

WATER PERMIT NO. 5824-3

Phone: 605 463-2531

Name of Applicant: B-Y Water District

Post Office Address: PO Box 248, Tabor SD 57063

Amount of Water Claimed: 6.95cfs Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: rural water system use County: Bon Homme

About 12 miles west of Yankton

PRIORITY Date Received: 5-16-94 Fee: \$1225.00 Remarks: _____

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

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

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

Diversion Point: NE 1/4 NE 1/4 Sec 24-T93N-R58W

Land to be Irrigated: _____

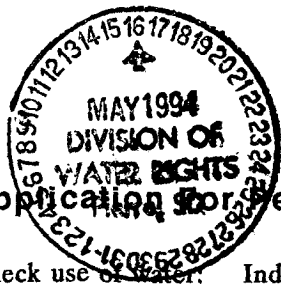
				2	
		24			

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: topo PREPARED BY: David C. Odens Reviewed and the Number

Assigned on: 5-17-94 By: Karen Schlaak



No. 5824-3 Hydrologic Unit 10170101
Map No. _____ Basin James River
Newspaper see attached list

523 E. Capitol
Pierre, SD 57501
(605) 773-3352

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 18 gpm) 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 B-Y Water District Phone No. (605) 463-2531

Post Office Address P.O. Box 248 Tabor State SD 57063
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 13.15 (6.2 cfs provided by Permit No. 3140-3) Net increase = 6.95cfs

3. Source of water supply Missouri River

4. Location of point of diversion The proposed point of diversion is located in the Missouri River (Lewis and Clark Lake), mile 818.90 in the northeast quarter (NE 1/4) of Section 24, Township 93 North, Range 58 West (NE 1/4 NE 1/4) County Bon Homme

5. Counties where water will be used Hutchinson (City of Freeman) Turner, McCook & Hanson Counties, Bon Homme, Yankton, Douglas, Clay

6. Annual Period during which water is to be used ~~Year around~~ Jan 1 - Dec 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed).

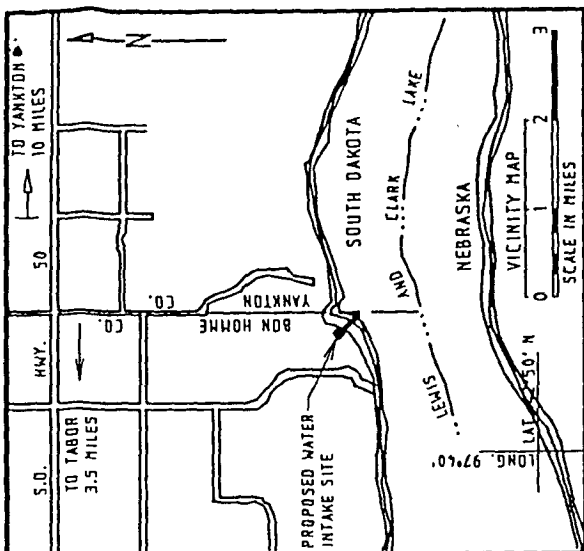
The proposed project consists of the construction of a raw water intake pumping station to supply a proposed expansion of the existing 5 1/4 MGD water treatment plant. The intake structure and pumping station floor area is proposed to be approximately 1600 square feet. The depth of excavation for the intake structure is proposed to be 30-35 feet. Twin intake pipelines with screened ends will extend from the intake structure into Lewis and Clark Lake. (See attached preliminary engineering report dated March, 1992).

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 Bon Homme) ss

I, Allen Namminga, Chairman, B-Y Water District 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 [Signature]
Subscribed and sworn to before me this 11 day of May 19 94
[Signature]
Notary Public



LEWIS AND CLARK LAKE
NORMAL POOL ELEV. = 1208.0 M.S.L.

CLASS III RIPRAP

ELEV. = 1218.0

EXISTING GROUND.

20" DUCTILE IRON
INTAKE PIPES

-1+ "0-,057

$$\frac{\text{ELEV.}}{1188.0} =$$

PUMP
STATION

SECTION

SCALE: HORIZ. 1" = 60'
VERT. 1" = 10'

APPLICATION BY
B-Y WATER DISTRICT
TABOR, S.D.

PREPARED BY - BANNER ASSOCIATES, INC.

**SOUTH DAKOTA
WATER PERMIT NO. 5824-3**

Date of first receipt of application May 16, 1994.

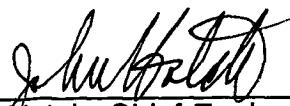
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5824-3 to B-Y Water District, PO Box 248, Tabor SD 57063 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5824-3 appropriates 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay Counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno, and Freeman.
2. The water appropriated shall be used for the purpose of supplying water for a rural water system and may not exceed the amount of water needed for beneficial use for rural water system use purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5824-3 is July 18, 1994.
5. The date from which applicant may claim right is May 16, 1994.
6. One-fifth of the construction is to be completed on or before January 18, 1997.
7. All construction is to be completed on or before July 18, 1999.
8. Water is to be put to beneficial use on or before July 18, 2003.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The B-Y Water District shall report to the Chief Engineer annually the amount of water withdrawn each year from the Missouri River.

WATER MANAGEMENT BOARD

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

SEP 13 1994

date



ENGINEERING REPORT

EXPANSION OF INTAKE AND TREATMENT FACILITIES

FOR

B-Y WATER DISTRICT

TABOR, SOUTH DAKOTA

PREPARED FOR

BOARD OF DIRECTORS
B-Y WATER DISTRICT

PREPARED BY

BANNER ASSOCIATES, INC.
CONSULTING ENGINEERS AND ARCHITECTS
BROOKINGS, SOUTH DAKOTA

MARCH, 1992

TABLE OF CONTENTS

PAGE

LIST OF TABLES

LIST OF FIGURES

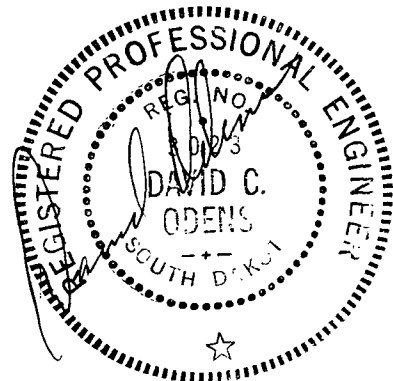
SECTION 1 INTRODUCTION, AUTHORIZATION AND PURPOSE

SECTION 2 PRELIMINARY DESIGN OF FACILITIES

2.0	General Description of Facilities	2-1
2.1	New Intake Facilities and Raw Water Line	2-2
2.1.1	General	2-2
2.1.2	Intake Structure	2-2
2.1.3	Raw Water Pumps	2-3
2.1.4	Raw Water Pipeline	2-4
2.2	Water Treatment Plant Expansion	2-4
2.2.1	General	2-4
2.2.2	Process Description-100% Increase in Capacity	2-4
2.2.3	Phase I Expansion (Approximately 50% Increase in Capacity)	2-5

SECTION 3 ESTIMATES OF PROBABLE COST OF THE PROJECT

3.0	General	3-1
3.1	Intake Facilities and Raw Water Line	3-1
3.2	Water Treatment Facilities	3-2
3.3	Annual Operation and Maintenance Costs	3-3
3.4	Cost Summary	3-5



LIST OF TABLES

	<u>PAGE</u>
TABLE 1-1 CAPACITY OF IMPROVEMENTS	1-2
TABLE 2-1 SUMMARY OF WATER DEMANDS	2-1
TABLE 2-2 RAW WATER PUMPING CAPACITY	2-3
TABLE 2-3 TREATMENT PROCESS UNITS - 100% EXPANSION	2-5
TABLE 2-4 "CT" REQUIREMENTS FOR B-Y WATER PLANT	2-10
TABLE 3-1 INTAKE AND RAW WATER PIPELINE ESTIMATE OF PROBABLE COST	3-2
TABLE 3-2 WATER TREATMENT PLANT EXPANSION - ESTIMATE OF PROBABLE COST	3-3
TABLE 3-3 ESTIMATES OF ANNUAL OPERATION AND MAINTENANCE COSTS	3-4
TABLE 3-4 SUMMARY OF PROBABLE COSTS FOR CAPITAL IMPROVEMENTS	3-5
TABLE 3-5 SUMMARY OF PROBABLE ANNUAL REVENUE REQUIREMENTS	3-6

LIST OF FIGURES

- | | |
|------------|---------------------------------------|
| FIGURE 2.1 | DIVERSION LOCATION AND PIPELINE ROUTE |
| FIGURE 2.2 | INTAKE ARRANGEMENT |
| FIGURE 2.3 | PLANT LAYOUT FOR 100% EXPANSION |
| FIGURE 2.4 | PLANT LAYOUT FOR 50% PLANT EXPANSION |
| FIGURE 2.5 | PROPOSED WTP SITE LAYOUT PLAN |

SECTION 1

160% increase over present intake capacity or an 8.5 MGD increase, and a 5.25 MGD increase in plant capacity.

The capacity combinations considered are summarized in Table 1-1: Capacity of Improvements.

TABLE 1-1
CAPACITY OF IMPROVEMENTS

DESCRIPTION	PHASE 1	PHASE 2	PHASE 3
INTAKE AND RAW WATER LINE CAPACITY			
-Existing Facilities	5.25 MGD	5.25 MGD	5.25 MGD
-Expansion Project	2.63 MGD	5.25 MGD	8.5 MGD
-Combined Total	7.88 MGD	10.50 MGD	13.55 MGD
WATER TREATMENT PLANT CAPACITY			
-Existing Facilities	5.25 MGD	5.25 MGD	5.25 MGD
-Expansion Project	2.63 MGD	5.25 MGD	5.25 MGD
-Combined Total	7.88 MGD	10.50 MGD	10.50 MGD

SECTION 2

SECTION 2 PRELIMINARY DESIGN OF FACILITIES

2.0 General Description of Facilities

The existing raw water intake and water treatment facilities have been in use since 1979. The facilities were designed to provide a peak day treatment capacity of 5.25 MGD. The B-Y Water District is currently considering expansion to serve additional communities and rural water systems which will significantly increase the water demands on the existing intake and treatment facilities. The new water demands are summarized in the following table:

TABLE 2-1
SUMMARY OF WATER DEMANDS

WATER DEMAND IDENTIFICATION	1995 DEMANDS		2015 DEMANDS	
	Average Day	Peak Day	Average Day	Peak Day
Present B-Y Customers served by Existing Water Treatment Plant	1.57 MGD	2.85 MGD	2.33 MGD (Note 1)	4.19 MGD (Note 2)
Present B-Y Customers served by City of Yankton	0.45 MGD	0.75 MGD	0.80 MGD (Note 1)	1.44 MGD (Note 2)
Proposed New Users	1.28 MGD	2.30 MGD	2.24 MGD (Note 3)	4.33 MGD (Note 2)
Total Water Demand	3.30 MGD	5.90 MGD	5.37 MGD	9.96 MGD
Treatment Plant Capacity				
-Present Facility	5.25 MGD		5.25 MGD	
-50% Expansion	7.88 MGD		7.88 MGD	
-100% Expansion	10.50 MGD		10.50 MGD	

Note 1: The increase in water demands of present users is based on a 2% annual increase in water sales.

Note 2: The ratio of peak to average day water demand is based on a multiplier of 1.8 x Average Day demand.

Note 3: The increase in water demands for new users is based on the projected water demands listed in the report done for the Lewis and Clark Rural Water System.

The size of the water treatment plant expansion is governed somewhat by the size of existing units. Control of the treatment process is significantly more practical when treatment process units are sized alike. Therefore, the expansion of the treatment process was considered in modules of 50% and 100% expansion to the present facility.

2.1 New Intake Facilities and Raw Water Line

2.1.1 General. The proposed new intake facilities would be located on the north shore of Lewis and Clark Lake at the Bon Homme-Yankton county line. The proposed site is approximately one half mile west of the present B-Y raw water intake and raw water pumping facility. The intake facility and raw water pump station would be connected to the existing treatment plant. The pipeline route and diversion location are indicated in Figure 2.1: Diversion Location and Pipeline Route.

The diversion point is at river mile 857 as indicated on the Corps of Engineers maps of the area. A copy of this map is included in Appendix 1. Cross section profiles of the reservoir at this location are comparable to data collected during the design of the present intake. Additional data would be collected through field surveys to be conducted during the preliminary design phase of the project.

2.1.2 Intake Structure. The underground strata at the present intake are chalk rock of the Niobrara formation. For design use in cost estimating, it was assumed that similar subsoil conditions exist at the proposed site. Soils investigations will be necessary prior to design of the facilities. This estimate is based on a design using a reinforced concrete intake facility with twin intake lines extending into the impoundment. This design is similar to the present intake. The intake pump chamber would be arranged to permit the installation of up to seven (7) raw water pumps. A floor plan and schematic profile for the proposed intake is presented in Figure 2.2: Intake Arrangement

2.1.3 Raw Water Pumps. The raw water pumps would be sized so that six pumps would provide a pumping capacity of 8.5 MGD. The seventh pump would be a standby unit. The number of pumps to be installed in the initial installation would be determined to some degree by the availability of funds and the immediate need for capacity. The anticipated capacity for various numbers of pumps is listed in Table 2-2: Raw Water Pumping Capacity. A pumping configuration providing a capacity of 5.25 MGD would require installation of a total of five pumps, including one as a backup pump, and a single 20" line to the water treatment plant. A pumping configuration providing a capacity of 2.62 MGD, (50% increase over present capacity) would require the installation of three pumps, one of which would be a standby pump.

TABLE 2-2
RAW WATER PUMPING CAPACITY

NUMBER OF PUMPS	PUMPING CAPACITY		DISCHARGE HEAD	
	GPM	MGD	FT.	PSI
One pump	1100	1.58	402	174
Two Pumps	2130	3.07	411	178
Three Pumps	2990	4.31	424	184
Four Pumps	3700	5.33	438	190
Six Pumps (2-20" pipelines)	5880	8.47	417	180

The cost estimate is based on the use of vertical turbine pumps with 150 HP motors. Each pump would be equipped with pump control valves to minimize starting and stopping surges and to provide for emergency closure in the event of a power failure. In addition to the surge control valves, a surge relief system would be included as a fail-safe mechanism for prevention of damage due to accidental over-pressurization of the system.

2.1.4 Raw Water Pipeline. The raw water pipeline route shown in Figure 2.1 requires a pipe length of 18,500 feet. A hydraulic analysis of the pumping conditions resulted in the selection of a 20" diameter pipeline. One 20" pipeline would have the capacity to transmit 5.25 MGD of water. At the time that additional capacity is needed, a second parallel 20" pipeline could be installed to increase the total capacity of the system to 8.5 MGD.

2.2 Water Treatment Plant Expansion

2.2.1 General. The existing B-Y Water Treatment Plant was constructed in 1978-79. The treatment process is a conventional water treatment process including chemical addition with rapid mix followed by a presettling basin, flocculation and sedimentation in solids contact clarifiers using lime as the primary flocculent, Ph adjustment using recarbonation, gravity filtration, chlorine disinfection, and fluoridation. The modular concept used in the design of the original plant provides the means for phased expansion through duplication of the existing units. Piping at key locations in the existing pipe galleries is designed and arranged to permit future connection to an expanded capacity water treatment plant. The purpose of this water treatment plant study is to determine the facilities requirements and probable costs for expansion of the plant capacity by 50% and 100%. The general approach used for estimating the water treatment plant expansion cost was to prepare a plant layout for a 100% expansion and then identify the improvements to be constructed in each phase of the improvements.

2.2.2 Process Description-100% Increase in Capacity. The treatment plant arrangement for a 100% expansion of the present facilities is shown in Figure 2.3: Plant Layout for 100% expansion. The treatment process layout is essentially a duplication of the existing treatment plant. Each of the treatment process units is the same size as the corresponding unit in the existing treatment plant. In addition to the treatment process units, a flow splitting device would be included to combine the water from each intake and split the flow equally

between the old and new portions of the water treatment plant. The 100% plant expansion would include the treatment process units identified in Table 2-3: Treatment Process Units-100% Expansion.

TABLE 2-3
TREATMENT PROCESS UNITS - 100% EXPANSION

TREATMENT PROCESS UNIT	SIZE	NO. REQUIRED
Flow Splitter Box	NA	1
Pretreatment Basin	56' x 56'	1
Solids Contact Basin	56' x 56'	2
Recarbonation Basin	32'x 48'x 10'D	1
Gravity Filters	2 Cells per filter, each cell is 10' x 18'	4
Clearwell	18'x 56'x 8'D	1
Washwater Reclaim Basin	32'x 48'x 8'D	1
Lime Silos	60 Ton ea.	2
Lime Slakers and Day bins	1000 lb/hr.	2
Treated Water Pumps	1850 gpm	3

2.2.3 Phase 1 Expansion (Approximately 50% Increase in Capacity).

The treatment plant components to be included in a 50% expansion of the plant capacity are identified in Figure 2.4: Plant Layout for 50% Expansion. The treatment plant arrangement for ultimate completion of the construction is the same as that shown for the 100% expansion. The first phase of the expansion includes the items which must be constructed in order to make the new portion of the facility operational. Some of these facilities will not be operating at full capacity until the 100% plant expansion is completed. A brief description of the Phase 1 improvements in each area of the treatment process is presented in the following paragraphs.

INFLUENT FLOW SPLITTER. The influent flow splitter will be constructed in the initial phase of the improvements. The splitter box will combine the raw water from two intakes and distribute the flow between the two pretreatment basins within the water treatment facility. This unit would have a capacity of 10.5 MGD.

PRETREATMENT BASIN. The initial phase of the plant expansion will include the construction of a new pretreatment basin adjacent to the existing basin. This arrangement will permit the use of the existing carbon feed system until later phases of the construction are completed. The pretreatment basin would be sized to handle 5.25 MGD, a 100% expansion of existing plant capacity.

SOLIDS CONTACT BASIN. The initial phase of the plant expansion will include the concrete construction necessary for both solids contact basins and the process equipment for one of the basins. The concrete walls for the basins require special reinforcement at the corners, making it impractical to construct them in two phases several years apart. The sludge wetwell and pumping room for the full expansion would be constructed as a part of the initial phase of construction. The space required for lime slakers and chemical feeders would be provided above the sludge pump room. The area constructed in the first phase would be sufficient for the full 100% expansion of the water treatment plant.

RECARBONATION BASIN. The existing recarbonation basin and carbon dioxide feed equipment is sized and located to serve the existing treatment process only. A 50% increase in plant capacity will require the construction of a new recarbonation basin. It is preferable to construct a single recarbonation basin. Since only one basin will be constructed, it is necessary to construct the basin in the first phase of the improvements. The recarbonation basin would provide the capacity required for a 100% increase in plant capacity. The space below the recarbonation basin can be used for washwater reclamation. The space above the recarbonation basin can be used as an electrical and control room.

GRAVITY FILTERS. The existing filters are designed for operation at filtration rates of 2.5 gpm/sf. A 50% expansion would require construction of two additional filters equal in size to the present filters if the present rate of 2.5 gpm/sf is to be maintained. Piping in the existing filter gallery is designed to permit filtration rates of up to 4 gpm/sf. Operation of the existing filters at filtration rates of 3.75 gpm/sf would permit a 50% increase in water production without construction of additional filters. Filtration at rates of up to 4 gpm/sf have been used successfully in similar water treatment processes. It is recommended that the treatment plant be operated at higher filtration rates initially. When water demands increase to the point that filter runs are too short or the turbidity standards are difficult to meet, additional filters can be added.

FILTERED WATER STORAGE. Additional underground filtered water storage would be provided in the initial phase of construction. The additional storage capacity would be used to collect the filtered water prior to transfer to the above ground storage reservoirs on the site. Two new treated water pumps are recommended as a part of the first phase of construction. The pumps are necessary to transfer the water from the below ground treated water storage facility to the above ground storage reservoirs.

It will also be necessary to modify the operation of the existing above ground storage reservoirs to meet the disinfection requirements of the Surface Water Treatment Rule. All treated water must have the minimum chlorine contact time specified in the rule. In order to accomplish this, all treated water must be routed through the above ground storage reservoirs prior to delivery to the first customer.

WASHWATER RECLAIM BASIN. A new washwater reclaim basin will be constructed in common with the recarbonation basin. The basin will not be needed for use until additional filters are constructed.

The basin piping will be arranged to permit its use for additional capacity for washwater reclamation for the present filters.

CHEMICAL FEEDING AND HANDLING SYSTEMS. The existing lime storage silos and pneumatic transfer system would be reconfigured to serve the new lime feeder and slaker provided as a part of the first phase of the improvements. A new day bin would be located in the plant addition to provide gravity feed of lime to the new lime feeder and slaker. The floor area above the pipe gallery required for the new pretreatment and solids contact basins will provide space for expansion of the chemical storage and handling areas for the chemicals received in bag and drum containers.

The existing powdered activated carbon and fluoride feed systems are being replaced in 1992. These feed systems would be modified to permit additional points of application of these chemicals in the first phase of the plant expansion. The new fluoride feed equipment to be installed in the 1992 treatment plant renovation project will have the capacity necessary to serve both the existing treatment plant and the treatment plant expansion. The 100% plant expansion will include an additional fluoride feeder to serve as a backup unit.

Space will be provided in the treatment plant expansion to permit relocation of the fluoride feed system to the new portion of the plant. The relocation of the fluoride feed system will permit expansion of the existing chlorine feed room to accommodate additional chlorination equipment.

DISINFECTION SYSTEMS. The existing chlorine feed equipment is sized and located to serve the existing treatment plant. This equipment is in need of renovation at the present time. The first phase of construction for the plant expansion will include new chlorination equipment. This equipment would be sized to handle the increased flows anticipated for the expanded treatment plant. The additional chlorination equipment will require additional space

for installation. It is expected that the fluoridation equipment can be relocated and the present fluoride feed room can be remodeled to provide additional space for chlorination equipment.

The Surface Water Treatment Rule portion of the 1986 amendments to the Safe Drinking Water Act establishes minimum requirements for disinfection of surface water. These requirements are commonly referred to as the "CT" requirements for disinfection. These requirements specify the chlorine concentration and contact times required for 99.9% inactivation of *Giardia lamblia* cysts. The "CT" requirements for the B-Y water treatment facility are summarized in Table 2-4: CT Requirements for B-Y Water Plant. The table shows that the present above ground storage reservoirs provide enough capacity for the disinfection of the water if all of the water is routed through the reservoirs prior to delivery to the customers. It will be necessary to modify the site piping to route all of the water through the reservoir prior to delivery to the distribution system. At the present time, it is possible for the water to bypass these reservoirs.

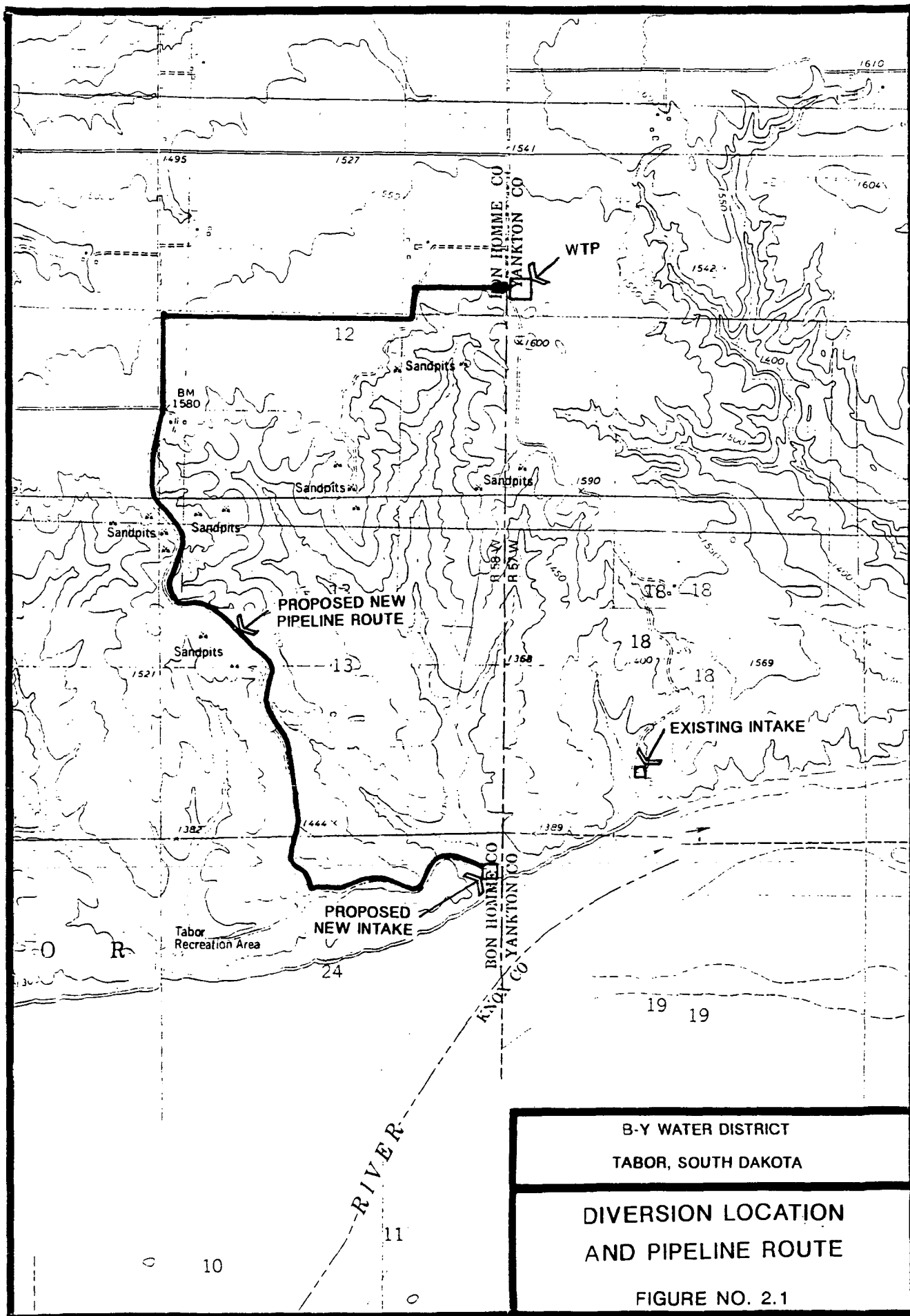
TABLE 2-4

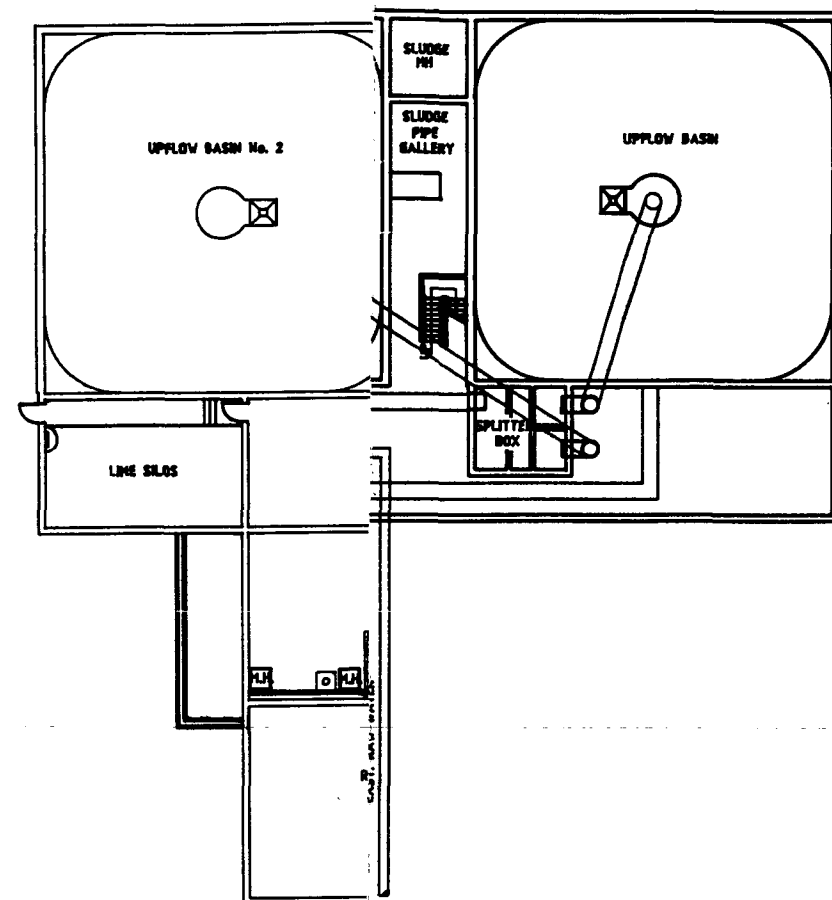
"CT" REQUIREMENTS FOR B-Y WATER PLANT

WATER QUALITY PARAMETER	SUMMER CONDITIONS	WINTER CONDITIONS
Water Temperature	15° C	5° C
pH of Treated Water ¹	8.7	8.7
Chlorine Concentration	2.0 mg/l	2.0 mg/l
Contact Time Required ²	55 min.	110 min.
Reservoir Volume Required ³ At Flow rate of:		
1500 gpm	275,000 gal.	550,000 gal.
3000 gpm	550,000 gal.	1,110,000 gal.
4500 gpm	825,000 gal.	1,650,000 gal.
6000 gpm	1,110,000 gal.	2,220,000 gal.

- ¹ Treated water pH must be reduced to a value below pH = 9 according to the rule.
- ² Contact time required is based on Tables provided in "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources", USEPA, PB90-148016, October, 1989
- ³ Reservoir volume required is based on the assumption that unbaffled above ground steel reservoirs are used to provide chlorine contact time. Typical efficiency factor for reservoirs of this nature is approximately 0.3.

SLUDGE CONTAINMENT BASINS. The existing sludge containment system consists of two sludge lagoons sized for a maximum water treatment plant capacity of 5.25 MGD. The total area within the dikes is 3.4 acres. The maximum sludge depth in the basins is four (4) feet. Any increase in treatment plant capacity will also require an increase in the size of the sludge lagoon system. The first phase of the treatment plant expansion will require the addition of one 1.7 acre sludge lagoon. Field surveys and preliminary test drilling has already been completed on the proposed site. Land acquisition will be necessary prior to construction of the facility. A site plan showing the treatment plant and sludge lagoons is presented in Figure 2.5: Site Plan for Water Treatment Plant Expansion.



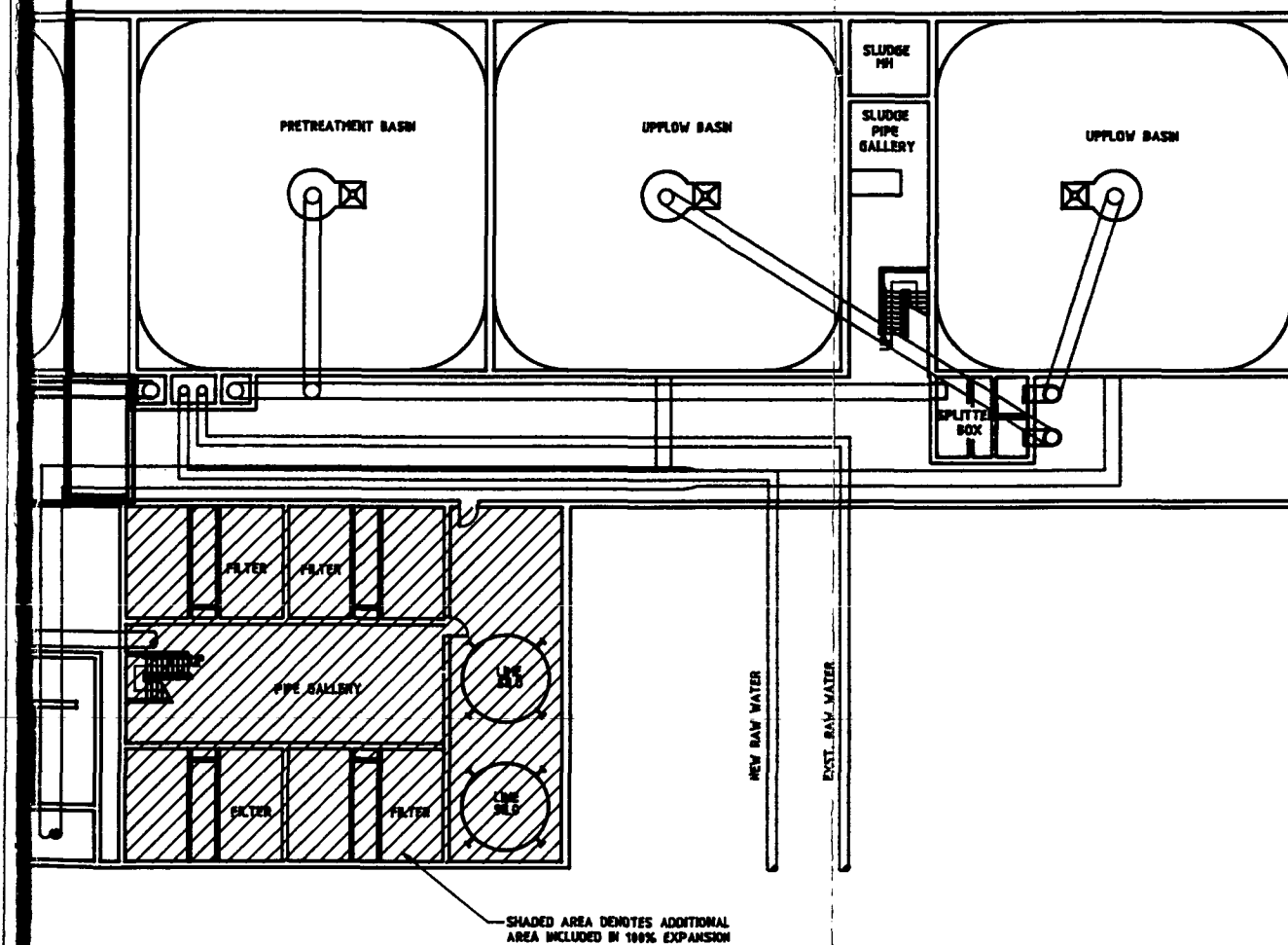


DRAWN BY: T.A.R.	REVIEWED DATE : _____ FOR _____
DESIGNED BY:	REVIEWED DATE : _____ FOR BANNER ASSOCIATES, INC.
CHECKED BY:	

WATER SUPPLY FACILITIES
FOR 100% EXPANSION

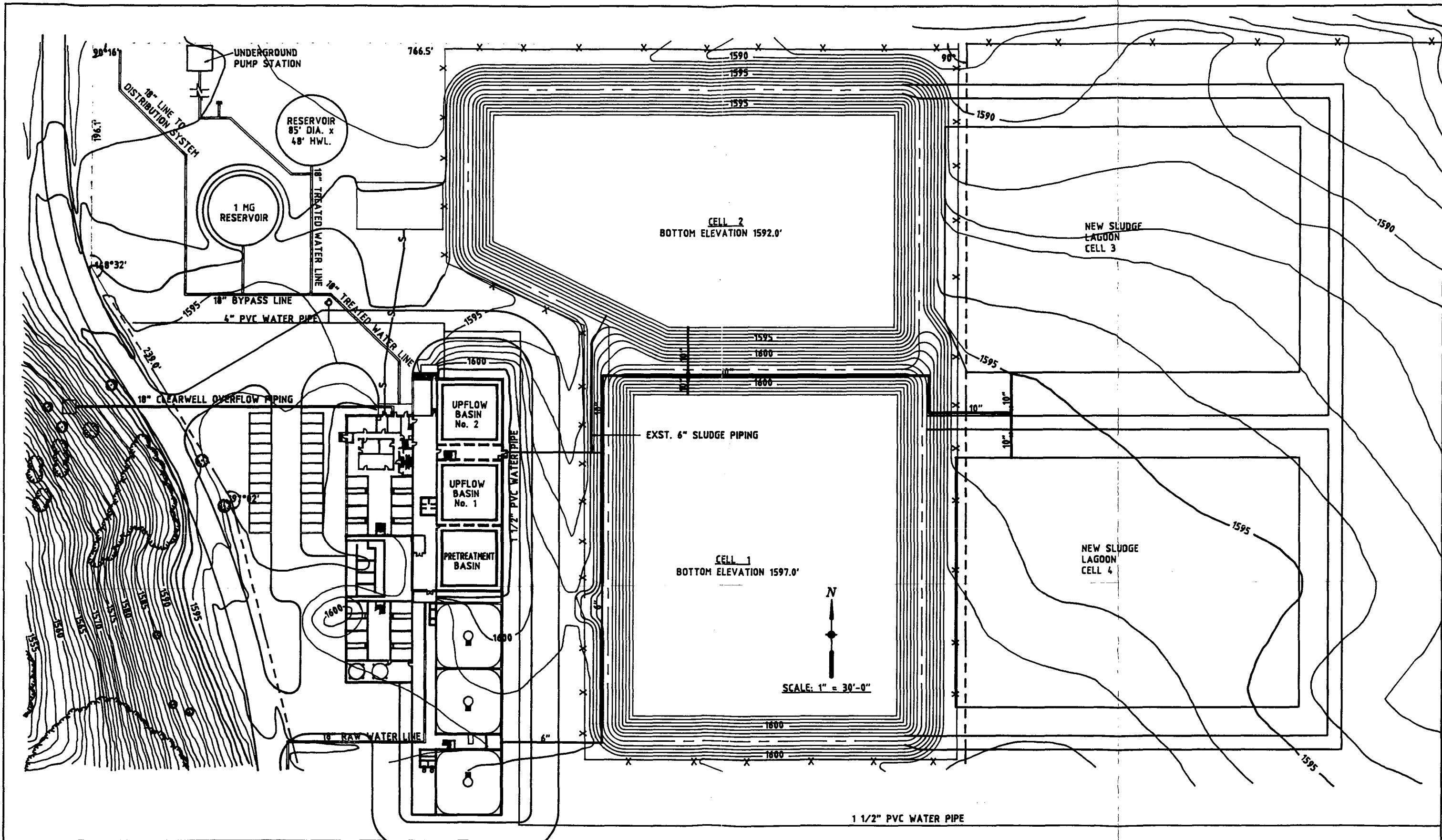
SCALE : 1"=30'	JOB NO : 7535	DATE : MAR. 1992
SHEET NO. : FIG. No. 2.3		

PLANT EXPANSION



PLANT EXPANSION

NO.	DATE	DESCRIPTION	BY	CK'D	B-Y WATER DISTRICT - TABOR, SOUTH DAKOTA WATER SUPPLY FACILITIES PLANT LAYOUT FOR 50% PLANT EXPANSION	SCALE : 1"=30'	JOB NO : 7535	DATE : MAR. 1992
SHEET NO. : FIG. No. 2.4								



DRAWN BY: T.A.R.	REVIEWED _____
	DATE: _____ FOR _____
DESIGNED BY:	REVIEWED _____
	DATE: _____ FOR BANNER ASSOCIATES, INC.
CHECKED BY:	

BANNER

BANNER ASSOCIATES, INC. CONSULTING ENGINEERS & ARCHITECTS
409 22ND AVENUE SOUTH P.O. BOX 298 BROOKINGS, SD 57006 (605) 692-6342

REVISION	DATE	DESCRIPTION	BY	CK'D

B-Y WATER DISTRICT - TABOR, SOUTH DAKOTA

WATER SUPPLY FACILITIES

PROPOSED WTP SITE LAYOUT PLAN

SCALE: 1"=30'

JOB NO: 7535

DATE: MAR. 1992

SHEET NO: **FIG. No. 2.5**

SECTION 3

SECTION 3 ESTIMATES OF PROBABLE COST OF THE PROJECT

3.0 General

The purpose for developing cost estimates for the intake and water treatment plant expansion is to determine the cost of developing the additional capacity to serve new water users in the B-Y Water District. The cost of service includes both the cost of capital improvements and the cost of operation and maintenance of the facilities. The improvements to the B-Y Water District Intake and Treatment facilities include: an intake on Lewis and Clark Lake, a raw water pump station, a raw water pipeline, and a treatment plant expansion. The estimates of probable costs for these improvements are presented in the following paragraphs.

3.1 Intake Facilities and Raw Water Line

The estimate of probable costs for a new intake and raw water line to the water treatment plant were developed on the basis of the preliminary design concept presented in Section 2. The costs for the intake are based on a structure sized for an ultimate capacity of 8.5 MGD. The costs for each phase of the improvements are identified in Table 3-1: Intake and Raw Water Pipeline Estimate of Probable Cost. The costs listed for the first phase include the entire cost of the structure. Costs for subsequent phases are the estimated costs for additional pumps and piping. All itemized costs are based on estimated costs for a 1992 bid opening. Adjustments for inflation will be necessary prior to establishing the final budget for a financing plan.

TABLE 3-1
INTAKE AND RAW WATER PIPELINE
ESTIMATE OF PROBABLE COST

DESCRIPTION	PHASE 1 EXPANSION	PHASE 2 EXPANSION	PHASE 3 EXPANSION
Intake Structure and Static Screens	\$ 925,000	\$ 0	\$ 0
Pumps, Motors, Piping, Valves and Surge Control Valves	\$ 335,000	\$ 100,000	\$ 100,000
Electrical and Controls	\$ 110,000	\$ 25,000	\$ 25,000
Raw Water Pipeline	\$ 950,000	\$ 0	\$ 925,000
CONSTRUCTION TOTAL	\$2,320,000	\$ 125,000	\$1,050,000
Contingencies, Engineering, and Admin.	\$ 810,000	\$ 45,000	\$ 360,000
Land and Easement Acquisition	\$ 10,000	\$ 0	\$ 5,000
PROJECT TOTAL, 1992 BID	\$3,140,000	\$ 170,000	\$1,415,000

3.2 Water Treatment Facilities

The estimate of probable costs for the water treatment plant expansion were developed on the basis of the design concept presented in Section 2. The costs for the water treatment plant expansion are based on a structure sized for an ultimate capacity of 10.5 MGD. The costs for each phase of the improvements are identified in Table 3-2: Water Treatment Plant Expansion, Estimate of Probable Cost. The costs listed for the first phase include the cost of portions of the structure which must be constructed in a single phase. Costs for subsequent phases are the estimated costs for additional general construction, process equipment, pumps and piping. All itemized costs are based on estimated costs for a 1992 bid opening. Adjustments for inflation will be necessary prior to establishing the final budget for a financing plan.

TABLE 3-2

WATER TREATMENT PLANT EXPANSION-
ESTIMATE OF PROBABLE COST

DESCRIPTION	PHASE 1	PHASE 2
General Requirements	\$ 225,000	\$ 125,000
Site Work and Yard Piping	\$ 335,000	\$ 45,000
General Construction	\$2,100,000	\$ 440,000
Mechanical (HVAC, Plumbing)	\$ 510,000	\$ 110,000
Process Equipment	\$ 550,000	\$1,200,000
Interior Piping and Valves	\$ 500,000	\$ 200,000
Electrical and Controls	\$ 400,000	\$ 380,000
CONSTRUCTION TOTAL	\$4,620,000	\$2,500,000
Contingencies and Engineering	\$1,610,000	\$ 875,000
Land Acquisition	\$ 25,000	\$ 0
PROJECT TOTAL-1992 Prices	\$6,255,000	\$3,375,000

3.3 Annual Operation and Maintenance Costs

The annual operation and maintenance costs for the expanded water treatment facility were estimated on the basis of current chemical costs, current charges for electrical power, and current labor rates. The annual operation and maintenance cost estimates were developed for three different operating conditions: present plant operation without an expansion, plant operation after Phase 1 of the expansion, and plant operation after Phase 2 of the expansion. The water production rates used for the various conditions are listed with the estimates of probable operation and maintenance costs. The estimates of costs and average annual water production rates are presented in Table 3-3: Estimates of Annual Operation and Maintenance Costs.

TABLE 3-3

ESTIMATES OF ANNUAL OPERATION AND MAINTENANCE COSTS

DESCRIPTION	PRESENT CONDITIONS	PHASE 1	PHASE 2
Annual Average Flow Rate - MGD	1.57 MGD	2.85 MGD	4.21 MGD
Chemical Costs	\$126,300	\$230,000	\$340,000
Power Costs	\$109,300	\$185,000	\$254,000
Fuel Costs	\$ 12,500	\$ 20,000	\$ 22,000
Labor Costs, Intake and Treatment	\$ 66,500	\$100,000	\$100,000
Equipment Repair/Replacement	\$ 56,000	\$ 73,000	\$112,000
Lab Services	\$ 7,500	\$ 10,000	\$ 10,000
Miscellaneous Costs	\$ 7,500	\$ 10,000	\$ 10,000
Total Annual O&M Costs	\$385,600	\$628,000	\$848,000
Cost/Thousand Gallons	\$ 0.67	\$ 0.60	\$ 0.55

It is significant to note that the average cost per thousand gallons of water produced is expected to go down, based on current costs for chemicals, labor, and power. The effect the increased water sales to additional customers will be to reduce the unit cost for everyone at present costs. As inflation occurs, the cost of production will increase even if no improvements are constructed. The impacts of inflation on water rates will be reduced if more water is sold.

The costs of production and treatment presented do not include the cost for delivery. The costs for debt service and operation and maintenance of the distribution system necessary to deliver the water to the added users are presented in the report prepared by Johnson Engineering.

3.4 Cost Summary

The projected costs for capital improvements for the various phases of work are summarized in Table 3-4: Summary of Probable Costs for Capital Improvements.

TABLE 3-4
SUMMARY OF PROBABLE COSTS FOR CAPITAL IMPROVEMENTS

DESCRIPTION	PHASE 1	PHASE 2	PHASE 3
Capacity of Additions			
-Intake	2.63 MGD	2.62 MGD	3.25 MGD
-Treatment Plant	2.62 MGD	2.63 MGD	0 MGD
Intake Construction	\$1,370,000	\$ 125,000	\$ 125,000
Raw Water Pipeline	\$ 950,000	\$ 0	\$ 925,000
Water Treatment Plant	\$4,620,000	\$2,500,000	\$ 0
TOTAL CONSTRUCTION COSTS	\$6,940,000	\$2,625,000	\$1,050,000
Contingencies, Engineering, and Admin.	\$2,420,000	\$ 920,000	\$ 360,000
Land Acquisition	\$ 35,000	\$ 0	\$ 5,000
TOTAL PROJECT BUDGET -1992 COSTS	\$9,395,000	\$3,545,000	\$1,415,000

The estimates of probable annual revenue requirements for operation and maintenance plus debt service for the intake system, raw water pipeline, and treatment plant are presented in Table 3-5: Summary of Probable Annual Revenue Requirements. The phases listed are the two phases for increasing the treatment plant capacity. The costs listed represent the estimates of probable annual cost of operation and maintenance for the intake and treatment facilities plus the costs for debt service on the treatment plant and intake facilities. The annual operation and maintenance costs for intake and treatment include both the new and existing facilities. The costs do not include distribution system debt service and distribution system operation and maintenance. The debt service costs were calculated using the current FmHA borrowing rate of 5 7/8 % interest and the assumption that there are no grant funds in the project financing. Debt service costs do not include debt service remaining on the existing facilities.

TABLE 3-5

SUMMARY OF PROBABLE ANNUAL REVENUE REQUIREMENTS

DESCRIPTION	PHASE 1	PHASE 1 & 2 COMBINED
Total Capital Cost - 1992 Costs	\$9,395,000	\$12,940,000
Annual Debt Service Cost	\$ 615,000	\$ 847,000
Annual O&M Cost (Intake and Treatment Facilities)	\$ 628,000	\$ 848,000
Total Annual Cost	\$1,243,000	\$ 1,695,000
Water Production Capacity		
-Facility Capacity Added	2.63 MGD	5.25 MGD
-Facility Capacity Total	7.88 MGD	10.50 MGD
-Annual Avg. Volume Treated	2.85 MGD	4.21 MGD
Cost per 1000 gallons for O&M	\$ 0.60	\$ 0.55
Annual Debt Service Cost per MGD of added capacity	\$ 234,000	\$ 161,500

APPENDIX

B-Y Water Treatment Plant Expansion
Operation & Maintenance Costs
- Prior to Plant Expansion

09-Mar-92

PRESENT

Chemical Costs

Chemical	Dose mg/l	Vol Trtd. mgd	Annual Use lbs.	Unit Price	Annual Cost
Lime	200	1.57	955,847	\$0.04	\$38,234
Phosphate	0	1.57	0	\$0.80	\$0
Fluoride	5	1.57	23,896	\$0.45	\$10,753
CO2	10	1.57	47,792	\$0.165	\$7,886
Chlorine	2.8	1.57	13,382	\$0.26	\$3,479
Polymer - 1	1.5	1.57	7,169	\$1.25	\$8,961
Polymer - 2	12	1.57	57,351	\$0.56	\$32,116
Activated Carbon	10	1.57	47,792	\$0.52	\$24,852
Sodium Aluminate	0	1.57	0	\$0.225	\$0
Subtotal					\$126,282

Power Costs

	Load (KW)	(KW/Yr)		
Lighting	20	175,200	\$0.03	\$5,256
Equipment	35	306,600	\$0.03	\$9,198
Raw Water Pumps	125	1,095,000	\$0.03	\$32,850
Treated Water Pumps	30	262,800	\$0.03	\$7,884
- Demand Charge	545	\$9.00 /KW-Month		\$58,860
Subtotal				\$114,048

Fuel Costs

	Size			
Heated Area	20,900	0.60 \$/SF	\$12,540	\$12,540

Labor Costs

Plant & Intake	4,160	10 \$/HR	\$41,600	\$41,600
Administrative			\$22,880	\$22,880

Equipment Repair/Replacement

\$56,000 \$56,000

Lab Services

\$7,500 \$7,500

Supplies & Miscellaneous Costs

\$7,500 \$7,500

Total Annual Cost

\$388,350

Cost/Thousand Gallons

\$0.68

B-Y Water Treatment Plant Expansion
Operation & Maintenance Costs
-After Phase 1 Plant Expansion

09-Mar-92

PHASE 1

Chemical Costs

Chemical	Dose mg/l	Vol Trtd. mgd	Annual Use lbs.	Unit Price	Annual Cost
Lime	200	2.85	1,735,137	\$0.04	\$69,405
Phosphate	0	2.85	0	\$0.80	\$0
Fluoride	5	2.85	43,378	\$0.45	\$19,520
CO2	10	2.85	86,757	\$0.165	\$14,315
Chlorine	2.8	2.85	24,292	\$0.26	\$6,316
Polymer - 1	1.5	2.85	13,014	\$1.25	\$16,267
Polymer - 2	12	2.85	104,108	\$0.56	\$58,301
Activated Carbon	10	2.85	86,757	\$0.52	\$45,114
Sodium Aluminate	0	2.85	0	\$0.225	\$0
Subtotal					\$229,238

Power Costs

	Load			
Lighting	35	306,600	\$0.03	\$9,198
Equipment	48	420,480	\$0.03	\$12,614
Raw Water Pumps	230	2,014,800	\$0.03	\$60,444
Treated Water Pumps	55	481,800	\$0.03	\$14,454
-Demand Charge	820	\$9.00 /KW-Month		\$88,560
Subtotal				\$185,270

Fuel Costs

	Size			
Heated Area	39,700	0.50 \$/SF	\$19,850	\$19,850

Labor Costs

Plant & Intake	6,240	10 \$/HR	\$62,400	\$62,400
Administrative			\$34,320	\$34,320

Equipment Repair/Replacement

\$73,000 \$73,000

Lab Services

\$10,000 \$10,000

Supplies & Miscellaneous Costs

\$10,000 \$10,000

Total Annual Cost

\$624,078

Cost/Thousand Gallons

\$0.60

B-Y Water Treatment Plant Expansion
Operation & Maintenance Costs
- After Phase 2 Plant Expansion

09-Mar-92

PHASE 2

Chemical Costs

Chemical	Dose mg/l	Vol Trtd. mgd	Annual Use lbs.	Unit Price	Annual Cost
Lime	200	4.21	2,563,132	\$0.04	\$102,525
Phosphate	0	4.21	0	\$0.80	\$0
Fluoride	5	4.21	64,078	\$0.45	\$28,835
CO2	10	4.21	128,157	\$0.165	\$21,146
Chlorine	2.8	4.21	35,884	\$0.26	\$9,330
Polymer - 1	1.5	4.21	19,223	\$1.25	\$24,029
Polymer - 2	12	4.21	153,788	\$0.56	\$86,121
Activated Carbon	10	4.21	128,157	\$0.52	\$66,641
Sodium Aluminate	0	4.21	0	\$0.225	\$0
Subtotal					\$338,628

Power Costs

	Load			
Lighting	40	350,400	\$0.03	\$10,512
Equipment	64	560,640	\$0.03	\$16,819
Raw Water Pumps	335	2,934,600	\$0.03	\$88,038
Treated Water Pumps	80	700,800	\$0.03	\$21,024
- Demand Charge	1090	\$9.00 /KW-Month		\$117,720
Subtotal				\$254,113

Fuel Costs

	Size			
Heated Area	43,800	0.50 \$/SF	\$21,900	\$21,900

Labor Costs

Plant & Intake	6,240	10 \$/HR	\$62,400	\$62,400
Administrative			\$34,320	\$34,320

Equipment Repair/Replacement

\$112,000 \$112,000

Lab Services

\$10,000 \$10,000

Supplies & Miscellaneous Costs

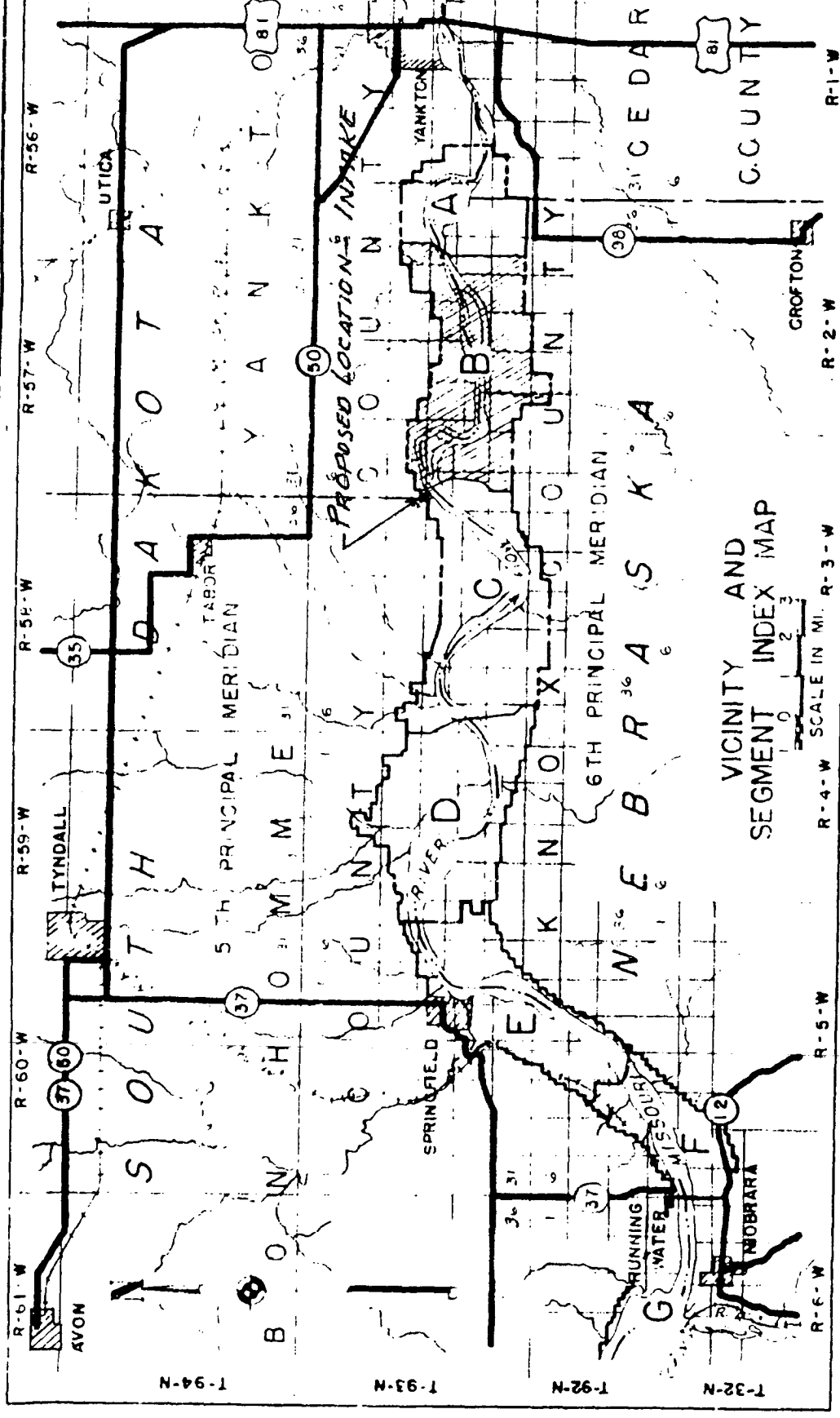
\$10,000 \$10,000

Total Annual Cost

\$843,361

Cost/Thousand Gallons

\$0.55



D A K O T A

ENGINEERING REPORT
EXPANSION OF INTAKE AND TREATMENT FACILITIES
FOR B-Y WATER DISTRICT
TABOR, S.D.

SECTION 1 INTRODUCTION, AUTHORIZATION AND PURPOSE

The B-Y Water District owns and operates a water treatment and distribution system in the south central South Dakota counties of Bon Homme, Yankton, Douglas, Hutchinson, and Turner. The system has received requests for water service from adjoining water districts and communities within the service area borders. In order to provide reliable service to these potential members, it will be necessary to expand the capacity of the raw water intake system and the water treatment plant.

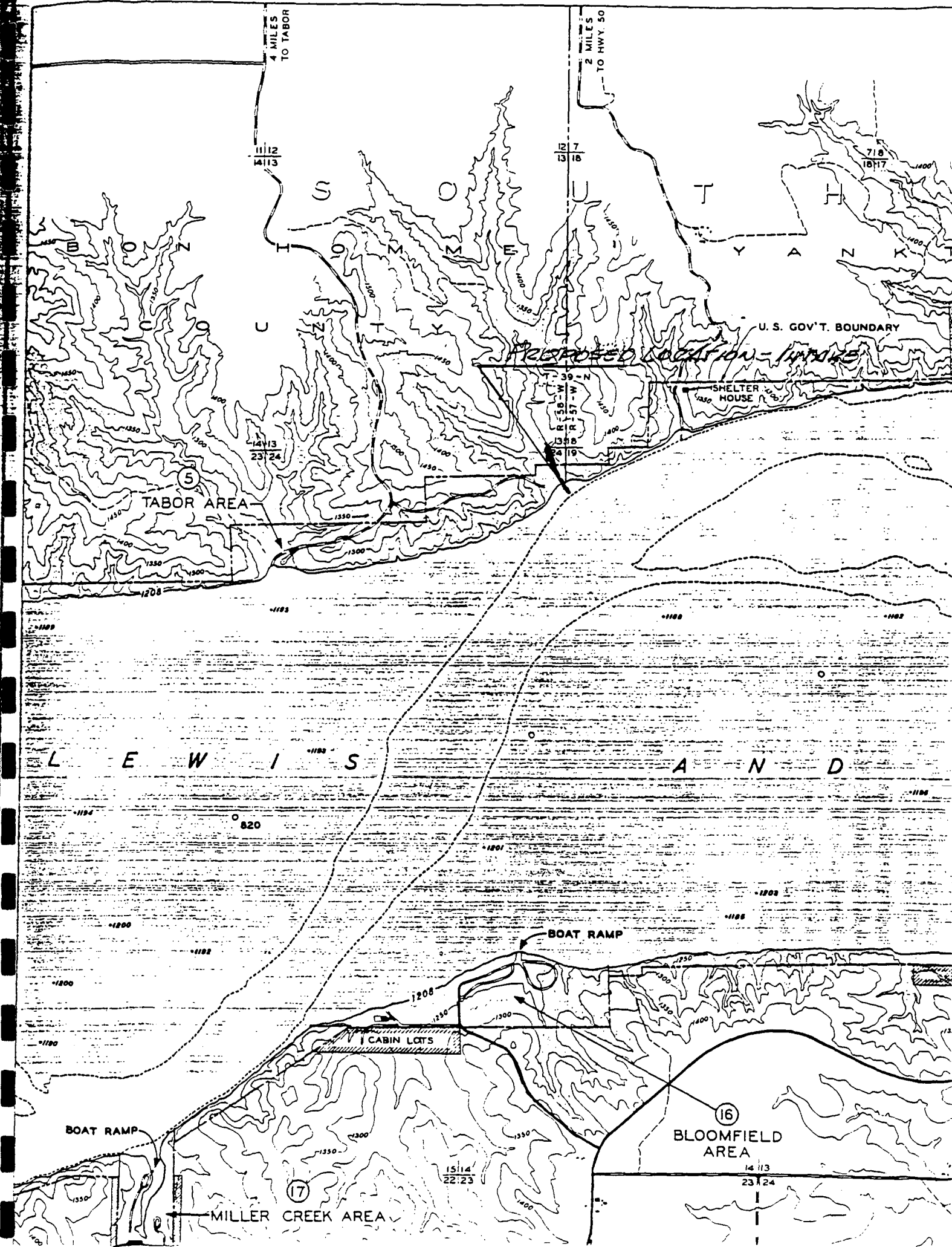
The B-Y Water District has entered into an agreement with Banner Associates, Inc. of Brookings, S.D. to evaluate the probable costs for expansion of the raw water intake system and the water treatment plant. This report was produced in accordance with that agreement.

The purpose of the report is to provide an estimate of probable costs of construction, operation, and maintenance of expansions to the raw water intake and the water treatment plant facilities. The estimates of probable costs will be used as the basis for preliminary estimates of cost of service to the prospective new members, as a basis for planning of the schedule for construction of the improvements, and as supplemental information for applications for financial assistance in the construction of this project.

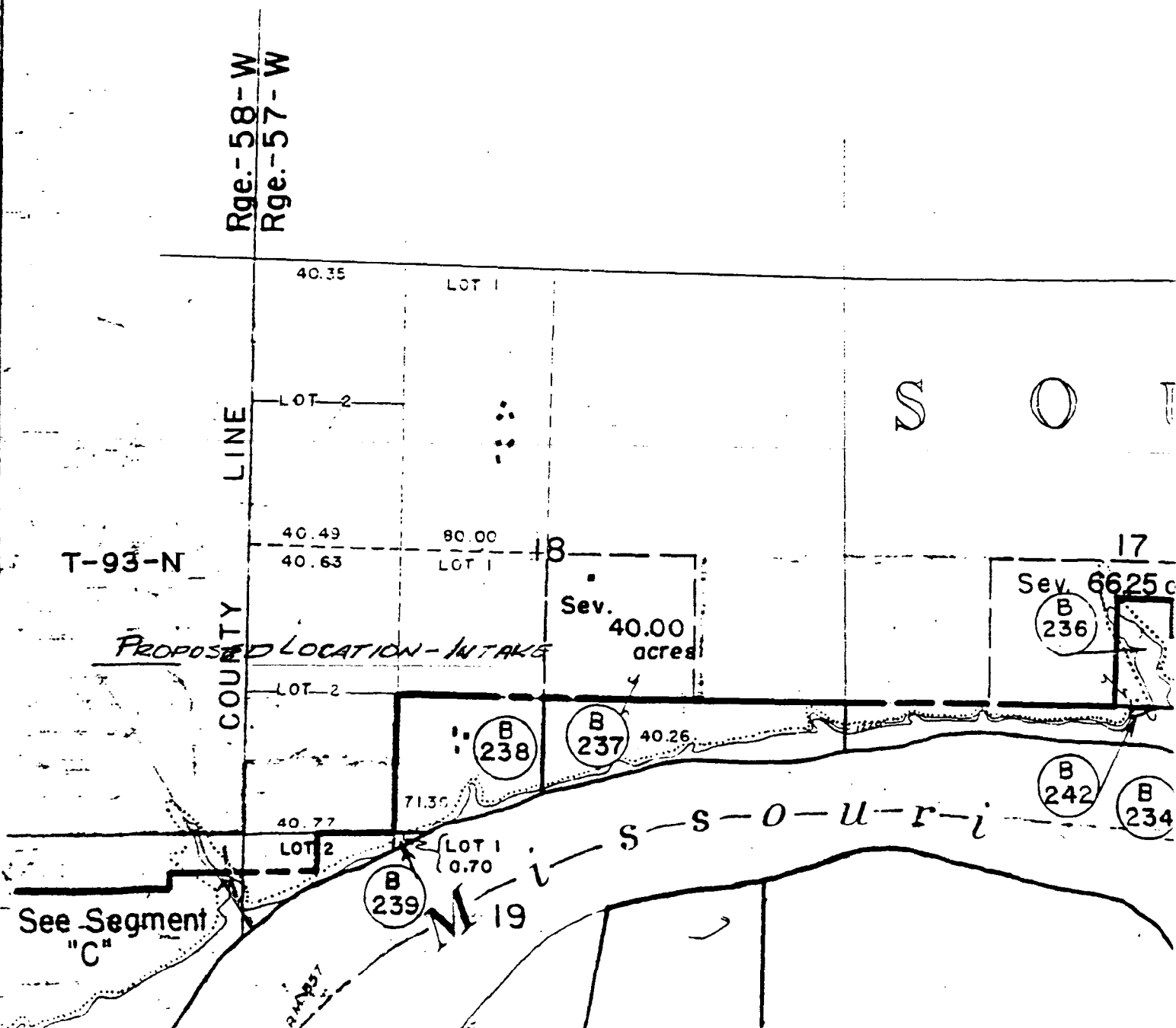
In accordance with the request of the Manager and the Board of Directors of the B-Y Water District, the following capacity increases were evaluated to determine probable cost for construction, operation, and maintenance:

50% increase over present capacity or a 2.625 MGD increase for both the intake and the water treatment plant.

100% increase over present capacity or a 5.25 MGD increase for both the intake and the water treatment plant.



DATE	REVISIONS	BY
11-4-59	Revised tract B-208-1 boundary and acreage.	J. H. M.
4-19-66	Corrected to date.	M. C. J.
10-8-70	Revised Project Name.	R. E. P.
11-13-70	Due to Final Audit	R. E. P.



May 19 '94 11:37

BY:WATER:TABOR:.

TEL 6054632349

P. 2

BANNER-HSSDC.

ID:1-605-692-5714

MAY 19 '94 11:11 NO.003 P.01

BANNER

CONSULTING ENGINEERS & ARCHITECTS

BANNER ASSOCIATES, INC.
408 22nd Avenue South • P.O. Box 298
Brookings, South Dakota 57006-0298
(605) 692-4342
FAX: (605) 692-5714

May 3, 1994

Mr. Gene R. Reetz
USEPA, Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2466

Subject: Application No. 199330300
B-Y Water District
BAI No. 7592

Dear Mr. Reetz:

We have been requested by the B-Y Water District to respond to comments dated April 18, 1994 with reference to screen opening size and entrance velocity.

For preliminary design and cost estimating purposes, we have selected a 20-inch diameter, stainless steel, wire-wrapped intake screen with 0.040-inch slot size. In determining the intake screen length required at 8.5 MGD peak capacity, 0.40 feet per second was selected as the maximum velocity. This results in requiring two screens, 15.58 feet in length for each screen.

In discussions with Tim Olson, SDDGF&P and Thomas Lowin, U.S. Army COE, it is our understanding that the selected screen slot size and entrance velocity are in compliance with the established standards of General Permit No. 90-04. It is our further understanding that during construction of the facility, the work needs to be coordinated with the Dept. of GF&P to minimize the impact on fish spawning.

Yours very truly,

Robert L. Brotsky, P.E.

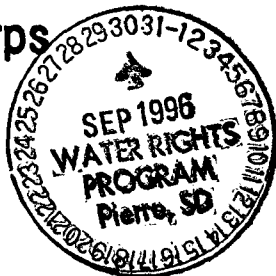
RLB/db

cc: Steve Naylor, U.S. Army COE, Pierre
Tim Olson, S.D. Dept. of Game, Fish and Parks, Pierre
Michael D. Williams, B-Y Water District



PUBLIC NOTICE

**US Army Corps
of Engineers**
Omaha District



Application No: 199330300

Applicant: B-Y Water District
Waterway: Missouri River, Mile 818.90
Lewis and Clark Lake

Date: September 26, 1996
Expiration Date: October 17, 1996

Regulatory Office Oahe Dam Admin Building P.O. Box 1117 Pierre, South Dakota 57501

21 DAY NOTICE

JOINT NOTICE OF PERMIT PENDING

**US ARMY CORPS OF ENGINEERS
AND
SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

The amended application of B-Y Water District, Post Office Box 248, Tabor, South Dakota 57063, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, US Army Engineer District, Omaha, Nebraska. A Public Notice of the B-Y Water District's original permit application was issued by the District Engineer on April 1, 1994.

The applicant requests authorization to upgrade an existing regional domestic water supply system by construction of a supplemental intake structure approximately one-half (1/2) mile upstream of an existing intake facility. The project is located in the Missouri River (Lewis and Clark Lake), mile 818.90 in the northeast quarter (1/4) of Section 24, Township 93 North, Range 58 West, Bon Homme County, South Dakota.

The proposed project will consist of the construction of a pumping station with a reinforced concrete wet well (approximately thirty-five (35) feet in depth) on the Lewis and Clark Lake shoreline. Two (2) ductile iron intake lines (twenty four (24) inches in diameter and approximately five hundred sixty (560) feet in length) will be extended from the wet well to lake depth elevation 1188.00 mean sea level (msl). Stainless steel wire wrapped screens with one tenth (0.10) inch slot openings will be flange-bolted to the ends of the intake pipes. The proposed intake lines will be installed in open trenches excavated by means of land based equipment (dragline, excavator). A temporary work road (approximately fifteen (15) feet in width by three hundred sixty (360) feet in length with one to one (1:1) side slopes) will be constructed of material consisting of an estimated six thousand (6,000) cubic yards of sand, gravel and chalk rock from an existing mine near the project site. Excavated material from the trench construction will be stockpiled in an upland area and backfilled to original lake bed contours following construction of the intake lines. A layer of Class III riprap will be placed on the bank slope in the location of the pipeline installation. The pumping system will consist of electrically-driven vertical turbine pumps. The total system pumping capacity (existing and new pumps) will be five thousand eight hundred and eighty (5880) gallons per minute (gpm) with individual pump capacity of an estimated eleven hundred (1100) gpm.

The purpose of the project is to provide increased intake pumping capacity to supply an existing water treatment facility and to provide back-up capability for the existing intake system.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Regulation, 523 East Capitol Avenue, Pierre, South Dakota 57501-3181, will review the proposed project for state certification in accordance with the provisions of Section 401 the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:03:02).

Omaha District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. The results of a cultural resource survey conducted by Wichita State University in 1983, found no cultural resources in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area or check for unknown historic properties, if warranted.

In compliance with the Endangered Species Act, our review indicates that the proposed activity will not affect species designated as threatened or endangered pursuant to the Endangered Species Act or their critical habitat.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the project on public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

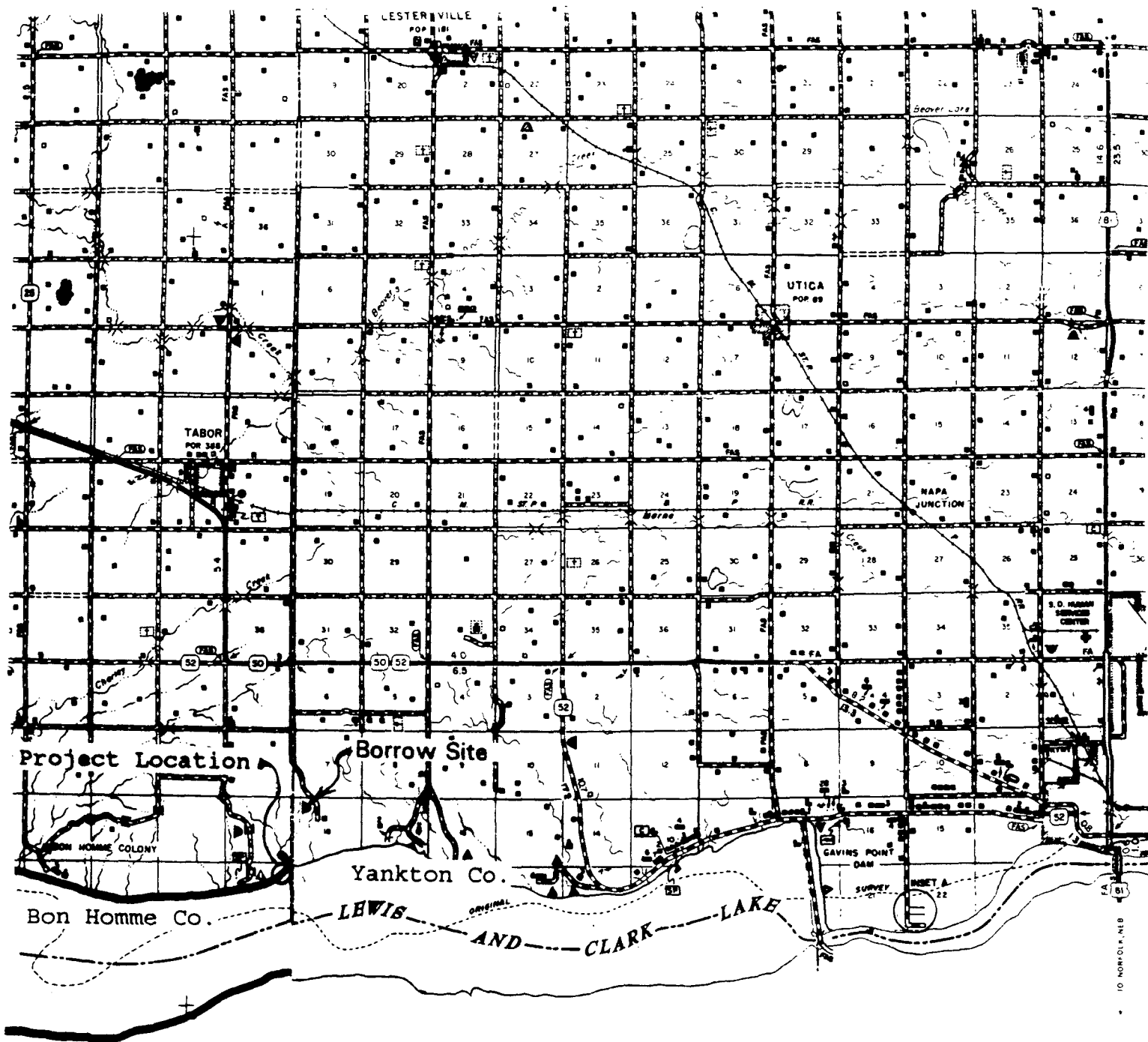
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, Pierre Regulatory Office, Oahe Dam Admin Building, PO Box 1117, Pierre, South Dakota 57501.

Any interested party (particularly officials of any town, city, county, state, Federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before October 17, 1996. Any agency or individual having an objection to the proposed work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application. All replies to the public notice should be addressed to the address listed in the previous paragraph. Mr. Thomas A. Lowin, telephone number (605) 224-8531, may be contacted for additional information.

Comments received after the close of the business day on the expiration date of this public notice will not be considered.

This project, if authorized, will be under the provisions of Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403), and under the provisions of Section 404 of the Clean Water Act.

Drawings showing the location and extent of the work are attached to this notice.

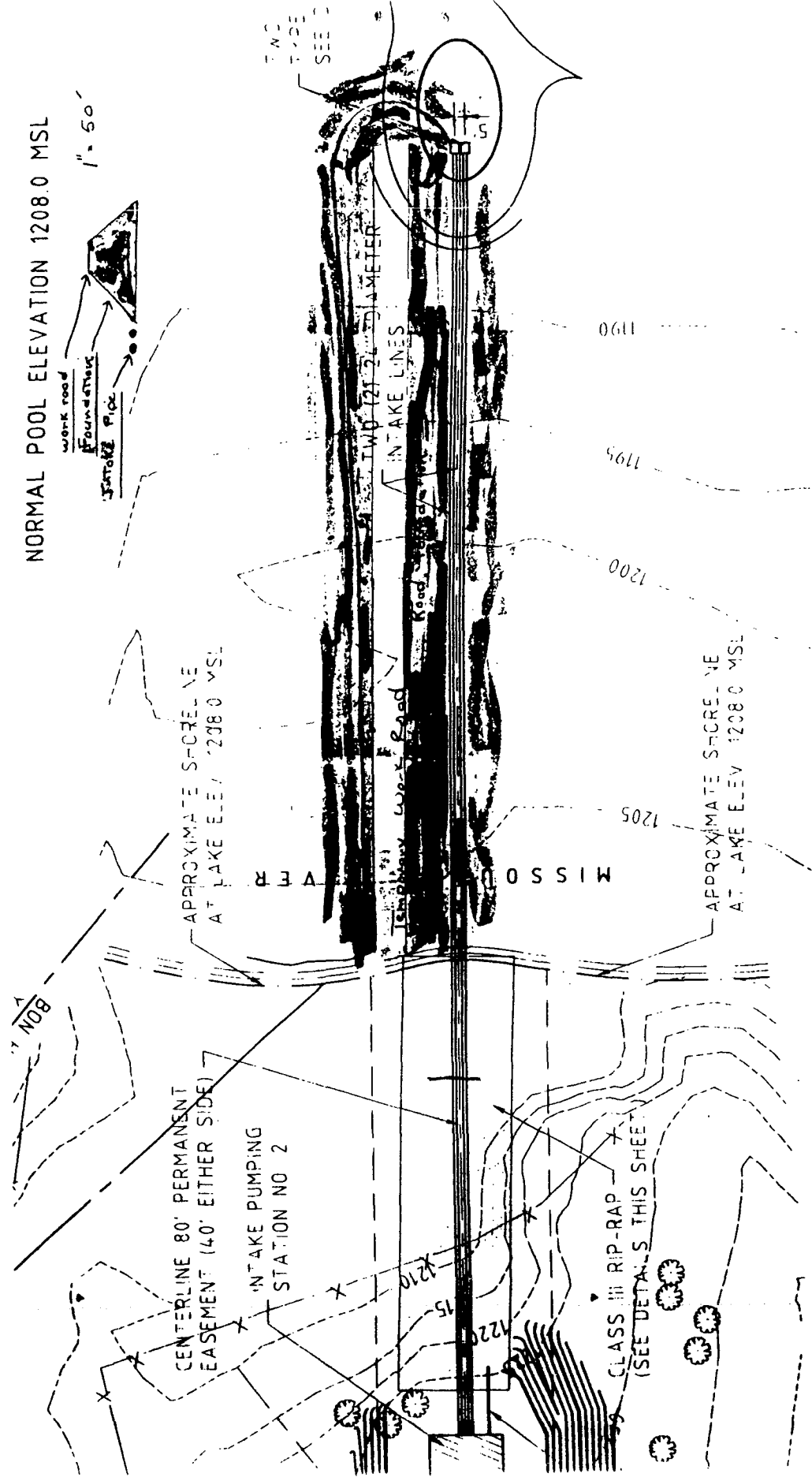


VICINITY MAP

PURPOSE: Intake Structure
 DATUM msl
 ADJACENT PROPERTY OWNERS:
 1 Bon Homme Hutterian Brethren, Inc.
 2

IN Missouri River, Mile 818.90
 AT Sec. 24, T93N, R58W
 COUNTY OF Bon Homme STATE SD
 APPLICATION BY B-Y Water District
 SHEET 1 OF 3 DATE 9/24/96

IN Missouri River, Mile 818.90
AT Sec. 24, T93N, R58W
COUNTY OF Bon Homme STATE SD
APPLICATION BY B-Y Water District
SHEET 2 OF 3 DATE 9/26/06

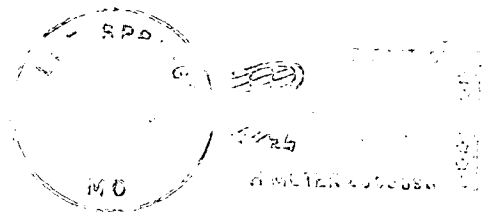


PURPOSE: Intake Structure
 DATUM: msl
 ADJACENT PROPERTY OWNERS:
 1 Bon Homme Hutterian Brethren, Inc.
 2

IN Missouri River, Mile 818.90
 AT Sec. 24, T93N, R58W
 COUNTY OF Bon Homme STATE SD
 APPLICATION BY B-Y Water District
 SHEET 3 OF 3 DATE 9/24/96

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT
CORPS OF ENGINEERS
SOUTH DAKOTA REGULATORY OFFICE
PO BOX 1117
PIERRE SD 57501

CEMRO-OP-RSD



PUBLIC NOTICE

JOHN HATCH
SD DEPT OF ENR
DV OF WATER RIGHTS
523 E CAPITOL AVE
PIERRE SD 57501



RECEIPT

414175

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 16, 19 94

RECEIVED OF B - Y Water District, PO Box 248, Tabor, SD 57063-0248

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

Fee for Application for Permit No. 5824-3 to Appropriate Water, to construct and to put water to beneficial use _____

1225 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

1225 00

By

Chief Engineer

John Hatch

RECEIPT

Division of Water Rights

414175

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 16, 19 94

RECEIVED OF B - Y Water District, PO Box 248, Tabor, SD 57063-0248

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

Fee for Application for Permit No. <u>5824-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	1225	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	1225 00

By John Hatch
Chief Engineer

**Report on Water Permit Application No. 5824-3
B-Y Water District
June 3, 1994**

Background

Water Permit Application No. 5824-3 requests to appropriate 6.95 cubic feet of water per second (cfs) from the Missouri River. The proposed diversion point will be located in the NE1/4 NE1/4 Section 24, T93N-R58W, in Bon Homme County. Water will be used to serve communities in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas, and Clay Counties.

Discussion

B-Y Water District uses 6.2 cfs authorized by Water Permit No. 3140-3, with a priority date of October 15, 1976. Water Permit Application No. 5824-3 is to increase the diversion rate to 13.15 cfs from the Missouri River to meet the needs of the communities added to the system. The new diversion point is located approximately 1/2 mile west of the present B-Y raw water intake facility. The project requires expansion of the existing 5.25 million gallons a day (mgd) water treatment plant. Five (5) pumps will be used to provide the required pumping capacity including one as a standby unit.

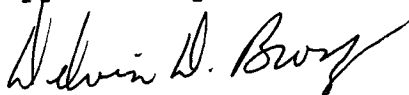
Conclusions

1. The additional diversion rate is needed to meet the needs of the communities added to the system.
2. Water Permit Application No. 5824-3 should be approved without qualifications.



M. Rassool Ahadi
Natural Resources Engineer III

Approved By:



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

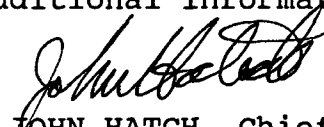
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5824-3, B-Y Water District

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. 5824-3, B-Y Water District, c/o Allen Namminga, Chairman, PO Box 248, Tabor, SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 5824-3 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 B-Y Water District shall report to the Chief Engineer annually the amount of water withdrawn each year from the Missouri River.

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 13, 1994



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 22, 1994

Allen Namminga, Chairman
B-Y Water District
PO Box 248
Tabor, SD 57063

Dear Mr. Namminga:

Water Permit Application No. 5824-3 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 Hutchinson Herald printed at Menno, SD (Ph # 605-387-5158), The New Era printed at Parker, SD (Ph # 605-297-4419), Canistota Clipper printed at Canistota, SD (Ph # 605-296-3181), Alexandria-Herald printed at Alexandria, SD (Ph # 605-239-4521), Tyndall Tribune & Register printed at Tyndall, SD (Ph # 605-589-3242), Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811), Corsica Globe printed at Corsica, SD (Ph # 605-946-5489), and Plain Talk printed at Vermillion, SD (Ph # 605-624-2695). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1994

Corsica Globe
Box 45
Corsica, SD 57328-0045

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824-3 to be published twice. Please publish the first notice on June 28, 1994, 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 B-Y Water District, PO Box 248, Tabor, SD 57063 (Ph # 605-946-5489).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1994

Hutchinson Herald
Box 537
Menno, SD 57045-0537

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824-3 to be published twice. Please publish the first notice on June 29, 1994, 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 B-Y Water District, PO Box 248, Tabor, SD 57063 (Ph # 605-463-2531).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of
Hearing to Appropriate Water by Application No. _____ which was first
published in our issue of _____. ENCLOSED IS A COPY OF THIS
FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1994

Tyndall Tribune & Register
Box 520
Tyndall, SD 57066-0520

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824-3 to be published twice. Please publish the first notice on June 29, 1994, 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 B-Y Water District, PO Box 248, Tabor, SD 57063 (Ph # 605-463-2531).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

~~CUT HERE~~

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1994

Daily Press & Dakotan
PO Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824-3 to be published twice. Please publish the first notice on June 29, 1994, 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 B-Y Water District, PO Box 248, Tabor, SD 57063 (Ph # 605-463-2531).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1994

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824-3 to be published twice. Please publish the first notice on June 30, 1994, 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 B-Y Water District, PO Box 248, Tabor, SD 57063 (Ph # 605-463-2531).

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

FIRST TRANSMITTAL NOTICE

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

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1994

Canistota Clipper
Box 128
Canistota, SD 57012-0128

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824-3 to be published twice. Please publish the first notice on June 30, 1994, 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 B-Y Water District, PO Box 248, Tabor, SD 57063 (Ph # 605-463-2531).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1994

Alexandria-Herald
Box 450
Alexandria, SD 57311-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824-3 to be published twice. Please publish the first notice on June 30, 1994, 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 B-Y Water District, PO Box 248, Tabor, SD 57063 (Ph # 605-463-2531).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of
Hearing to Appropriate Water by Application No. _____ which was first
published in our issue of _____. ENCLOSED IS A COPY OF THIS
FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 22, 1994

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824-3 to be published twice. Please publish the first notice on July 1, 1994, 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 B-Y Water District, PO Box 248, Tabor, SD 57063 (Ph # 605-463-2531).

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

29, 30 & July 1

Instruction to Newspaper - Publish first Notice on June 28, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5824-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W for rural water system use. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno, and Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 July 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Affidavit Of Publication

STATE OF SOUTH DAKOTA.

County of Douglas

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: THE CORSICA GLOBE is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota by MARY NEUGEBAUER and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all of the facts stated in this affidavit; that the advertisement headed

Notice of Application No.
5824-3 to appropriate
Water - B-Y Water Dist.

a printed copy of which is hereto attached, was printed and published in said newspaper

for two (2) successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 6/28, 1994.

the second publication being made on 7/5, 1994.

the third publication being made on _____, 19____.

the fourth publication being made on _____, 19____.

the fifth publication being made on _____, 19____.

the sixth publication being made on _____, 19____.

the seventh publication being made on _____, 19____.

and the eighth publication being made on _____, 19____.

that \$ 39.90 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division there of has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this 22nd day of July, 1994.

Beverly Treustra

Notary Public, Douglas County, South Dakota

My Commission Expires 10-26-2001



Notice of Application No. 5824-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor, S.D. 5706 has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W for rural water system use. The water district serves users in Hutchinson, Turner McCook, Hanson, Bon Homme, Yankton Douglas and Clay Counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno and Freeman.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 5824-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The chief engineer's address is "Water Rights Division, Fos Building, 523 E Capitol, Pierre SD 5750 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application.

Russell L. Stone, Acting Secretary
Dept. of Environment and Natural
Resources

cL67:6/28-7/5c

Affidavit of Publication

STATE OF SOUTH DAKOTA)

:ss

COUNTY OF McCook)

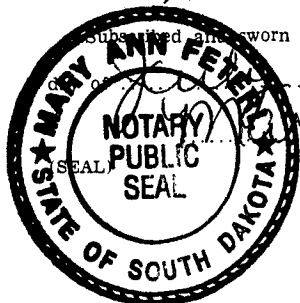
The undersigned, being first duly sworn, on his oath says: THE CANISTOTA CLIPPER is a weekly newspaper of general circulation, printed and published in the City of Canistota, McCook County, South Dakota, by WENDELL ANDERSON, and has been such newspaper during the times hereinafter mentioned; that it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

headed *Notice of Application*

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

The first publication being made on *6-30-94*
the second publication on *7-7-94*
the third publication on
the fourth publication on
the fifth publication on
the sixth publication on
the seventh publication on
the eighth publication on
the ninth publication on

that *\$39.06* being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for the division thereof have been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever, and that said newspaper is a legal newspaper under the laws of the State of South Dakota.



Notary Public, South Dakota

My Commission Expires 7-30-98

PUBLIC NOTICE

Notice Of Application
No. 5824-3 To
Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N- R58W for rural water system use. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno and Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824-3, 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

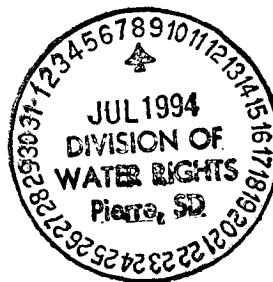
Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

6-30-2tc.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
County of YANKTON)I, LARRY A. BENSONcertify that the attached printed Notice was
taken from the YANKTON DAILY PRESS
& DAKOTANprinted and published in YANKTON, SDCounty of YANKTON and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:JUNE 29, 1994JULY 6, 1994Cost of Printing: \$38.60

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W for rural water system use. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Uica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno, and Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 July 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Larry A Benson
(Signature)

BUSINESS MANAGER
(Title)

7/6/94

(Date Signed)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Hanson) ss

I, David L. Stutz

certify that the attached printed Notice was

taken from the Alexandria
Herald

printed and published in Alexandria

County of Hanson and State of

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

June 30 1994
July 7 1994

Cost of Printing: 24.52

David L. Stutz
 (Signature)

Owner
 (Title)

July 28, 1994
 (Date Signed)

NOTICE

**OF APPLICATION NO. 5824-3
 TO APPROPRIATE WATER**

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W for rural water system use. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno, and Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 July 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.



Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF TURNER } ss.

Bruce Bormann 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, Bruce J. Bormann or Brenda L. Bormann, 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 time had, and now has, more than 200 bona fide subscribers; that the under-

signed, the affiant, is the publisher 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 Notice of Application No. 5824-3 printed copy of which hereunto attached, was printed and published in the

said newspaper for 2 successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thu, the 30 day of June, 19 94;
On Thu, the 7 day of July, 19 94;
On _____, the _____ day of _____, 19 _____;
On _____, the _____ day of _____, 19 _____;
On _____, the _____ day of _____, 19 _____;
On _____, the _____ day of _____, 19 _____;
On _____, the _____ day of _____, 19 _____;

That \$ 33.71 being the full amount of the fees for publication of the attached notice insures solely for the benefit 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.

Deora Winnepenninck
Subscribed and sworn to before me this 7
day of July, 19 94.

D. T. Weis
Notary Public, Turner County, South Dakota.

NOTICE OF APPLICATION NO. 5824-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W for rural water system use. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno and Freeman Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 July 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

(Publish 6-30 & 7-7.)

Publication Fees - - - \$ 33.71

Notary Fees - - - - - \$ _____

Total - - - - - \$ 33.71

Received Payment,

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Sharon Brewer



Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned 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 Application NO. 5824-3

to Appropriate Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as

aforesaid was on Friday, the 1 day of July, 19 94, and that the succeeding publications were severally

on Friday, the 8 day of July, 19 94

on Friday, the _____ day of _____, 19 _____

on Friday, the _____ day of _____, 19 _____

on Friday, the _____ day of _____, 19 _____

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Thirty-four dollars and 81 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Sharon Brewer

Subscribed and sworn to before me this 6/26

day of July, 19 94

Dean E. Winick
My Commission Expires
April 17, 1997

Notary Public

NOTICE OF APPLICATION NO. 5824-3 TO APPROPRIATE WATER

Notice is given that B-Y Water District, P.O. Box 248, Tabor, SD 57063 has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W for rural water system use. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lester-ville, Tabor, Scotland, Parkston, Menno and Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 July 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources. Publish: July 1 and 8, 1994

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Bon Homme) ss

I, Marvin A. Blaha

certify that the attached printed Notice was

taken from the Tyndall
Tribune & Register

printed and published in Tyndall, SD

County of Bon Homme and State of

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

June 29, 1994

July 6, 1994

Cost of Printing: \$39.78

72 @ 30.7 + 80% x 1

Marvin A. Blaha
 (Signature)

Publisher
 (Title)

7-6-94
 (Date Signed)



NOTICE OF APPLICATION NO. 5824-3

to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 of NE 1/4 Section 24-T93N-R58W for rural water system use. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno, and Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, the hearing will be scheduled at the Water Management Board for the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant ~~must~~ file a petition if contesting 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 July 18, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.
 (June 29-July 6)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hutchinson)I, William J. Headley

certify that the attached printed Notice was

taken from the Hutchinson Heraldprinted and published in MennoCounty of Hutchinson and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:June 29, 1994July 6, 1994Cost of Printing: \$37.80W. J. Headley
(Signature)Publisher

(Title)

July 12, 1994
(Date Signed)

petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

(Pub. Jn 29 & Jy 6, 1994)

**NOTICE OF
APPLICATION NO. 5824-3
To Appropriate Water**

Notice is given that B-Y Water District, P. O. Box 248, Tabor, S. Dak., has filed an application for a water permit to appropriate 6.95 cubic feet of water per second from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W for rural water system use. The water district serves users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties. Communities which will receive this water include: Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno, and Freeman.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of application No. 5824-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S. Dak. 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 18, 1994.

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

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: B-Y Water District WP Application

ADDRESS: COUNTY:

DATE: 5/17/94 TELEPHONE:

RE: Called regarding the counties served by B-Y Water District

COMMENTS:

I called and talked to the secretary about the counties which are provided service by the District. They are:

Hutchinson
Hanson
Douglas

Turner
Bon Homme
Clay

McCook
Yankton

The secretary stated that they served one customer whose farm is on the Clay/Yankton border and that the farm place is actually on the Clay side.

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 Lundberg

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: B-Y Water District, Application No. 5824-3

ADDRESS: COUNTY:

DATE: 5/31/94 TELEPHONE:

RE: Discussion of communities serves with B-Y Water

COMMENTS:

Mr. Williams stated the following towns are to be supplied B-Y Water District water.

Dimock, Olivet, Kaylor, Irene, Utica, Volin, Mission Hill, Avon, Lesterville, Tabor, Scotland, Parkston, Menno, and Freeman.

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

NAME: Eric Henderson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 13 1994

Allen Namminga, Chairman
B-Y Water District
PO Box 248
Tabor, SD 57063

Dear Mr. Namminga:

Enclosed is Water Permit No. 5824-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 1998

Mike Williams, Manager
B-Y Water District
PO Box 248
Tabor SD 57063

Dear Mr. Williams:

I am writing in response to our September 21, 1998 telephone conversation regarding the water right permits for B-Y rural water. Thank you for taking time to explain your system to me.

Enclosed are two application forms to increase the pump rate from each of the rural water systems diversion points. The older diversion point (No. 3140-3) is to be increased from 6.20 cfs to 8.34 cfs (3,744 gpm) and the new diversion point (No. 5824-3) from 6.95 cfs to 15.03 cfs (6,750 gpm). This will ensure you are permitted for the maximum diversion rate from each of your diversion points. I decided for the sake of clarity to use two applications to accomplish this. In this way, each diversion point is referenced by its own water right file.

Please review these applications for accuracy (including the counties served water) and then sign each application in the presence of a notary public. The application fee for each application is as follows:

Old diversion point for 2.14 cfs increase:	\$500.00 plus the \$50.00 license fee
New diversion point for 8.08 cfs increase:	\$1,400.00 plus the \$50.00 license fee

The fee structure is outlined on the enclosed instruction sheet.

I will complete a map for each application. Please contact me at 605 773-3352 if you have any questions. However, I will be out of the office until October 5, 1998.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 22 1999

B-Y Water District
Michael D Williams
PO Box 248
Tabor SD 57063

Dear Mr. Williams:

Enclosed are Water Permit and Water License Nos. 6105-3 and 6106-3. The water licenses are the final documents which completes the process of obtaining a water right.

As stated in the water licenses, the applicable portions of No. 3140-3 has been incorporated into No. 6105-3 and the applicable portions of No. 5824-3 and 5824A-3 have been incorporated into No. 6106-3.

As long as B-Y Water District uses the water beneficially, as stated in the Water Licenses, State Water Laws provide that the district has a continuing right to use the water.

Very truly yours,

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

ks

enclosures