO Box 318
Miller, SD 57362

Dear Ms. Hargens:

Enclosed is Water Permit No. 5751-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Pursuant to SDCL 46-2A-8, a new water permit may not be issued that allows more than five years to complete construction of a water project. Since construction of the Mid-Dakota Rural Water System, Inc. probably will not be completed within five years, an application to extend the length of time to complete construction will need to be submitted pursuant to SDCL 46-5-26, at a later date to extend the construction time beyond five years. I suggest that an extension of time application be submitted during the fifth year of construction (after May 5, 1997).

If you have any questions on your permit or the extension of construction time, please contact Eric Gronlund at (605)773-3352.

Very truly yours,

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

enclosures

Permit No. 5751-3 & 5809-3

Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, June 18, 2002, made a thorough examination of the water use system constructed by Mid-Dakota Rural Water System, Inc. of P.O. Box 318, Miller, SD 57362 holder of Permit Nos. 5751-3 and 5809-3, bearing the priority of February 11, 1993 and March 14, 1994 authorizing the diversion of 16.49 and 0.06 cu. ft. per second of the waters of Missouri River for rural water system and wetland enhancement purposes, in Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury, and Aurora Counties.

Inspection contact & relationship to permit holder, if applicable: **Ron Ramsey, Mid Dakota Rural Water System, Inc employee.**

A. Works used to divert the water:

Pump: At the Missouri River

- 1) Make 4 - Verti-Line
- 2) Model 805-04452-3
- 3) Size _____
- 4) Capacity 3,125 GPM each or 4.5 mil. gpd each

Motor:

- 1) Make 4 - U.S. Electric
- 2) Model No. 692718
- 3) Horsepower rating 300 each hp

Pump: At the water treatment plant

- 1) Make 4 - Verti-Line
- 2) Model 805-04454-3
- 3) Size _____
- 4) Capacity 2,600 each GPM

Motor:

- 1) Make 4 - U.S. Electric
- 2) Model No. 692719
- 3) Horsepower rating 400 each hp

Storage: 500,000 gallon clear tank

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

- 1) Type steel 2) Size 30 inches 3) from Missouri River to the water treatment plant
1) Type steel 2) Size 30 inches 3) mainline distribution pipe

C. Works used to apply water to beneficial use:

Rural water distribution system.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
2) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: intake located 1019' W and 1270' N and pump house located 310' W and 1700' N of the SE corner in the NE¼ SE¼ Section 26-T112N-R80W. The works are capable of diverting and conveying to the place of use x.xx cu. ft. per second of water and/or storing 500,000 gal. or 1.53 acre-feet of water which is to be used for rural water system and wetland enhancement. Water has been put to beneficial use to the maximum extent as follows: to serve users in Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury and Aurora Counties.

The license should be issued for ----- cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project: **This document is the result of an inspection that found the entire amount of water to be put to beneficial use has not yet been realized. The date for putting water to beneficial use for Permit No. 5809-3 is June 6, 2003. An application for extension of time has been suggested and sent to Mid-Dakota Rural Water System, Inc. If an extension is applied for the permits can be incorporated and licensed when the water is put to beneficial use.**

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: July 15, 2002

Water Right Nos. 5751-3 and 5809-3 Mid-Dakota Rural Water System, Inc.



Lynn Beck
Lynn Beck
 Natural Resources Engineer Specialist
 DENR, Water Rights Program
 July 12, 2002





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 2002

Kurt Pfeifle
Mid-Dakota Rural Water System, Inc.
P.O. Box 318
Miller SD 57362

Dear Mr. Pfeifle:

Enclosed is a partially completed application form and instruction sheet. You need only pay attention to item numbers 1, 5, and 6 on the instruction sheet.

A licensing inspection of Permit Nos. 5751-3 and 5809-3 found that the entire amount of appropriated water had not been put to beneficial use. The date for water to be put to beneficial use is June 6, 2003.

This application is for an amendment to Water Permit No. 5809-3 to extend the time to put water to beneficial use. A \$50.00 application filing fee is required and an additional \$50.00 is needed for the inspection/licensing fee. This fee will cover the inspection/licensing fee for this amendment and Water Permit Nos. 5809-3 and 5751-3. The permits will be incorporated and licensed when the water is put to beneficial use.

If you have any questions, please feel free to contact me at (605) 773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer Specialist



5751-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 01 2006

5751-3
5809-3
5809A-3

Kurt Pfeifle
Mid Dakota Rural Water System Inc
PO Box 318
Miller SD 57362-0318

Dear Mr. Pfeifle:

Enclosed is Water License No. 5809A-3. This is the final document which completes the process of obtaining a water right. Also included is a copy of the map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

Note: The applicable portions of Water Permit Nos. 5751-3 and 5809-3 were incorporated into Water License No. 5809A-3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5809A-3

(1) Mid-Dakota Rural Water System Inc., PO Box 318, Miller SD 57362 made Application No. 5809A-3, July 23, 2002 for a water permit to extend the length of time allowed for water to be put to beneficial use as authorized by Water Permit No. 5809-3 to June 6, 2008. Water Permit No. 5809-3 changed the location of the diversion point, increased the diversion rate and added users to Water Permit No. 5751-3. Nos. 5751-3 and 5809-3, combined authorize 16.55 cubic feet of water per second (9,999 acre feet of water annually) from the Missouri River, Hughes County, South Dakota for rural water system purposes.

The applicable portions of Water Permit Nos. 5751-3 (priority date of May 11, 1993) and 5809-3 (priority date of March 14, 1994) have been incorporated into this Water License No. 5809A-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 16.55 cubic feet of water per second (cfs) for beneficial use. The location of the diversion point is 1,180 feet west and 1,550 feet north of the SE corner of Section 26, T112N, R80W (NE ¼ SE ¼)*.

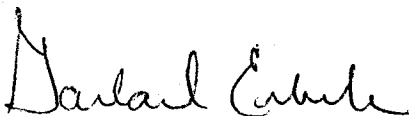
** The diversion point was to have been located in the SE ¼ SE ¼ Section 26. The actual location is in the NE ¼ SE ¼ Section 26. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in location of the diversion point did not increase the potential for adverse effects to existing diversions.*

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in supplying water to communities and rural hook-ups in Potter, Faulk, Sully, Hughes, Hyde, Spink, Beadle, Buffalo, Jerauld, Sanborn, Kingsbury, Aurora and Hand Counties in South Dakota.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mid-Dakota Rural Water System, Inc the holder and/or owner of Incorporated Water Right No. 5809A-3 is issued a license to appropriate water, the right to use 16.55 cubic feet of water per second from the Missouri River with priority dates of May 11, 1993 (16.49 cfs) and March 14, 1994 (0.06 cfs) from the location specified in (2) of this license. The water is used for rural water system purposes as outlined in (3) above.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 5809A-3 and subject to the following qualification:

- The Mid-Dakota Rural Water System, Inc shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri River.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 01 2008

date

