

WATER PERMIT NO. 5824A-3

Phone: 605 463-2531

Name of Applicant: B-Y Water District

Post Office Address: PO Box 248, Tabor SD 57063-0248

Amount of Water Claimed: no add'l Total Acres: NA

Source of Water Supply: Missouri River

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

Location: 12 miles west of Yankton

PRIORITY Date Received: 5-4-95 Fee: \$50.00

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

Remarks: Requesting connection of Hanson Rural Water System and T-M Rural Water System

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

Land to be Irrigated: _____

				Ø	
		24			

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

Depth of Well: _____ REMARKS: _____

Type of Map: topo Prepared By: _____ Reviewed and the Number

Assigned on: 5-15-95 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)

4/20/95

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5824A-3 Hydrologic Unit 10170101
Basin James River
Newspaper See attached list
(office use only)



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

Check use of water:

☒ Municipal ☒ Suburban Housing ☒ Recreational ☒ Institutional
☒ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☒ Geothermal Heat
☒ Domestic ☒ Industrial ☐ Other _____
(over 18 gpm)

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 5824-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____
Adding hookups

- Name of Applicant B-Y Water District Phone 605-463-2531
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 248 Tabor State South Dakota 57063-0248
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed No additional *CFS or _____ **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet -- storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Lewis & Clark Lake - Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
As located under existing permit NE 1/4 NE 1/4 Sec 24-T93N-R58W
- County or counties where water will be used Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner, Yankton Counties
- Annual period during which water is to be used January 1--December 31
- Give a description of the 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)

Application is to authorize connection of Hanson Rural Water System and T-M Rural Water System.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Yankton)^{SS}

I, Michael D. Williams for 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 Michael D. Williams

Subscribed and sworn to before me this 2 day of May 19 95

Shirley R. Woods
Notary Public

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

Date of first receipt of application May 4, 1995.

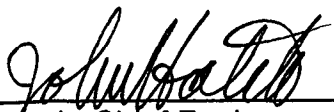
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5824A-3 to B-Y Water District, PO Box 248, Tabor SD 57063-0248 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5824A-3 authorizes connection of the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. 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 will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton Counties. No increase in the diversion rate is authorized by this permit.
2. The water appropriated shall be used for the purpose of supplying water to the rural water system and may not exceed the amount of water needed for beneficial use for rural water system use.
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. 5824A-3 is June 26, 1995.
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 December 26, 1997.
7. All construction is to be completed on or before June 26, 2000.
8. Water is to be put to beneficial use on or before June 26, 2004.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

That 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 Program
Department of Environment and Natural Resources

SEP 5 1995
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 21, 1995

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

Dear Mike:

I am writing to inform you of the water permitting requirements to connect a separate water distribution system, located within or outside of B-Y's system area. The B-Y Water District has applied for approval of plans and issuance of a permit from the Corps of Engineers to install a pipeline across the James River. The public notice distributed by the Corps of Engineers for the installation of a pipeline across the James River states the purpose of the project is to provide water service to the Hanson Rural Water System, T-M Rural Water District and the City of Freeman.

Board Rule 74:02:01:03.01 states a new water permit is required to connect a separate water distribution system, located within or outside of the system area, to the water distribution system. A review of the District's water permits does not show the Hanson Rural Water System or T-M Rural Water District connected to the B-Y Rural Water District system.

The District recently obtained Water Permit No. 5824-3 for an additional appropriation of water. This permit included providing service to the City of Freeman. Unfortunately, service to Hanson and T-M was not included during the permitting process for Permit No. 5824-3.

Enclosed are application forms for applying for a water permit to include service to these two rural water systems. The form is not specifically tailored to this type of application but we will be able to make it work. The application should include the location of the diversion point(s), counties, cities and other distribution systems where water will be used and finally under Item No. 7 state the application is to authorize connection of Hanson Rural Water System and T-M Rural Water District. The application filing fee will be \$50. The larger expense to B-Y will be the cost of the publication of the notice of hearing that is required in each county where water is served.

Please contact me, if you have any questions.

Sincerely,


Eric Gronlund
Water Rights Division
(605) 773-3352

enclosure

RECEIPT

414500

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 15, 19 95

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>5821/A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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	50 00

By

Chief Engineer

John Hatch

Report on Water Permit Application No. 5824A-3
B-Y Water District
May 19, 1995

Background

Water Permit Application No. 5824A-3 requests to connect the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. Water Permit No. 5824-3 appropriates 6.95 cubic feet of water per second (cfs) from the Missouri River. The diversion point is located in the NE1/4 NE1/4 Section 24, T93N-R58W, in Bon Homme County. The water district will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner, and Yankton Counties. The application does not request any increase in the diversion rate.

Discussion

Water Permit No. 3140-3 authorizes the B-Y Water District to divert 6.2 cfs with a priority date of October 15, 1976. The district is also authorized by Water Permit No. 5824-3 to divert 6.95 cfs with a priority date of May 16, 1994.

The purpose of this application is to provide water service to the Hanson Rural water system, and T-M Rural Water District.

Conclusions

1. Water Permit application No. 5824A-3 should be approved with the following qualification:

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



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. 5824A-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. 5824A-3, B-Y Water District, c/o Michael Williams, Manager, PO Box 248, Tabor, SD 57063-0248.

The Chief Engineer is recommending APPROVAL of Application No. 5824A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

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

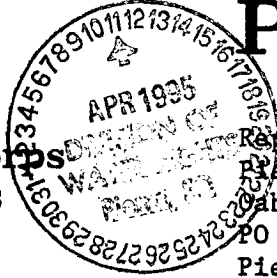
See report on application for additional information.

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

JOHN HATCH, Chief Engineer
May 30, 1995



US Army Corps
of Engineers
Omaha District



Public Notice

Reply to:
Pierre Regulatory Office
The Dam Admin Building
PO Box 1117
Pierre, SD 57501

Application No.: 199530101
Date: April 7, 1995
Expiration Date: April 28, 1995

CEMRO-OP-R
B-Y Water District
Water Pipe Line-Riprap
James River, Mile 37.20

21-DAY NOTICE

JOINT NOTICE OF PERMIT PENDING

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

The application of B-Y Water District, PO 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.

The applicant requests authorization to install a twenty (20) inch diameter ductile iron water supply pipeline and place rock/riprap bank protection. The project is located in the James River at mile 37.20 in the southeast quarter (1/4) of Section 29, Township 96 North, Range 56 West, Yankton County, South Dakota.

The proposed project will consist of the excavation and backfill of a trench for installation of the pipeline and construction of rock riprap revetment along approximately eighty (80) linear feet of the river banks in the location of the crossing. The revetment construction will involve excavation and shaping of the banks.

The purpose of the project is to provide water service to the Hanson Rural Water System, T-M Rural Water District, and the City of Freeman.

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 of 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. We have checked the National Register of Historic Places and "its current supplements," and no property listed in the Register or proposed for listing is located 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.

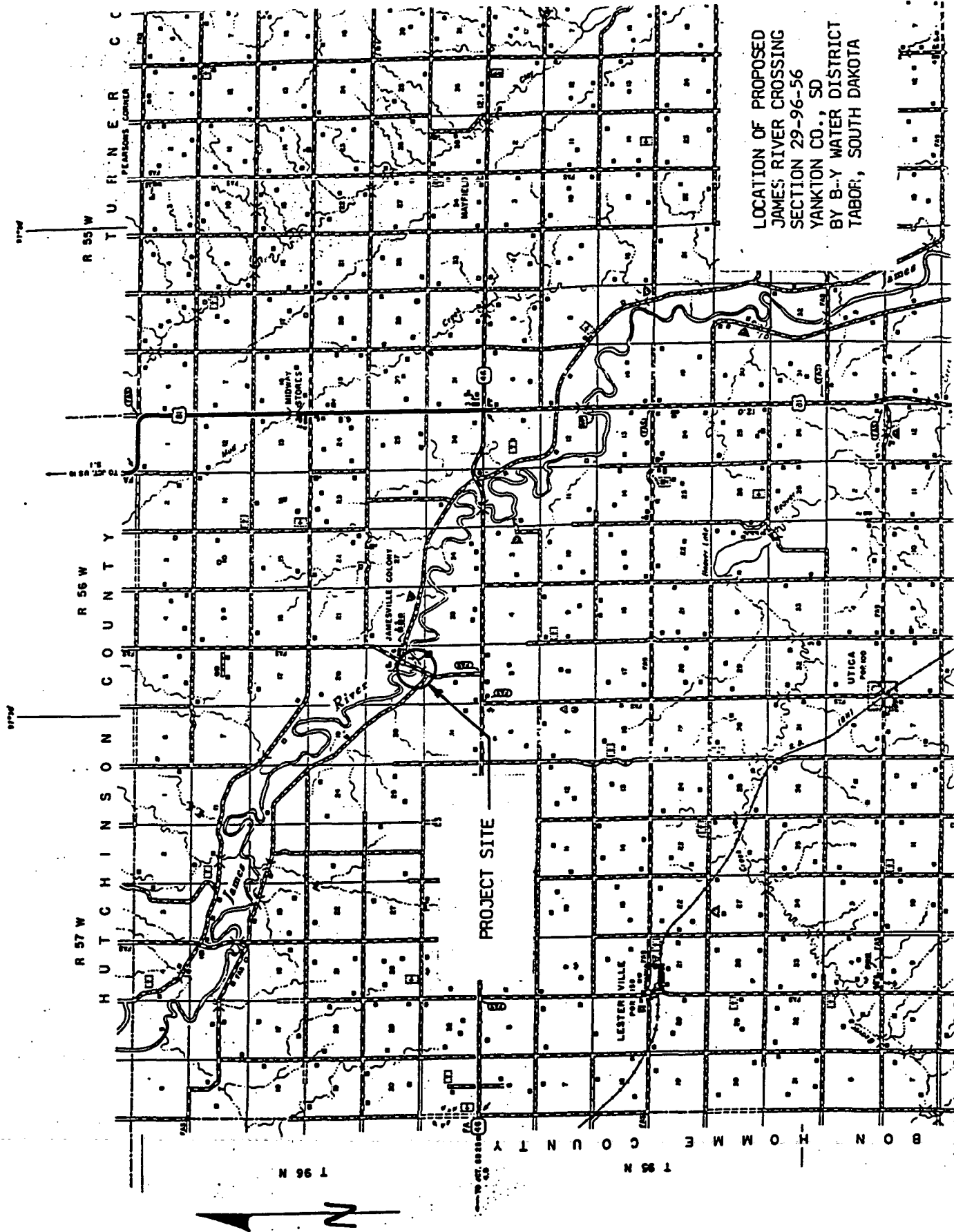
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, Pierre Regulatory Office, 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 April 28, 1995. 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.



LOCATION OF PROPOSED
JAMES RIVER CROSSING
SECTION 29-96-56
YANKTON CO., SD
BY B-Y WATER DISTRICT
TABOR, SOUTH DAKOTA

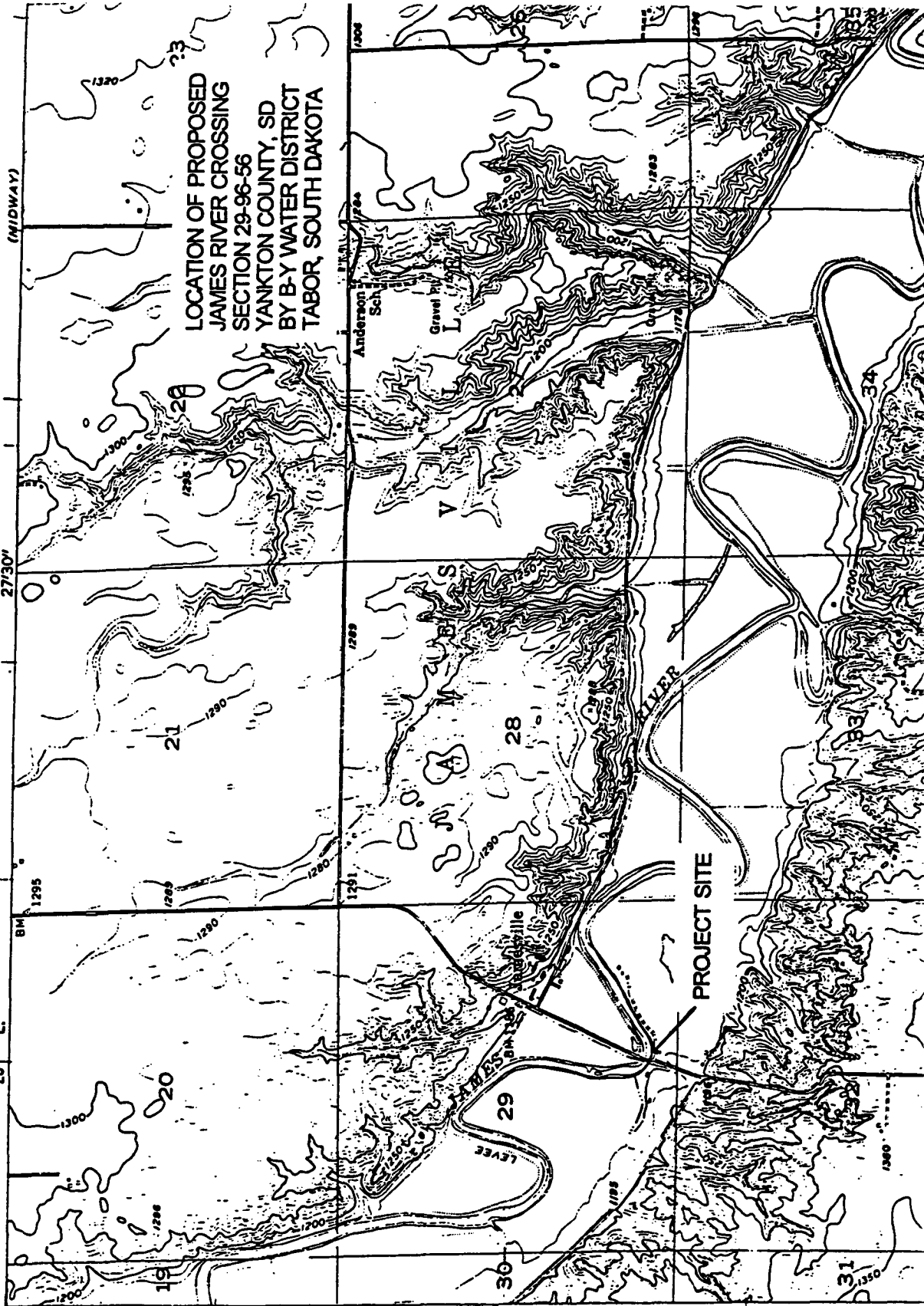
PURPOSE: Pipeline/Water Supply
DATUM MSL
ADJACENT PROPERTY OWNERS:
1 Jamesville Colony
2

IN James River
AT Sec 29, T96N, R56W
COUNTY OF Yankton STATE SD
APPLICATION BY B-Y Water District
SHEET 1 OF 4 DATE 4-6-95

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

623000m. E.

97°30'
43°07'30"

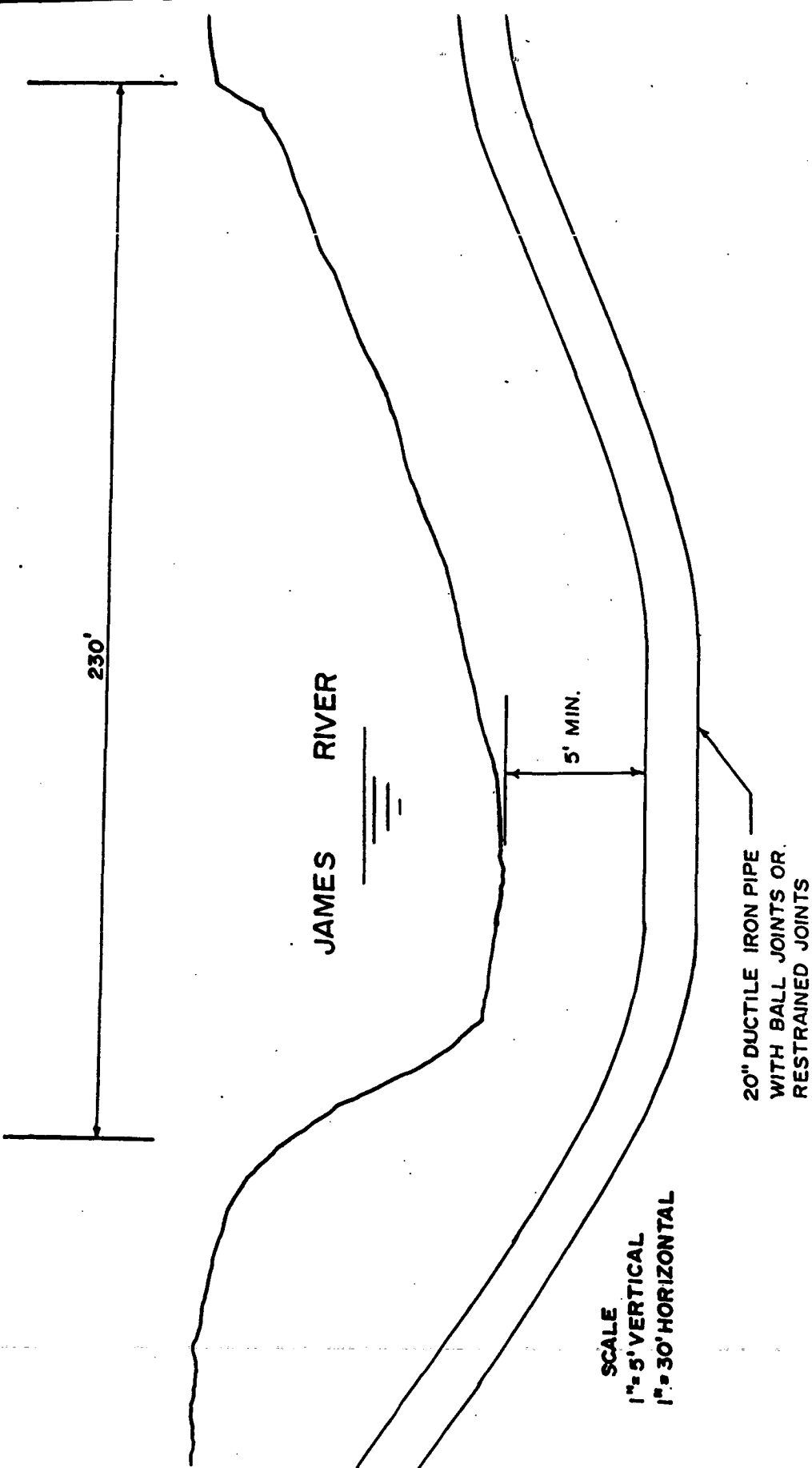


LOCATION OF PROPOSED
JAMES RIVER CROSSING
SECTION 29-96-56
YANKTON COUNTY, SD
BY B-Y WATER DISTRICT
TABOR, SOUTH DAKOTA

PROJECT SITE

PURPOSE: Pipeline/Water Supply
DATUM MSL
ADJACENT PROPERTY OWNERS:
1 Jamesville Colony

IN James River
AT Sec 29, T96N, R56W
COUNTY OF Yankton STATE SD
APPLICATION BY B-Y Water District
SHEET 2 OF 4 DATE 4-6-95



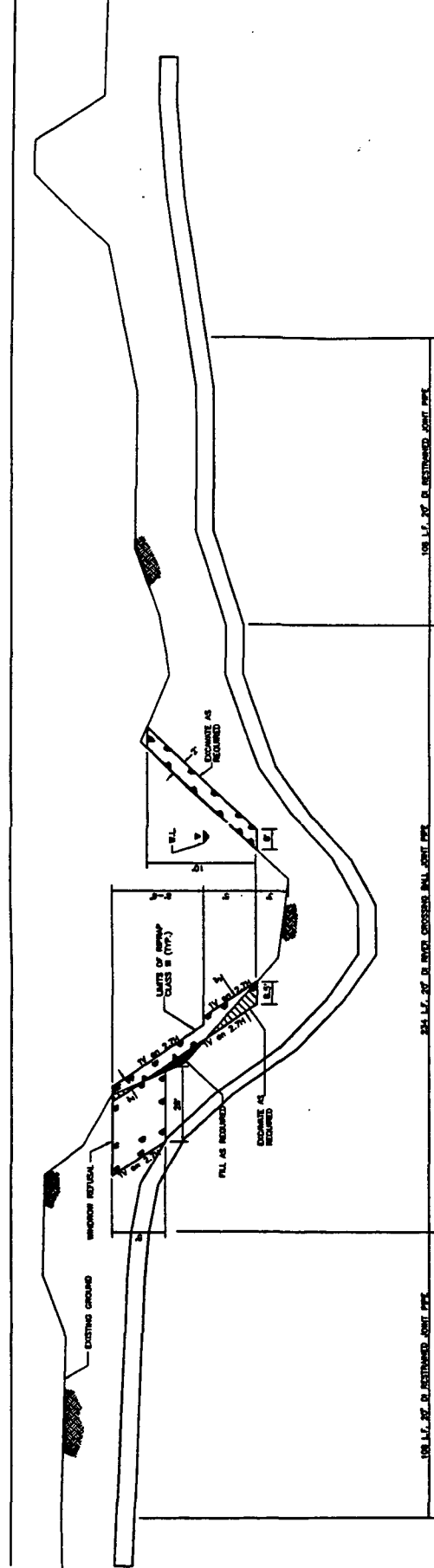
PROFILE OF PROPOSED
 JAMES RIVER CROSSING
 SECTION 29-96-56
 YANKTON CO., SD
 BY B-Y WATER DISTRICT
 TABOR, SOUTH DAKOTA

SCALE
 1"=5' VERTICAL
 1"=30' HORIZONTAL

PURPOSE: Pipeline/Water Supply
 DATUM MSL
 ADJACENT PROPERTY OWNERS:
 1 Jamesville Colony
 2

IN James River
 AT Sec 29, T96N, R56W
 COUNTY OF Yankton STATE SD
 APPLICATION BY B-Y Water District
 SHEET 3 OF 4 DATE 4-6-95

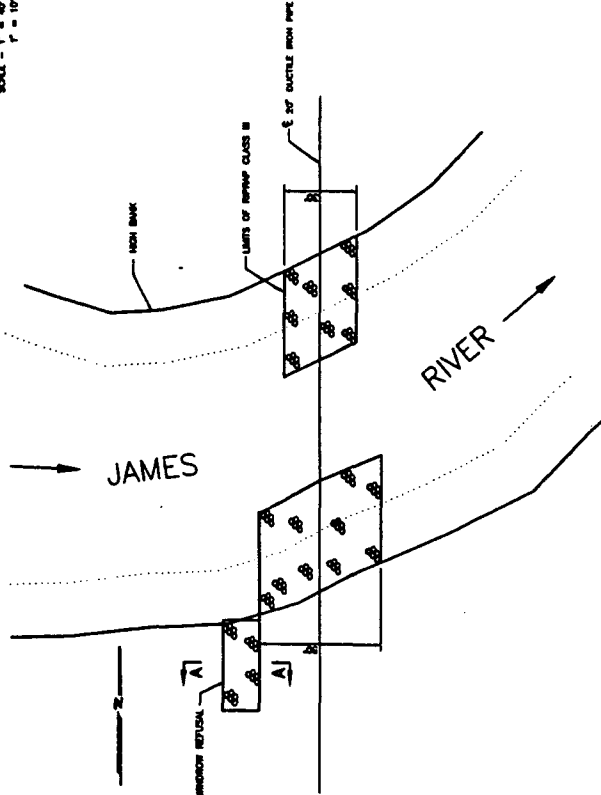
PURPOSE: Pipeline/Water Supply
 DATUM MSL
 ADJACENT PROPERTY OWNERS:
 1 Jamesville Colony
 2



TYPICAL SECTION OF STREAMBANK PROTECTION

SCALE - 1" = 40' H.
 1" = 10' V.

Notes:
 Riprap Class III shall conform to the requirements of Section 700 and related sections of the Standard Specifications for Roads and Bridges, 1990 Edition, of the South Dakota Department of Transportation.
 The conversion factor for Riprap Class III is one (1) Cu. Yd. equals 1.4 Tons. This conversion factor is used for estimating purposes only.
 The Estimated Quantity of Riprap Class III is 437 Tons.



PLAN OF STREAMBANK PROTECTION

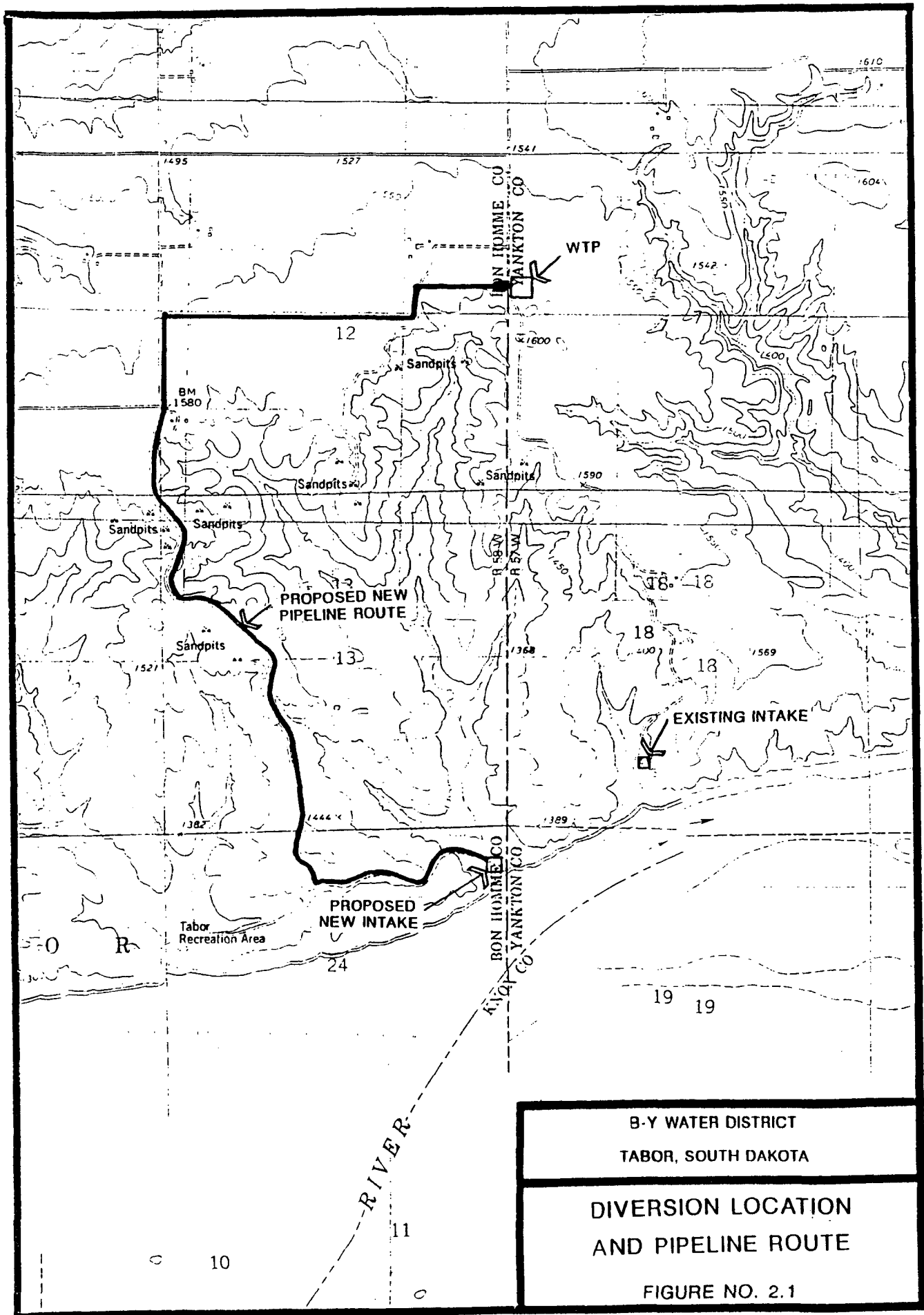
SCALE - 1" = 30'

PROPOSED JAMES RIVER CROSSING
 SECTION 29-96-56
 YANKTON COUNTY, S.D.

BY B-Y WATER DISTRICT
 TABOR, SOUTH DAKOTA
 FEB., 1995

SECTION A-A

IN James River
 AT Sec 29, T96N, R56W
 COUNTY OF Yankton STATE SD
 APPLICATION BY B-Y Water District
 SHEET 4 OF 4 DATE 4-6-95



B-Y WATER DISTRICT
TABOR, SOUTH DAKOTA

DIVERSION LOCATION
AND PIPELINE ROUTE

FIGURE NO. 2.1



**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 NEWSPAPER RIGHT AWAY.

May 3, 1995

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

Dear Mr. Williams:

Water Permit Application No. 5824A-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 Tyndall Tribune and Register printed at Tyndall, SD (Ph # 605-589-3242), Plain Talk printed at Vermillion, SD (Ph # 605-624-2695), Corsica Globe printed at Corsica, SD (Ph # 605-946-5489), Alexandria Herald printed at Alexandria, SD (Ph # 605-239-4521), Freeman Courier printed at Freeman, SD (Ph # 605-925-7033), The Daily Republic printed at Mitchell, SD (Ph # 605-996-5514), Miner Co. Pioneer printed at Howard, SD (Ph # 605-772-5644), Argus Leader printed at Sioux Falls, SD (Ph # 605-331-2200), Salem Special printed at Salem, SD (Ph # 605-425-2547), The New Era printed at Parker, SD (Ph # 605-297-4419), and Daily Press and Dakotan printed at Yankton, SD (Ph # 605-665-7811). 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 newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has 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 newspaper has 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

May 31, 1995

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824A-3 to be published twice. Please publish the first notice on June 6, 1995, 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, c/o Michael Williams, Manager, PO Box 248, Tabor, SD 57063-0248 (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

May 31, 1995

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824A-3 to be published twice. Please publish the first notice on June 8, 1995, with the second publication 7 days later.

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Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

Salem Special
PO Box 220
Salem, SD 57058-0220

ATTENTION: Legal Department

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Natural Resources Engineer
605 773-3352

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Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

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

ATTENTION: Legal Department

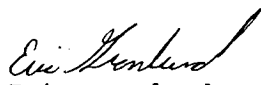
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The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is B-Y Water District, c/o Michael Williams, Manager, PO Box 248, Tabor, SD 57063-0248 (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

May 31, 1995

Miner Co. Pioneer
Box P
Howard, SD 57349

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824A-3 to be published twice. Please publish the first notice on June 8, 1995, with the second publication 7 days later.

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Joe Foss Building
Pierre SD 57501-3181

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Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

The Daily Republic
PO Box 1288
Mitchell, SD 57301-1288

ATTENTION: Legal Department

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824A-3 to be published twice. Please publish the first notice on June 7, 1995, 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, c/o Michael Williams, Manager, PO Box 248, Tabor, SD 57063-02478 (Ph # 605-463-2531).

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Eric Gronlund
Natural Resources Engineer
605 773-3352

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Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

Alexandria Herald
Box 450
Alexandria, SD 57311-0450

ATTENTION: Legal Department

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Joe Foss Building
Pierre SD 57501-3181

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Date _____

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Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

Corsica Globe
Box 45
Corsica, SD 57328-0045

ATTENTION: Legal Department

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Eric Gronlund
Natural Resources Engineer
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Water Rights Division
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Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5824A-3 to be published twice. Please publish the first notice on June 9, 1995, with the second publication 7 days later.

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Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. _____

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Name _____

Newspaper _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

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

ATTENTION: Legal Department

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Eric Gronlund
Natural Resources Engineer
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Joe Foss Building
Pierre SD 57501-3181

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Date _____

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Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on June 6,^{7, 8, 9} 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5824A-3 to Appropriate Water
and to Amend Water Permit No. 5824-3

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to connect the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. 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 will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton counties. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. 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 June 26, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(Date Signed)

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Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF TURNER

ss.

L. Brenda Hintz

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, Lyon-Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the

undersigned, the affiant, is the Office mgr. 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 is given that B-Y
Water District # 1013

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 Thursday the 8 day of June 1995

On Thursday the 15 day of June 1995

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 \$ 33.57 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.

Brenda Hintz

Subscribed and sworn to before me this 21st

day of June 1995

ANITA KOLLER

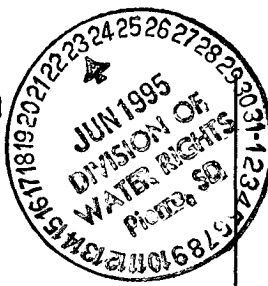
NOTARY PUBLIC
SOUTH DAKOTA

SEAL

SEAL

Anita Koller
Notary Public, Turner County, South Dakota.

9-12-01



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Department of Environment and Natural Resources.

Nettie H. Myers, Secretary.

#1013, June 8, June 15, 1995

Publication Fees - - - \$ 33.57

Notary Fees - - - - - \$ _____

Total - - - - - \$ 33.57

Received Payment,

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of McCook) ss



I, Troy Schwans

certify that the attached printed Notice was

taken from the Salem Special

printed and published in Salem

County of McCook and State of

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

June 8, 1995

June 15, 1995

Cost of Printing: \$39.64

Troy Schwans
 (Signature)

Publisher
 (Title)

6-15-95

(Date Signed)

Public Notice

NOTICE OF APPLICATION

NO. 5824A-3

To Appropriate Water
 and to

Amend Water Permit No. 5824-3

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to connect the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. 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 will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton counties. No increase in the diversion rate is authorized by this application.

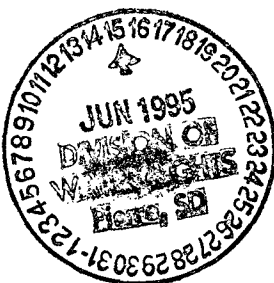
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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Minnehaha) ss



I, D. Reicher

certify that the attached printed Notice was

taken from the Argus Leader

printed and published in Sioux Falls

County of Minnehaha and State of

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

June 6, 1995

June 13, 1995

Cost of Printing: \$77.53

D. Reicher
 (Signature) *DR*

Asst. Controller
 (Title)

6/13/95
 (Date Signed)

NOTICE OF APPLICATION
 NO. 5824A-3 to Appropriate Water
 and to Amend Water Permit
 No. 5824-3

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7720, June 6, 19, 1995

**NOTICE OF APPLICATION
NO. 5824A-3 TO
APPROPRIATE WATER
AND TO AMEND WATER
PERMIT NO. 5824-3**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824A-3 because 1) existing rights will not be unlawfully impaired 2) it is a beneficial use of water, and 3) it is in the public interest. 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.

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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.

Nettie H. Myers, Secretary
Department of Environment
and Natural Resources
(June 8 & 15)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Danny Schwans of said County and State, being duly sworn, on his oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Danny Schwans, and has been such newspaper during the time hereinafter mentioned; and that I, Danny Schwans, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice

headed Notice of Application # 5824A-3

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for 2

successive weeks, the first publication being made on the 8 day of June 1995

and the last publication on the 15 day of June 1995

The first publication being made on the 8 day of June 1995

The second publication being made on the 15 day of June 1995

The third publication being made on the day of 19.....

The fourth publication being made on the day of 19.....

The fifth publication being made on the day of 19.....

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$44.71 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Danny Schwans

Subscribed and sworn to me this 23rd day of June 1995

Brent Mager

My Commission expires the 14th day of May 2002



AFFIDAVIT OF PUBLICATION

STATE OF)
SOUTH DAKOTA)
COUNTY OF DAVISON)

Steven K. McLister of said county being first duly sworn,
on oath says that he is the publisher of The Daily
Republic, and that The Daily Republic is, and during all
the times hereinafter mentioned was, a daily legal news-
paper as defined in SDCL 17-2-2, as amended, published
at Mitchell, Davison County, South Dakota; that affiant
is and during all of said times was, an employee of such
newspaper and has personal knowledge of the facts stated
in this affidavit; that the notice, order or advertisement,
a printed copy of which is attached, was published in said
newspaper for 2 successive issues, bearing the
following dates:

June 6, 19 95; _____, 19____
June 13, 19 95; _____, 19____
_____, 19____; _____, 19____
_____, 19____; _____, 19____

that the full amount of the fee charged for publishing the
same, to-wit, the sum of \$ 92.16, insures solely to the
benefit of the publisher of said newspaper; that no agree-
ment or understanding for the division of the fee has been
made with any person, and that no part of the fee has been
agreed to be paid to any other person.

Subscribed and sworn to before me this 15 day of
June, 19 95.

[Signature] Notary Public
County of Davison, SD
My Commission Expires: 8/22/96



NOTICE OF
APPLICATION NO.
5824A-3 to Appropriate
Water and to Amend
Water Permit No. 5824-3
Notice is given that B-Y
Water District, PO Box 248,
Tabor, SD 57063 has filed
an application for a water
permit to connect the Han-
son Rural Water System
and the T-M Rural Water
System to the B-Y Water
District. Water Permit No.
5824-3 appropriates 6.95
cubic feet of water per sec-
ond from the Missouri River
located in the NE 1/4 Sec-
tion 24-T93N-R58W. The
water district will serve
users in Bon Homme, Clay,
Douglas, Hanson, Hutchin-
son, Davison, Milner, Min-
nehaha, McCook, Turner
and Yankton counties. No
increase in the diversion
rate is authorized by this
application.

Pursuant to SDCL 46-2A-
2, the Chief Engineer rec-
ommends APPROVAL of
Application No. 5824A-3
because 1) existing rights
will not be unlawfully
impaired, 2) it is a beneficial
use of water, and 3) it is in
the public interest. 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 recom-
mendation. If a petition
opposing the application or
contesting the recommen-
dation is filed, then a hear-
ing 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 recommenda-
tion must file a written peti-
tion with BOTH the
applicant and chief engi-

neer. The applicant must
file a petition if contesting
the chief engineer's recom-
mendation. The Chief Engi-
neer's address is "Water
Rights Division, Foss Build-
ing, 573 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
June 26, 1995.

The petition may be infor-
mal, 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 mail-
ing 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. Nettie H.
Myers, Secretary, Depart-
ment of Environment and
Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Hutchinson) ss

I, Lin Waltnr

certify that the attached printed Notice was

taken from the Freeman
Courier

printed and published in Freeman

County of Hutchinson and State of

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

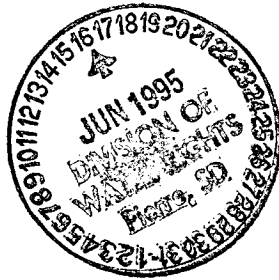
June 7, 1995
June 14, 1995

Cost of Printing: \$ 37.71

Mary Ann Pichard
 (Signature)

Office Manager
 (Title)

June 15, 1995
 (Date Signed)



Notice of Application No. 5824A-3 to Appropriate Water and to Amend Water Permit No. 5824-3

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to connect the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. 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 will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Minner, Minnehaha, McCook, Turner and Yankton counties. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. 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 June 26, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

NOTICE OF APPLICATION

NO. 5824A-3

To Appropriate Water and to Amend Water Permit No. 5824-3

Notice is given that B-Y Water district, PO Box 248, Tabor, SD 57063 has filed an application for a water permit to connect the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. 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 will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton counties. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. 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 June 26, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reason 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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hanson) ss

I, David L. Halty

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 8 1995

June 15 1995

Cost of Printing: 36.00

Kathy Hoffman
(Signature)

Bookkeeper
(Title)

6-22-95
(Date Signed)



OK

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Douglas) ss

I, Beverly Teunstra

certify that the attached printed Notice was

taken from the Corsica

Globe

printed and published in Corsica

County of Douglas and State of

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

6-6-95

6-13-95

Cost of Printing: \$ 35.38

Beverly Teunstra
 (Signature)

Office Manager
 (Title)

6/13/95
 (Date Signed)

Notice of Application No. 5824A-3 to Appropriate Water and to Amend Water Permit No. 5824-3

Notice is given that B-Y Water District, PO Box 248, Tabor, S.D. 57063 has filed an application for a water permit to connect the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. 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 will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton Counties. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 5824A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. 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.D. 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 June 26, 1995.

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. Nettie H. Myers, secretary, Department of Environment and Natural Resources. CL66/6-13C



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Clay) ss



I, Michelle A. Wilson

certify that the attached printed Notice was

taken from the Plain Talk

printed and published in Vermillion

County of Clay and State of

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

June 9, 1995

June 16, 1995

Cost of Printing: 35.37

Michelle A. Wilson

(Signature)

secretary

(Title)

June 16, 1995

(Date Signed)

NOTICE OF APPLICATION NO. 5824A-3 to Appropriate Water and to Amend Water Permit No. 5824-3

Notice is given that B-Y Water District, P.O. Box 248, Tabor, SD 57063 has filed an application for a water permit to connect the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. 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 will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton counties. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824A-3 because (1) existing rights will not be unlawfully impaired, (2) it is a beneficial use of water, and (3) it is in the public interest. 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.

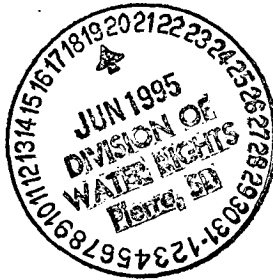
Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss 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 June 26, 1995.

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.

Nettie H. Myers, Secretary
Department of Environment and
Natural Resources
Publish: June 9 & 16, 1995

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

County of Bon Homme and State of

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

June 7, 1995
June 14, 1995

Cost of Printing: \$38.68

Marvin A. Blaha
 (Signature)

Publisher
 (Title)

6-15-95
 (Date Signed)

NOTICE OF
 APPLICATION NO. 5824A-3
 TO APPROPRIATE WATER AND TO
 AMEND WATER PERMIT NO. 5824-3

Notice is given that B-Y Water District PO Box 248, Tabor, SD 57063 has filed an application for a water permit to connect the Hanson Rural Water System and the T-M Rural Water System to the B-Y Water District. 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 will serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook Turner and Yankton Counties. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5824A-3 because 1) existing rights will no be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 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 June 26, 1995.

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.

Nettie H. Meyers, Secretary,
 Department of Environment
 and Natural Resources
 (June 7 and 14)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

Michael Williams, Manager
B-Y Water District
PO Box 248
Tabor, SD 57063-0248

Dear Mr. Williams:

Enclosed is Water Permit No. 5824A-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 Program
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.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date July 17, 1998

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: B-Y Water District P.O. Box 248
(name) (address)
Tabor, South Dakota 57063-0248 605-463-2531
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5824A-3.

Water Permit No. 5824A-3 states that the diversion system is to be constructed by June 26, 2000, and that the water is put to beneficial use by June 26, 2004.
(date) (date)

The diversion system was completed on December 31, 1997.
(date)

Applying the water to beneficial use was completed on January 5, 1998.
(date)

You may schedule an inspection so that the Water License may be issued.


Michael D. Williams, B-Y Water District Manager
(Signature)



**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