

WATER PERMIT NO. 5940-3

Name of Applicant: Brown-Day-Marshall Rural Water System, Inc.

Address: PO Box 49, Britton SD 57430

Phone: 605 448-5417

Amount of Water Claimed: 1,300 AF

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: future use reservation

County: Marshall

Type of Waste Disposal System: NA

Location: 5 miles northeast of Britton

PRIORITY

Date Received: 5-30-96

Fee: \$45.00

Corrected Application Received:

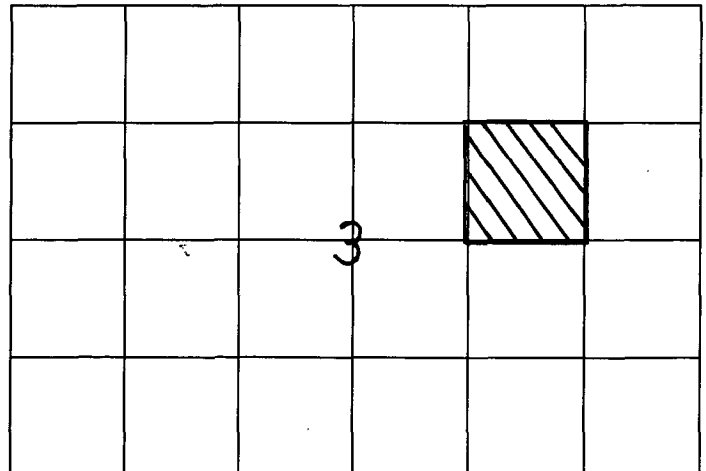
Period of Annual Use: January 1 - December 31

Remarks: for rural water system use in Brown, Day, Marshall and Roberts Counties

Diversion Point: SE 1/4 NE 1/4 Sec 3-

T127N-R57W

Land to be Irrigated: NA ☼



Depth of Well: 299 feet deep

Well Driller:

Remarks:

Type of Map: plat

Prepared by: Harland Peterson, ASCS

Reviewed and the Number Assigned on: 5-30-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
FUTURE USE PERMIT NO. 5940-3**

Date of first receipt of application May 30, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 5940-3 to Brown-Day-Marshall Rural Water System, Inc., PO Box 49, Britton SD 57430 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 5940-3 appropriates and reserves 1,300 acre-feet of water annually from groundwater (Middle James:Columbia Aquifer). The area to be reserved for future water use is to be located in the SE 1/4 NE 1/4 Section 3-T127N-R57W. The water is to be reserved for the purpose of providing future water supplies to the rural water system in Brown, Day, Marshall and Roberts Counties. This permit does not authorize construction of works or application of water to beneficial use.
2. The water appropriated shall be used for the purpose of supplying water to the rural water system and may not exceed the amount of water needed for beneficial use for rural water system 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. 5940-3 is August 1, 1996.
5. The date from which applicant may claim right is May 30, 1996.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Future Use Permit No. 5940-3 is approved for 1,300 acre feet of water with the stipulation that the Permit is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such times as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-8.1.
3. Permit No. 5940-3 is approved for groundwater from the Middle James Columbia Aquifer.

WATER MANAGEMENT BOARD

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

OCT 1 1996
date



FORM 2: Application for uses other than irrigation
(type or print)

ESM
1-4-96

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>5940-3</u> Hydrologic Unit <u>09020105</u> Basin <u>Red Rainy</u> Newspaper <u>Attached List</u>
--	--



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

Check use(s) of water:

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

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. _____

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

1. Name of Applicant Brown-Day-Marshall Rural Water System, Inc. Phone 605-448-5417
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 49, Britton, State SD 57430
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM 1,300 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Wells - James Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Wells in SE1/4 NE1/4 section 3,
T 127 N, R 57 W.

County Marshall

5. County or counties where water will be used Brown, Day, Marshall, and Roberts.

6. Annual period during which water is to be used Daily Jan 1 - Dec 31

7. 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)

The water will be used for Domestic, Rural, and Municipal consumption by users in Brown, Day, Marshall, and Roberts counties who receive water from BDM Rural Water System, Inc.

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)

SS

County of Marshall

I, David C. Wade for BDM Rural Water System, Inc.

the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed David C. Wade

Subscribed and sworn to before me this 29 day of May 19 96

Robert Fisher

Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17" Depth 299"
- b) Casing Type steel Diameter 12" Thickness 0.375"
- c) Screen Type wire wound Diameter 12" Thickness 0.25"
- d) Gravel Pack Thickness 5" Length of Gravel Pack 25' ±
- e) Depth to Top of Water Bearing Material 275'
- f) Depth to Water (ground surface to water level) 173'
- g) Distance to nearest existing domestic well:
On applicants property 500' On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.



3. Dugout Information

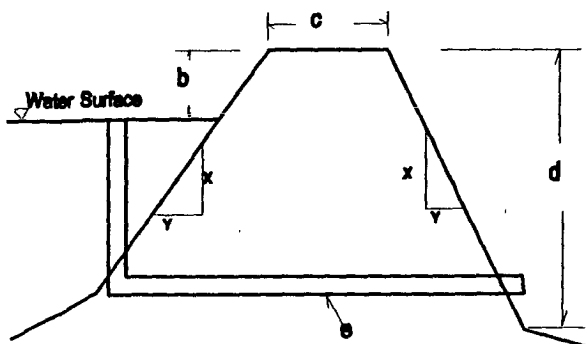
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



NOT TO SCALE

740
T1482

113C-F4

1168
T1377

NHEL
44.0

CRP
1988-97

NC

NHEL
116.0

NHEL
2.9

NC

3

NHEL
326.3

NHEL
551.0

1168
T1377

2334
T1476

NHEL
635.6

NC

CRP
1987-96

NC

CRP
1988-97

CRP
1990-99

NHEL
735.8

127.57

NHEL
219.1

NHEL
159.8

2125
T1483

113C-F4

2334
T1477

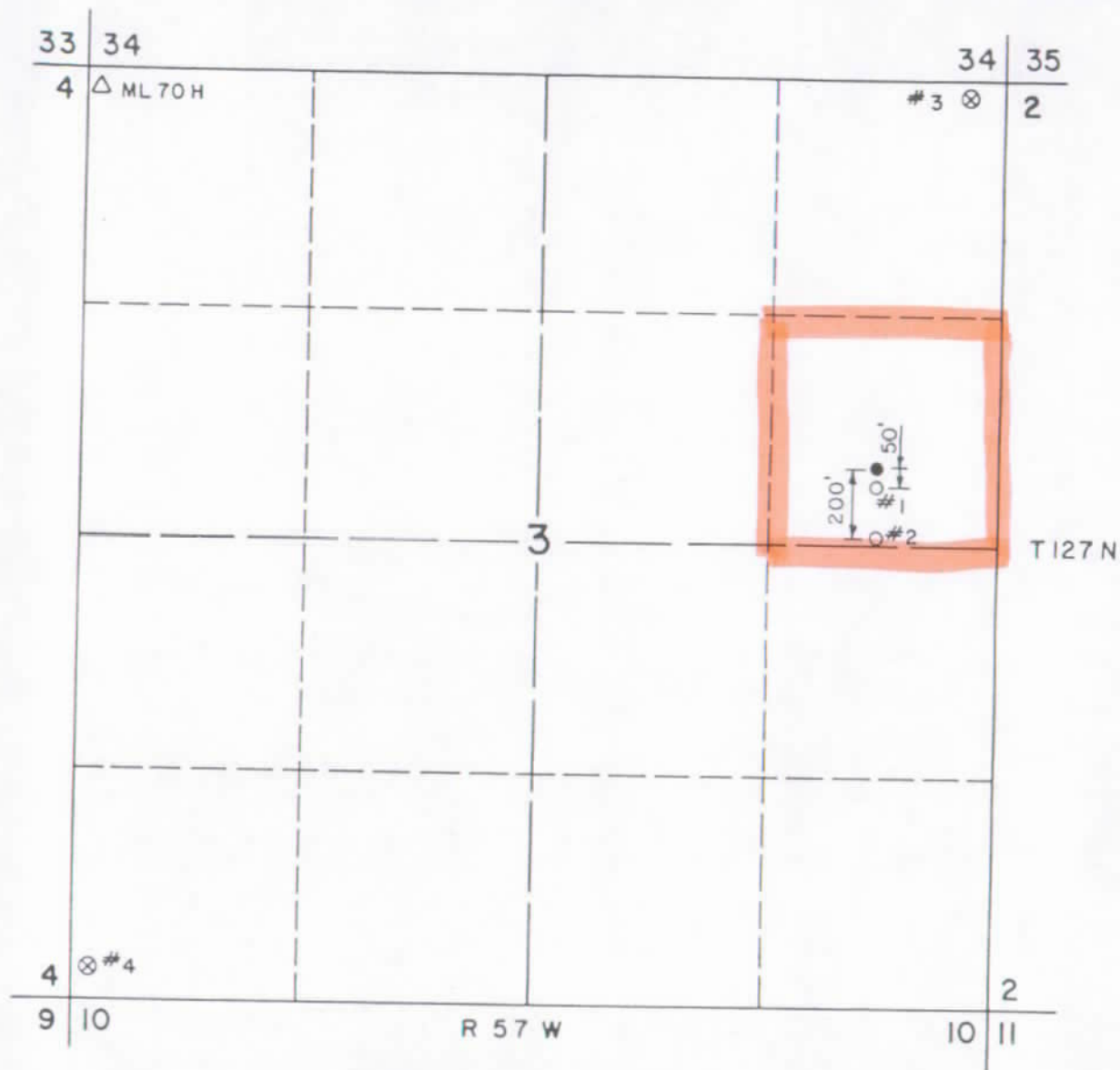
CRP
1988-97

CRP
1988-97

NHEL
1511.0

NHEL
15.0

5940-3



MARSHALL COUNTY SOUTH DAKOTA

LEGEND

- Existing 12" test well.
- Observation well drilled for pump test and removed (observation well no.).
- ⊗ Observation well drilled for South Dakota Department Of Water and Natural Resources (observation well no.).
- Δ Existing observation well.

THE UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation

Britton, South Dakota

Official Business

Harland Peterson, CEO



WELL LOCATION MAP				
B.D.M. RURAL WATER SYSTEM BRITTON, SOUTH DAKOTA				
Scale: NO SCALE	Date: 7-5-82	Checked by: HAT,DPD	Project No. 1934	Sheet 1 of 1
PREPARED BY HE HOUSTON ENGINEERING, INC. P.O. BOX 3054 FARGO, NORTH DAKOTA				

5940-3

RECEIPT

414977

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 30, 19 96

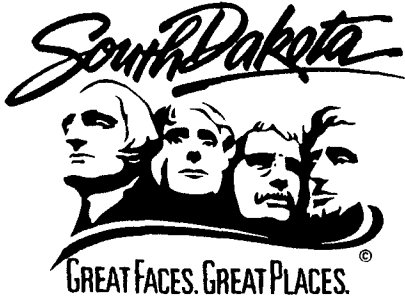
RECEIVED OF BDM Rural Water System, Inc., P.O. Box 49, Britton, SD 57430

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

Fee for Application for Permit No. <u>5940-3</u> to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.	45	00
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	45 00

By John Hatcher
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 5, 1995

David Wade, Manager
BDM Rural Water System
PO Box 49
Britton SD 57430

Dear Mr. Wade:

Recent newspaper articles stated that BDM Rural Water System may possibly be expanding the system's service area. Although these plans are still in the preliminary stages, I wanted to take a moment to make you aware of the water permitting issues involved with the possible expansion.

Currently, BDM Rural Water System has Water Permit No. 4908-3 appropriating 1.00 cubic feet of water per second from 3 wells located in the SE 1/4 NE 1/4 Section 3-T127N-R57W. A copy of this water permit is enclosed.

The appropriation of water in addition to the amount authorized by Permit No. 4908-3 or the addition of communities and/or counties will requires a new water permit to be obtained. If you have any questions or need application forms, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

Water project eyes expansion

PCT
2/27

ABERDEEN, S.D. (AP) — Plans are being made to expand the 10-year-old BDM Rural Water System in northeastern South Dakota.

BDM backers want to expand the project's service in Brown, Day and Marshall counties and perhaps include Roberts County, said Pierpont rancher Franklin Olson, chairman of the BDM water board.

Olson said there's good interest in the possible expansion, which

could cost \$5.5 million. "People need water. There isn't a good source of water in Roberts County."

BDM now serves about 650 homes and some small towns with treated water from the Middle James Aquifer north of Britton. David Wade, BDM manager, said the expansion, which is in a preliminary stage, could add 300 to 450 users.

"Our goal is to expand and give

everyone who wants rural water, rural water," Wade said.

People who want the service have to sign up and pay a fee by Jan. 6. Then state and federal funding will be sought.

Olson said BDM water can improve the quality of life for hundreds of people. He said that's what it did for his family and his livestock.

"We say our water doesn't cost us anything because we were spending \$45 a month to soften it and more in the dairy barn — up to \$100. Our water was so hard it wouldn't keep things clean," he said.

"After we got BDM water, our cost of keeping things clean dropped to \$35 a month. Before we had had problems with calves getting sick. On BDM water, they didn't," Olson said.

"It was one super benefit for us."

Rural water project may expand in three counties

System better for people, livestock, supporters argue

The Associated Press

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■ FREEMAN SFA 12/26

Grant to buy baler for recycled materials

The city of Freeman will use a solid-waste management grant to buy a recycling baler.

The Board of Water and Natural Resources is awarding the grant, which is worth up to \$5,000. The vertical baler will produce bales of recycled material weighing 1,200 to 1,400 pounds.

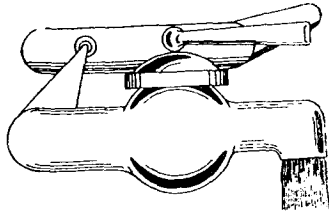
A local group known as Earth keepers started Freeman's recycling program in 1991. The group couldn't handle the financial burden, so the city took over in 1993.

The baler will expand recycling capabilities for cardboard newsprint, plastic, tin, aluminum and computer paper.

SFA L

12/27

Water



BBROWN
DDAY
MMARSHALL

P.O. Box 49
705 7th Street
Britton, South Dakota 57430
Phone 605-448-5417

Rural Water System, Inc.



May 29, 1996

Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181



Dear Water Rights Board:

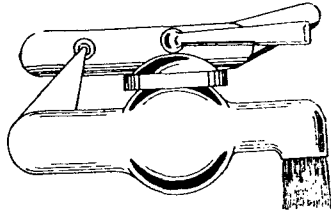
Attached is a Future Use Reservation Application for BDM Rural Water System, Inc. This application is to reserve sufficient water for our future system expansion into Eastern Marshall and Roberts counties.

I would like to point out that our current permit (4908-3) is for 360 acre-ft./year. In this future use permit, we are asking for 1,300 acre-ft./year which is more than twice our current allocation. The reason for this is the fact that we intend to expand to more than three times our current size over the next five years.

If you have any questions, please call me at 605-448-5417. Thank you.

Sincerely,

David C. Wade
General Manager



BBROWN
DDAY
MMARSHALL

P.O. Box 49
705 7th Street
Britton, South Dakota 57430
Phone 605-448-5417

Rural Water System, Inc.



May 29, 1996

Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181



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If you have any questions, please call me at 605-448-5417. Thank you.

Sincerely,

David C. Wade

David C. Wade
General Manager



BDM Rural Water System, Inc.
P.O. Box 49
Britton, SD 57430
605-448-5417

*Enc,
Enclosed are (2) copies of the permit
we talked about earlier this week. I
think everything is there, If not please
give me a call at 800-448-9236.*

*Thanks,
David*

REPORT ON FUTURE USE WATER PERMIT APPLICATION NO. 5940-3

for Brown - Day - Marshall Rural Water System

June 18, 1996

Application No. 5940-3 proposes to appropriate and reserve for future use 1,300 acre feet annually from the existing groundwater source. The area to be reserved for future use is located in the SE 1/4 NE 1/4 of section 3, T127N R57W in Marshall County. The water is to be reserved for the purposes of providing future water supplies to the rural water system in Brown, Day Marshall and Roberts County. This application does not authorize construction of works or application of water to beneficial use.

AQUIFER - MIDDLE JAMES COLUMBIA (MJ-C)

The Middle James Columbia is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions. The aquifer underlies 95,400 acres and contains an estimated 715,500 acre feet of recoverable water in storage in Marshall County (Hedges, 1982). The aquifer extends into Brown County to the west, into North Dakota to the north and into Day County to the south. Groundwater movement is predominantly from west to east with a component to the north.

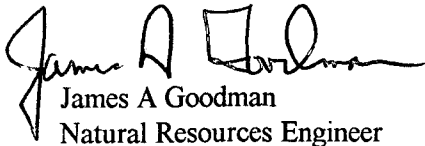
The Water Rights Program monitors three observation wells located within one mile of this application. These are ML-82B, ML-82C and ML-70H. Water levels for these wells show response to climatic conditions, that is, rising during wet years (recharge) and gradually declining during dry years. In addition, because the aquifer is under artesian conditions, there is some obvious seasonal drawdown created by the pumping of the production wells. Hydrographs for the observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only existing water permit/right within three miles of this application is No. 4908-3 for the rural water system. Interference would occur but this is a future use request and the amount of water requested is available from the aquifer.

CONCLUSIONS

1. Water is available from the Middle James Columbia aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown does occur as a result of pumping. Under existing pumping conditions, the amount of water level fluctuation is not significant (based upon the observation well hydrographs).
3. This request to reserve water for future use does not authorize construction of works to put water to beneficial use.
4. The aquifer does recharge as shown by the observation well hydrographs and water levels have declined slightly since records have been kept. This does not appear to be significant.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

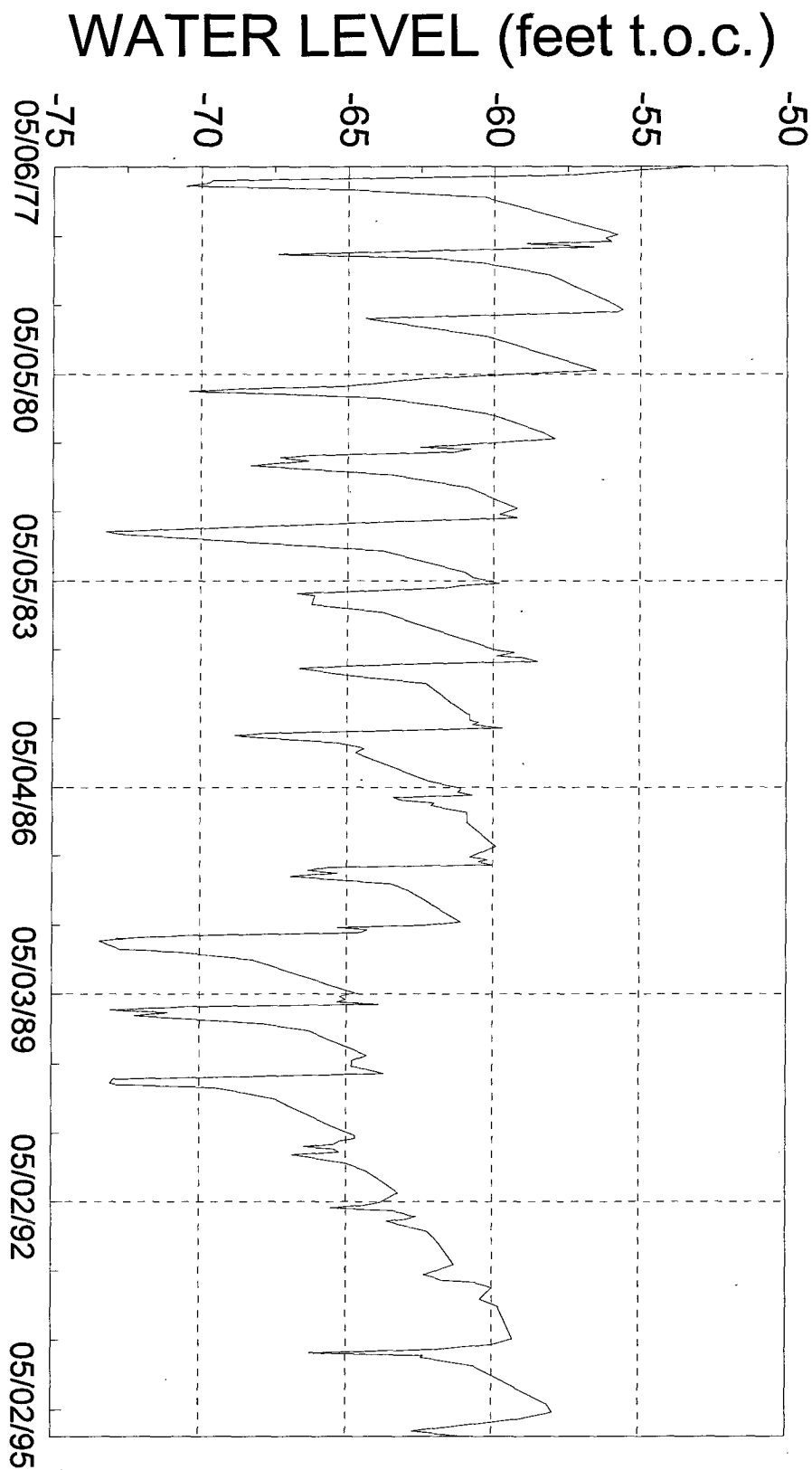
Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Koch, N.C., 1975, Geology and Water Resources of Marshall County, South Dakota, Bulletin 23, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1996, Unpublished Observation Well Data for Marshall County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

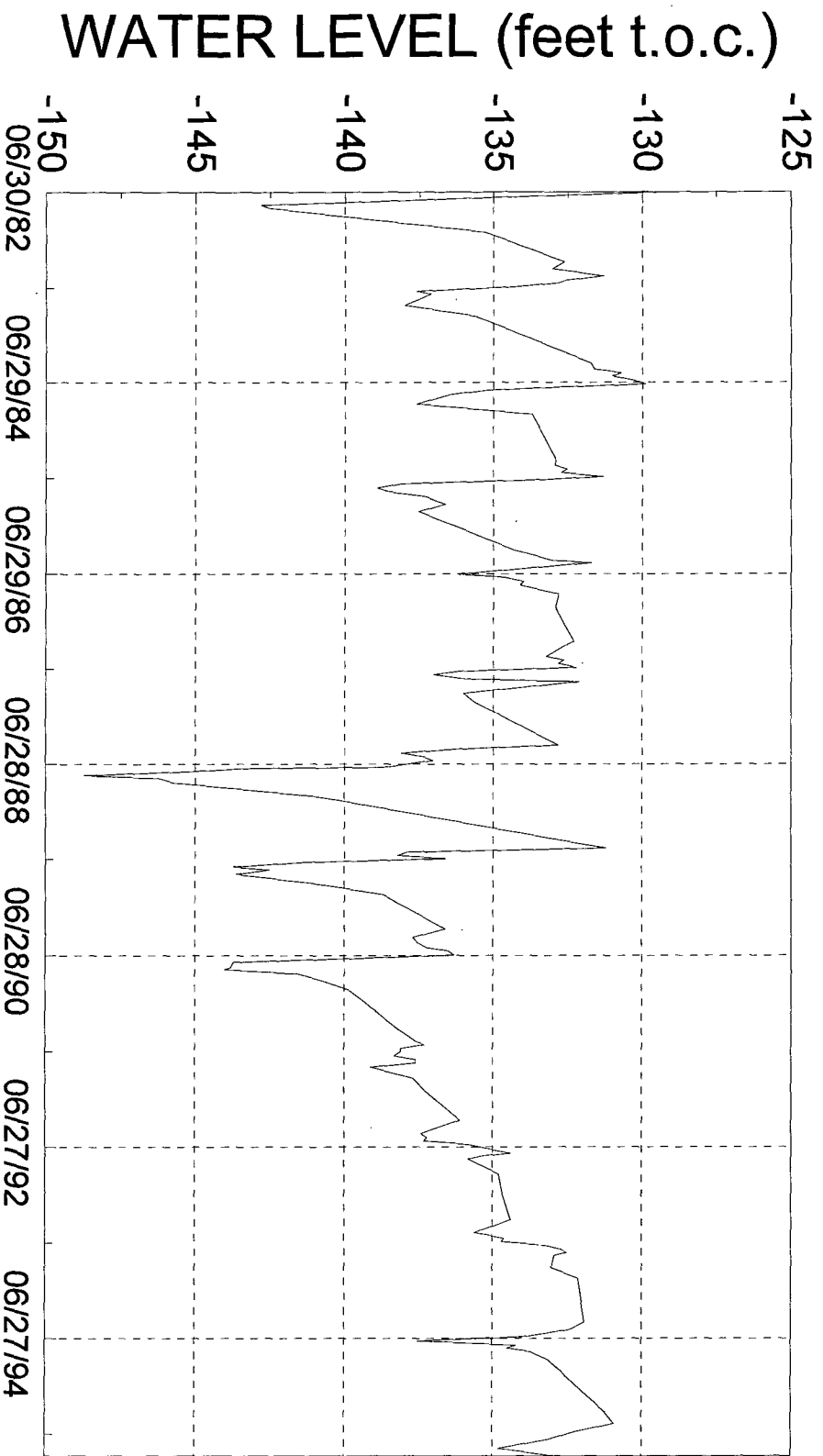
WATER RIGHTS OBSERVATION WELL

ML-70H



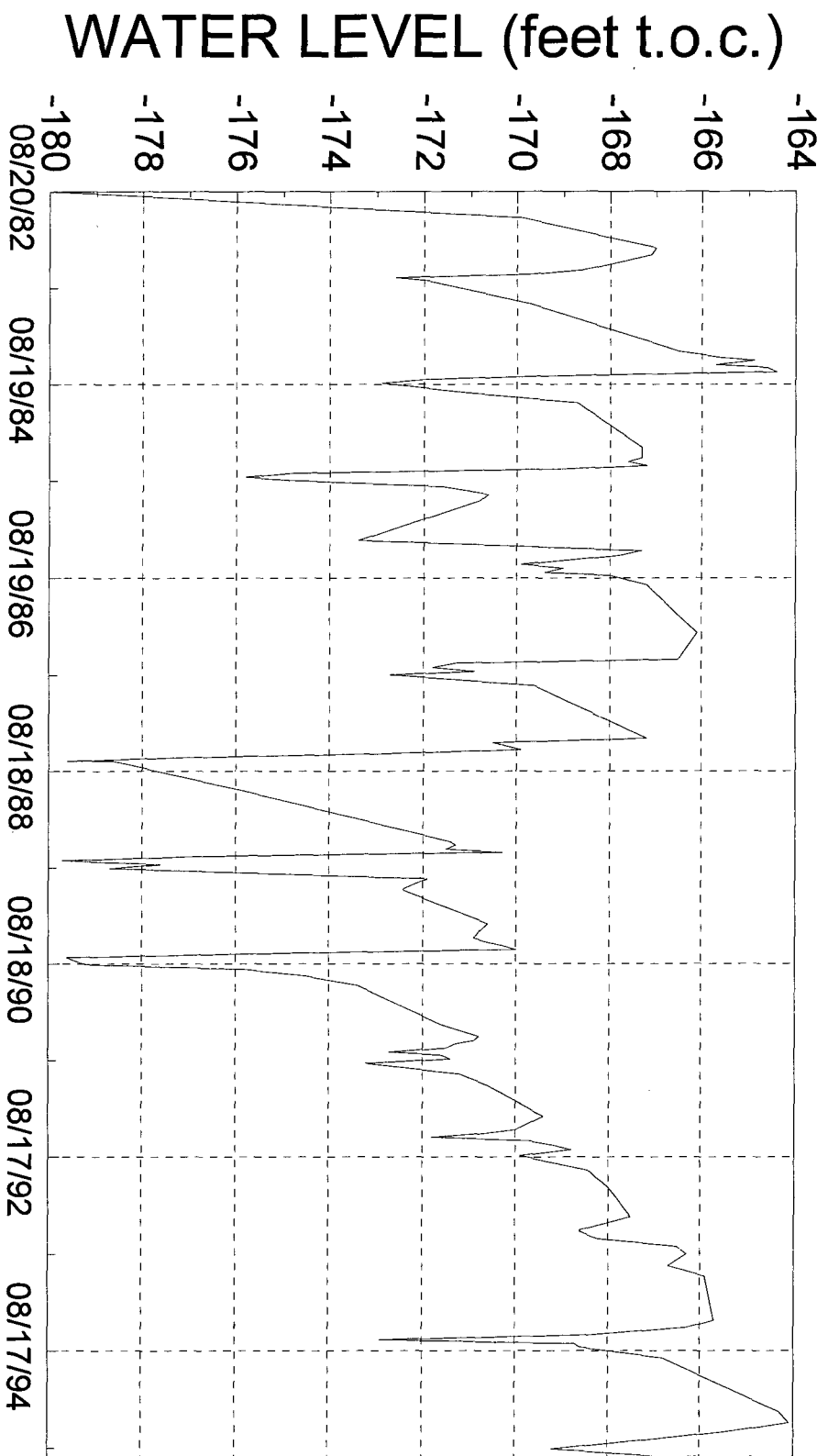
WATER RIGHTS OBSERVATION WELL

ML-82B



WATER RIGHTS OBSERVATION WELL

ML-82C



**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 5940-3, Brown - Day - Marshall Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Application No. 5940-3, Brown - Day - Marshall Rural Water System, %David Wade, P.O. Box 49, Britton, SD 57430

The Chief Engineer is recommending APPROVAL of Application No. 5940-3 for 1,300 acre feet of water because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the quantity of water reserved will be needed by the Brown - Day - Marshall Rural Water System, 3) the proposed use will be a beneficial use of water and 4) in the public interest with the following qualifications:

1. Future Use Permit No. 5940-3 is approved for 1,300 acre feet of water with the stipulation that the Permit is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
2. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-8.1.
3. Permit No. 5940-3 is approved for ground water from the Middle James Columbia Aquifer.

See report on application for additional information.



JOHN HATCH, Chief Engineer
June 27, 1996



**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.

July 2, 1996

David Wade, Manager
BDM Rural Water System, Inc.
P.O. Box 49
Britton, SD 57430

Dear Mr. Wade:

Water Permit Application No. 5940-3 for future use reservation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. Notices of hearing have been sent to the Publishers of the American News printed at Aberdeen, SD (Ph # (605) 225-4100), the Reporter & Farmer printed at Webster, SD (Ph # (605) 345-3356), the Britton Journal printed at Britton, SD (Ph # (605) 448-2281), and the Sisseton Courier printed at Sisseton, SD (Ph # (605) 698-7642). For your information, a copy of the notices, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notices 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 Notices of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notices 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 notices 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

July 2, 1996

Reporter & Farmer
Box 30
Webster, SD 57274-0030

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5940-3 to be published twice. Please publish the first notice on July 15, 1996, 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 Brown-Day-Marshall Rural Water System, Inc., David Wade, Manager, P.O. Box 49, Britton, SD 57430 (Ph # (605) 448-5417).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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

July 2, 1996

American News
P.O. Box 4430
Aberdeen, SD 57402-4430

ATTENTION: Legal Department

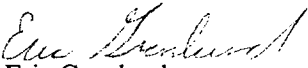
Enclosed is a Notice of Hearing on Application No. 5940-3 to be published twice. Please publish the first notice on July 12, 1996, with the second publication 7 days later.

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605 773-3352

enclosures

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Water Rights Program
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

July 2, 1996

Britton Journal
Box 69
Britton, SD 57430-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5940-3 to be published twice. Please publish the first notice on July 10, 1996, 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 Brown-Day-Marshall Rural Water System, Inc., David Wade, Manager, P.O. Box 49, Britton, SD 57430 (Ph # (605) 448-5417).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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

July 2, 1996

Sisseton Courier
Box 169
Sisseton, SD 57262-0169

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5940-3 to be published twice. Please publish the first notice on July 10, 1996, 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 Brown-Day-Marshall Rural Water System, Inc., David Wade, Manager, P.O. Box 49, Britton, SD 57430 (Ph # (605) 448-5417).

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

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Date _____

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Name

Newspaper

Instruction to Newspaper - Publish first Notice on July 12, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5940-3 to Reserve Water for Future Use

Notice is given that the Brown-Day-Marshall Rural Water System, Inc., P.O. Box 49, Britton, SD 57430 has filed an application for a future use water permit to appropriate and reserve 1,300 acre-feet of water annually from ground water (Middle James:Columbia Aquifer). The area to be reserved for future water use is to be located in the SE 1/4 NE 1/4 Section 3-T127N-R57W. The water is to be reserved for the purposes of providing future water supplies to the rural water system in Brown, Day, Marshall and Roberts Counties. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 5940-3 for 1,300 acre-feet of water because 1) unappropriated water is available, 2) that the quantity of water reserved will be needed by the Brown-Day-Marshall Rural Water System, 3) the proposed use will be 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 Program, 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 August 1, 1996.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION



OK

Application is filed for water

(First July 15)

NOTICE OF APPLICATION NO. 5940-3 TO RESERVE WATER FOR FUTURE USE

Notice is given that the Brown-Day-Marshall Rural Water System, Inc., P.O. Box 49, Britton, SD 57430 has filed an application for a future use water permit to appropriate and reserve 1,300 acre-feet of water annually from ground water (Middle James: Columbia Aquifer) The area to be reserved for future water use is located in the SE 1/4 NE 1/4 Sec. 3, T 127 N, R 57 W. The water is to be reserved for the purposes of providing future water supplies to the rural water system in Brown, Day, Marshall and Roberts counties. This application does not authorize construction of works or application of water to beneficial use.

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

(Last July 22)

County of Day } ss.
State of South Dakota,

Larry Ingalls, of said county and state being duly sworn on oath, says: That the Reporter and Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, Larry Ingalls, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed

Notice of application No. 5940-3 to
reserve water for future use

Brown-Day-Marshall Rural Water System

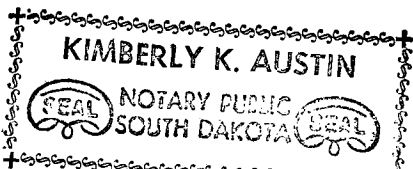
a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

First Publication	July 22	19 96	;
Second Publication		19	;
Third Publication		19	;
Fourth Publication		19	;
Fifth Publication		19	;

That the full amount of fees for publication of the annexed notice is \$ 22.91 and inures solely to the Reporter and Farmer, published by the Day County Printing Company, 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 any person whomsoever.

Larry Ingalls

Subscribed and sworn to before me this 22nd
day of July 19 96



Notary Public, Day County, South Dakota.

KIMBERLY K. AUSTIN

Day County, South Dakota

My Commission Expires April 17, 2004

AFFIDAVIT OF PUBLICATION



County of Day }
State of South Dakota, } ss.

Larry Ingalls, of said county and state being duly sworn on oath, says: That the Reporter and Farmer is a legal weekly newspaper of general circulation, and an official newspaper as required by Session Laws of 1893, printed and published in Webster, in said county and state, by the Day County Printing Company and has been such newspaper during the time hereinafter mentioned, that I, Larry Ingalls, the undersigned, am publisher of said newspaper, and have personal knowledge of all facts stated in this affidavit and that the advertisement headed

Notice of application No. 5940-3 to
Reserve water for future use

Brown-Day-Marshall Rural Water System

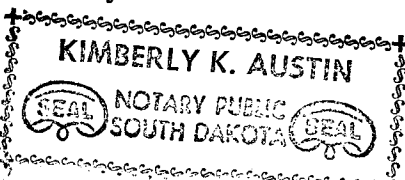
a printed copy of which is hereunto attached, was printed and published in the said newspaper one successive and complete issues as follows:

First Publication July 15 19 96;
Second Publication 19.....;
Third Publication 19.....;
Fourth Publication 19.....;
Fifth Publication 19.....;

That the full amount of fees for publication of the annexed notice is \$ 21.94 and inures solely to the Reporter and Farmer, published by the Day County Printing Company, 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 any person whomsoever.

Larry Ingalls

Subscribed and sworn to before me this 15th
day of July 19 96



Kimberly K. Austin
Notary Public, Day County, South Dakota.
Day County, South Dakota
My Commission Expires April 17, 2004

Application is filed for water

(First July 15) NOTICE OF APPLICATION NO. 5940-3 TO RESERVE WATER FOR FUTURE USE

Notice is given that the Brown-Day-Marshall Rural Water System, Inc., P.O. Box 49, Britton, SD 57430 has filed an application for a future use water permit to appropriate and reserve 1,300 acre-feet of water annually from ground water (Middle James: Columbia Aquifer). The water is to be reserved for the purposes of providing future water supplies to the rural water system in Brown, Day, Marshall and Roberts counties. This application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Future Use Application No. 5940-3 for 1,300 acre-feet of water because 1) unappropriated water is available, 2) that the quantity of water reserved will be needed by the Brown-Day-Marshall Rural Water System, 3) the proposed use will be 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.

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Nettie H. Myers, Secretary,
Department of Environment
and Natural Resources.
(Last July 22)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Brown) SS

I, Roberta Dempsey

certify that the attached printed Notice was

taken from the Aberdeen
American News

printed and published Aberdeen

County of Brown and State of

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

July 12, 1996

July 19, 1996

Cost of Printing: 57.84
(482 per in)



(No. 966 - July 12, 19 - 27)
 NOTICE OF APPLICATION NO. 5940-3
 to Reserve Water for Future Use

Notice is given that the Brown-Day-Marshall Rural Water System, Inc., P.O. Box 49, Britton, SD 57430 has filed an application for a future use water permit to appropriate and reserve 1,300 acre-feet of water annually from ground water (Middle James; Columbia Aquifer). The area to be reserved for future water use is to be located in the SE 1/4 NE 1/4 Section 3-T127N-R57W. The water is to be reserved for the purposes of providing future water supplies to the rural water system in Brown, Day, Marshall and Roberts Counties. This application does not authorize construction of works or application of water to beneficial use.

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

Roberta Dempsey
 (Signature)
Receptionist
 (Title)

July 23, 1996
 (Date Signed)

2T(July 10-17)

NOTICE OF APPLICATION
NO. 5940-3 to Reserve
Water for Future Use

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Marshall) SS

1. C L Card

certify that the attached printed Notice was

taken from the Britton
Journal

printed and published in Britton

County of Marshall and State of

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

July 10, 1996
July 17, 1996

Cost of Printing: \$34.65

C L Card
(Signature)

Publisher
(Title)

7-17-96
(Date Signed)

Notice is given that the Brown-Day-Marshall Rural Water System, Inc., P. O. Box 49, Britton, SD 57430 has filed an application for a future use water permit to appropriate and reserve 1,300 acre-feet of water annually from ground water (Middle James: Columbia Aquifer). The area to be reserved for future water use is to be located in the SE1/4NE1/4 Section 3-T127N-R57W. The water is to be reserved for the purposes of providing future water supplies to the rural water system in Brown, Day, Marshall and Roberts counties. This application does not authorize construction of works or application of water to beneficial use.

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712
34.648213
34.65



Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Roberts) SS

I, Sylvia Deutsch

certify that the attached printed Notice was

taken from the _____

Sisseton Courier

printed and published in Sisseton

County of Roberts and State of

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

07-10-96

07-17-96

Cost of Printing: 43.11



Sylvia Deutsch
(Signature)

Sec'y-Treas.

(Title)

07-17-96

(Date Signed)

NOTICE OF APPLICATION NO. 5940-3 TO RESERVE WATER FOR FUTURE USE

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(July 10-17--2wks)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 1 1996

David Wade, Manager
Brown-Day-Marshall RWS, Inc.
P.O. Box 49
Britton, SD 57430

Dear Mr. Wade:

Enclosed is Future Use Permit No. 5940-3, as approved by the Water Management Board.

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

Very truly yours,

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

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2001

David C. Wade
BDM Rural Water System
PO Box 49
Britton SD 57430

Dear Mr. Wade:

I am writing in follow-up to our telephone conversation regarding BDM's desire to construct and place water to beneficial use that is reserved by Future Use Permit No. 5940-3. You indicated that BDM plans to develop wells located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 which is in the quarter-quarter just to the south of the future use area described on the permit. I am enclosing application forms for BDM to file an amendment to expand the future use area and to construct and place to beneficial use reserved water. This will require two separate applications.

I have attached application forms and an instruction sheet to complete these applications. I have highlighted on the instruction sheet items to be sure to complete. In addition, I have hand written in red ink on a sample application to assist you in completing the applications. The highlighted areas on these application forms will need to be completed by BDM. This sample form is only a guide to assist you.

Please feel free to contact me if you have questions on completing the application.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 17 2003

Brown Day Marshall Rural Water System, Inc.
David Wade, General Manager
PO Box 49
Britton SD 57430

Dear Mr. Wade:

Enclosed is Permit No. 5940A-3, as approved by the Water Management Board. This permit amends Future Use Permit No. 5940-3 to expand the future use area.

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

Sincerely,

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

enclosure