

WATER PERMIT NO. 5962-3

Name of Applicant: Big Sioux Community Water Corporation

Address: Box 158, Egan SD 57024

Phone: 605 997-2098

Amount of Water Claimed: 120 acre-feet

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: rural water system use

County: Moody

Type of Waste Disposal System: NA

Location: 1/2 mile southwest of Egan

PRIORITY

Date Received: 10-16-96

Fee: \$150.00

Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks: Place water to beneficial use reserved by Future Use Permit Nos. 3984-3 and 3984A-3

Diversion Point: SE 1/4 SE 1/4 Sec 7-T106N-

R48W

Land to be Irrigated: NA

Depth of Well: 42 feet deep

Well Driller: Lacey Drilling

Remarks:

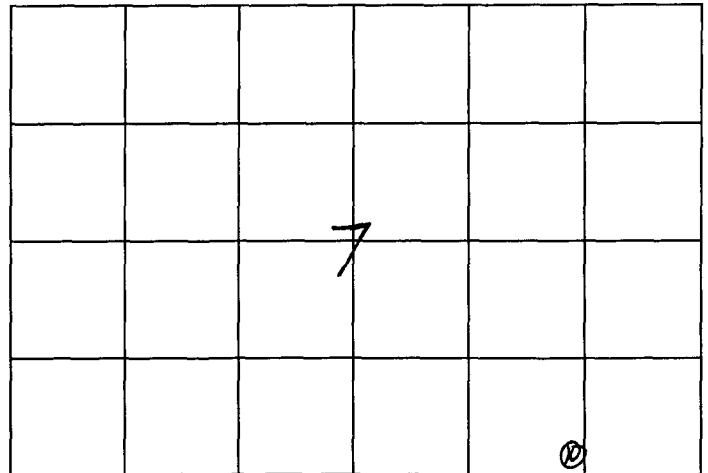
Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 10-18-96

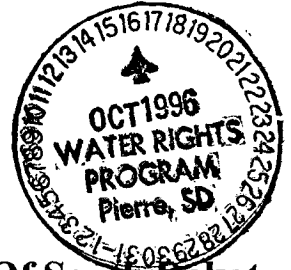
By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>5962-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>See 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. 3984-3**
Amendment/Correction to Permit No. _____

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

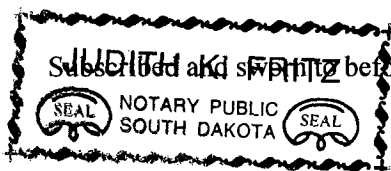
- Name of Applicant Big Sioux Community Water Corporation Phone 997-2098
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 158, Egan SD State 57024
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.44 *CFS or 200 **GPM 120 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water -- Well No. 3 (Big Sioux Moody aquifer)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Well No. 3: 250 feet N and 80 feet W from the SE corner of section 7-T106N-R48W (SE1/4SE1/4)
County Moody
- County or counties where water will be used Moody, Lake, Brookings and Minnehaha
- Annual period during which water is to be used Jan 1 thru Dec 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)

This application is to place water to beneficial use reserved by Future Use Permit Nos. 3984-3 and 3984A-3. Construction of well No. 3 was not completed within the construction period authorized by No. 2054-3.

STATE OF SOUTH DAKOTA)
County of Moody) SS

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)

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



Signed [Signature]
8th day of October 19 96

Judith K. Fritz
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - See Well Completion Report filed by Lacey Drilling -- completed July 18, 1981

- a) Drill Hole Diameter _____ Depth 42 feet
- b) Casing Type steel Diameter _____ Thickness _____
- c) Screen Type stainless steel Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 2 feet
- f) Depth to Water (ground surface to water level) 25 feet
- g) Distance to nearest existing domestic well:
- On applicants property ≈ 610 feet On property owned by others Henry Pulscher

2. Wastewater Disposal System Information

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

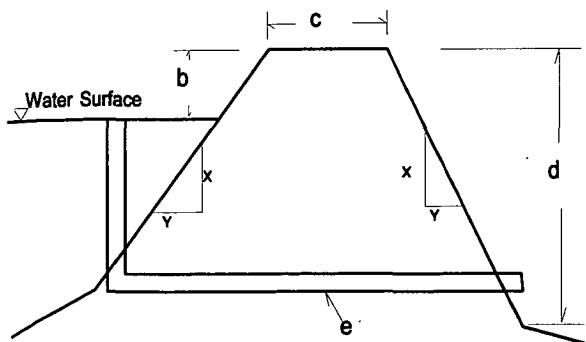
3. Dugout Information

- 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

**SOUTH DAKOTA
WATER PERMIT NO. 5962-3**

Date of first receipt of application October 16, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5962-3 to Big Sioux Community Water Corporation, Box 158, Egan SD 57024 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. 5962-3 authorizes the beneficial use of 0.44 cubic feet of water per second (120 acre-feet annually) from one existing well (Big Sioux Moody Aquifer) 42 feet deep located in the SE 1/4 SE 1/4 Section 7-T106N-R48W. This water was appropriated and reserved by Future Use Permit No. 3984-3.
2. The water appropriated shall be used for the purpose of supplying water to the Big Sioux Community Water Corporation which serves users in Moody, Lake, Brookings and Minnehaha Counties 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. 5962-3 is January 6, 1997.
5. The date from which applicant may claim right is June 6, 1977.
6. One-fifth of the construction is to be completed on or before July 6, 1999.
7. All construction is to be completed on or before January 6, 2002.
8. Water is to be put to beneficial use on or before January 6, 2006.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 5962-3 authorizes a total annual diversion of 120 acre-feet of water annually from the Big Sioux:Moody Aquifer.
3. The Big Sioux Community Water Corporation shall report to the Chief Engineer annually the amount of water withdrawn each year from the Big Sioux:Moody Aquifer.

WATER MANAGEMENT BOARD

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

APR 7 1997
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 27, 1996

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan SD 57024

Dear Martin:

I am writing in response to my investigation of the rural water system's water right permits completed on June 12, 1996. The purpose of the investigation is to license the permits for the amount of water actually developed under each permit. As we discussed during our meeting, there are some issues that need to be addressed.

Water Permit No. 2054-3 was approved March 20, 1974, for construction of up to 4 wells in the E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ section 7-T106N-R48W. Construction of the wells authorized by No. 2054-3 was to be completed by March 20, 1977. Based on the investigation, it was determined that well Nos. 3 and 4 were both constructed after the 1977 completion date. Well No. 3 was completed on May 13, 1978, and well No. 4 was completed on July 18, 1981 according to well completion reports filed by Lacey Well Drilling. I suspect that no one paid attention to the permitted completion date and well construction continued since No. 2054-3 was originally issued for four wells. No other permits are on file that authorize completion of well Nos. 3 and 4 after March 20, 1977.

There are several ways to handle covering well Nos. 3 and 4 by a water permit. I propose you use one of the following two options.

1. Complete a permit application for well No. 3 to place water to use that is currently reserved under Future Use Permit Nos. 3984-3 and 3984A-3. Well No. 3 is located within the future use area and, if approved, well No. 3 would take a priority date of June 6, 1977. Another permit application would be needed for Well No. 4 which is outside of the future use area. Therefore, well No. 4 would take a new priority date as of the date the application is received.
2. The second option involves applying for another expansion of the future use area to include the location of well No. 4. If the future use expansion is approved, then an application could be submitted for both Well No. 3 and 4 to place water to use from future use reserves. This option would result in well Nos. 3 and 4 both receiving a priority date of June 6, 1997. As you may recall, this is the same procedure that was used for well No. 5. The future use area was expanded by No. 3984A-3 and water was placed to beneficial use from well No. 5 by Permit No. 5720A-3.

After deciding how you want to proceed, let me know and I will complete the needed applications to the extent possible. I will then send the applications to you for your review, signature, and any other information that may be needed. I will also prepare the maps for the applications.

August 27, 1996
Martin Jarrett
Page 2 of 2

In order to complete the licenses for Permit Nos. 2054-3, 5720-3, 5720A-3, and 4943-3 (near Brandt Lake), I will need the following items in addition to the information I received during our meeting.

- Please provide the peak rate (gallons per minute) at which water can be treated at the treatment plant using well Nos. 1 through 5.
- Please provide the maximum pump rates (gallons per minute) for each well.
- I have a copy of the well completion reports filed by Lacey Drilling for well Nos. 3, 4, and 5. I do not have any information on the well construction for well Nos. 1 and 2. Please provide a copy of the well completion reports from Lacey Drilling, if available, otherwise complete as much of the following information as possible.

Casing:	Well No. 1		Well No. 2	Screen:	Well No. 1		Well No. 2
Type (eg steel)				Type			
Length (ft)				Length (ft)			
Diameter (in)							

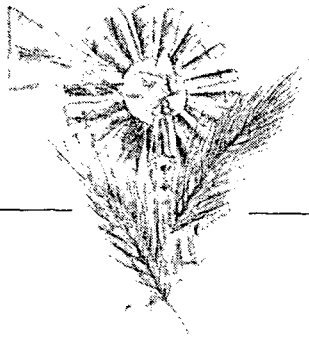
- Permit Nos. 5720-3 and 5720A-3 (Well No. 5) place to beneficial use up to 478 acre-feet (AF) of water annually reserved for future use under Future Use Permit Nos. 3984-3 and 3984A-3. The difference between 478 AF of water and the amount actually being placed to use will be returned to the future use permits (478 AF minus actual use AF = amount returned to future use reservation.) Please specify the maximum annual volume of water that will be diverted from well No. 5. Also, please provide the size and type of submersible unit installed in well No. 5.

If you have any questions or concerns, please let me know. I can be reached at (605) 773-3352. Thank you for taking the time to show me around.

Sincerely,



Ron Duvall
Natural Resources Engineer
Water Rights Program



Big Sioux

Community Water System, Inc.

BOX 158 • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098



Ron Duvall, Nat. Res. Engineer
Water Rights Program, DENR
Joe Foss Bldg.
523 East Capital
Pierre, SD 57501-3181

September 4th, 1996

Dear Ron,

Thank you for your letter of August 27th, 1996. In answer to your suggestions I propose that we follow alternative one. Complete a permit application for well No. 3 under permit nos. 3984-3 and 3984A-3, taking a priority date of June 6, 1977. Complete another application for well no. 4, unfortunately having to take a new priority date.

To answer your questions on the second page of your letter, the peak rate at which water from wells 1-5 can be treated is 1150 gpm.

The maximum pump rates of the wells are as follows: Well 1 : 195 gpm

Well 2 : 325 gpm

Well 3 : 200 gpm

Well 4 : 425 gpm

Well 5 : 140 gpm

The discrepancy between total well production and maximum treatable is due to head loss in delivering water to plant when all wells are running.

I have enclosed a copy of the second page of your letter outlining the information you needed on well 1 & 2. Finally, with respect to well No. 5, the maximum we can expect from well 5 is 150 acre feet per year. The production from this well is nowhere near the expected capacity, and therefore I recommend you return 328 acre feet to our future use reservation.

The pump installed in well no. 5 is a J-Line 7.5 hp. water cooled, 460 volt, 3 phase submersible.

If I can be of any further assistance, please contact me at the above address,

Sincerely,

Martin Jarrett
Manager

August 27, 1996

Martin Jarrett

Page 2 of 2

In order to complete the licenses for Permit Nos. 2054-3, 5720-3, 5720A-3, and 4943-3 (near Brandt Lake), I will need the following items in addition to the information I received during our meeting.

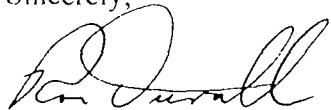
- Please provide the peak rate (gallons per minute) at which water can be treated at the treatment plant using well Nos. 1 through 5.
- Please provide the maximum pump rates (gallons per minute) for each well.
- I have a copy of the well completion reports filed by Lacey Drilling for well Nos. 3, 4, and 5. I do not have any information on the well construction for well Nos. 1 and 2. Please provide a copy of the well completion reports from Lacey Drilling, if available, otherwise complete as much of the following information as possible.

Casing:	Well No. 1	Well No. 2	Screen:	Well No. 1	Well No. 2
Type (eg steel)	Steel	Steel	Type	Stainless steel	Stainless steel
Length (ft)	23 FT	23 FT	Length (ft)	10 FT	10 FT
Diameter (in)	12 inches	12 inches			

- Permit Nos. 5720-3 and 5720A-3 (Well No. 5) place to beneficial use up to 478 acre-feet (AF) of water annually reserved for future use under Future Use Permit Nos. 3984-3 and 3984A-3. The difference between 478 AF of water and the amount actually being placed to use will be returned to the future use permits (478 AF minus actual use AF = amount returned to future use reservation.) Please specify the maximum annual volume of water that will be diverted from well No. 5. Also, please provide the size and type of submersible unit installed in well No. 5.

If you have any questions or concerns, please let me know. I can be reached at (605) 773-3352. Thank you for taking the time to show me around.

Sincerely,



Ron Duvall
Natural Resources Engineer
Water Rights Program



October 1, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan SD 57024

Dear Martin:

I am writing in response to your letter received September 6, 1996. Thank you for completing the information I requested in my August 27 letter.

In accordance with your letter, I have partially-completed two permit applications for your review. The draft applications are enclosed along with blank forms in the event you need to make changes. I have also enclosed a copy of the maps I prepared for your review. The following items (denoted by red checks on the applications) need to be completed on the enclosed applications:

- Since water is being placed to beneficial use reserved by your future use permit, the maximum annual volume of water (acre-feet) diverted from well No. 3 needs to be completed for question No. 2. This number of acre-feet will then be deducted from the amount of water reserved by Future Use Permit No. 3984-3.
- If you wish, you may also identify a maximum annual number of acre-feet to be used from well No. 4. This will reduce the application fee somewhat since the fee is based on how much water is being appropriated.
- To the best of your knowledge, please specify the distance to the nearest domestic well owned by someone other than the rural water system (question No. 1g on Form 2A.)

After completing the questions on applications and signing the applications in the presence of a notary, return the applications with the maps and application fees. The fee structure is outlined on the enclosed instruction sheet.

Please contact me at (605) 773-3352 if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

RECEIPT

415156

Division of Water Rights

South Dakota Department of Environment and Natural Resources

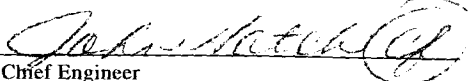
Pierre, _____ October 16, 19 96

RECEIVED OF Big Sioux Community Water, Inc., P.O. Box 158, Egan, SD 57024

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

Fee for Application for Permit No. <u>5962-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By 
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

5962-3

07-92

Location SE 1/4 SE 1/4 Sec 7 Twp 106-N Rg 48-W

County

North

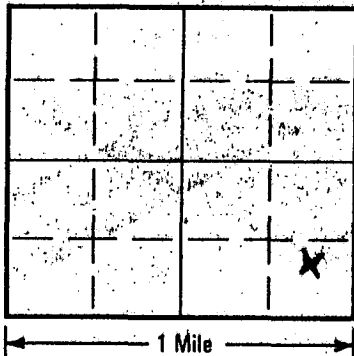
Moody

Please mark well location with an "X"

W

E

Well Completion Date

10-23-97

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1/2 mile ft. from River (identify source)

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☒ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

BucketCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	<u>6</u> FT	<u>27</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>12</u>	<u>100</u> lb./gal	<u>6</u> ft	<u>9</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IN Length 8' FEETMaterial Stainless SteelSlot Size .110 Set From 27 Feet to 348" Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:Chlorine

Laboratory sent to for water quality analysis

Their LabWell Owner: Big Sioux River

Business Name: _____

Address: RR3 Box 158Egan, S.D. 57024

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Fill	0	5
Brown Sand	5	10
GRAVEL	10	15
Coarse Uniform Gravel	15	34'8"

STATIC WATER LEVEL

9'3"

Feet

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate _____

GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

22'ft. After 4Hrs. pumped 6:30

GPM

ft. After _____

Hrs. pumped _____

GPM

If pump installed, pump rate _____

GPM

REMARKS

This well was drilled under license # 111

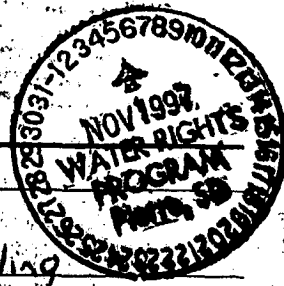
And this report is true and accurate:

Drilling firm Lacey Well Drilling

Signature of License Representative:

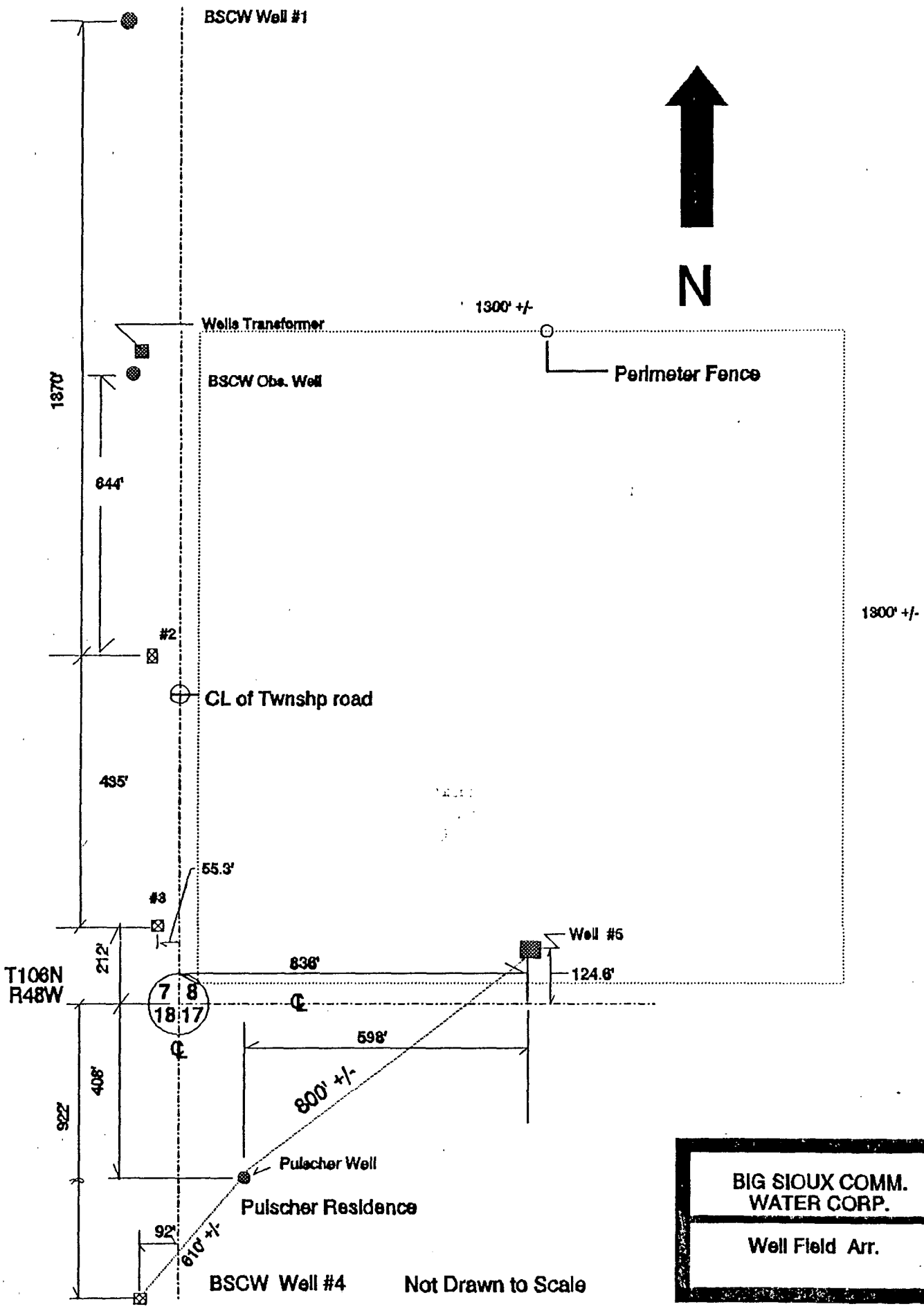
Signature of Well Owner or Equitable Property Holder:

Date: _____



Moody

Name of Pump Installation Contractor



BIG SIOUX COMM.
WATER CORP.

Well Field Arr.

REPORT ON WATER PERMIT APPLICATION NOS. 5962-3 & 5963-3
for Big Sioux Community Water Corporation
November 7, 1996

Water Permit Application No. 5962-3 proposes to place to beneficial use 0.44 cfs (120 acre feet annually) from one existing well approximately 42 feet deep located in the SE 1/4 SE 1/4 of Section 7, T106N-R48W. This water is appropriated and reserved by future use Permit No. 3982-3.

4

Water Permit Application No. 5963-3 proposes to appropriate 0.95 cfs (240 acre feet annually) from one existing well approximately 30.5 feet deep located in the NE 1/4 NE 1/4 of Section 18, T106N-R48W. The water is used to supply the Big Sioux Community Water Corporation which serves users in Moody, Lake, Brookings and Minnehaha Counties. These wells are all located in Moody County.

AQUIFER - BIG SIOUX MOODY (BS-M)

The Big Sioux Moody is a predominantly unconfined outwash (sand and gravel) which is basically limited to the floodplain of the Big Sioux River in Moody County. The aquifer underlies 58 square miles and contains an estimated 163,000 acre feet of water in storage in Moody County (Hansen, 1986). Ground water movement is generally from north to south and locally toward the Big Sioux River. The aquifer is hydraulically connected to the Big Sioux River, to the Big Sioux Brookings aquifer to the north and to the Big Sioux Sioux Falls aquifer to the south.

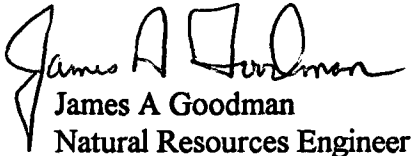
The Water Rights Program monitors two observation wells, MY-82E and MY-82F, which are located about one mile north and within one quarter mile west of these applications respectively. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water right No. 2153-3 (1.22 cfs for irrigation of 85.3 acres) located about one half mile north of these applications. This water right recently was placed in a Federal Program which will mean no water use for about ten years. Also there is one water permit No. 3640-3 (2.28 cfs for irrigation of 200 acres) located about one mile north of these applications. This permit is being processed for cancellation. To summarize, the only existing permitted water user in the immediate area is the rural water system. Although drawdown will occur, interference is not expected to be a concern. These are all existing wells and have been in use for many years with no apparent problems. There is an existing domestic well (Pulacher Well) located about 610 feet northeast of water permit application No. 5693-3 and about 665 feet southeast of water permit application No. 5692-3.

CONCLUSIONS

1. Water is available from the Big Sioux Moody aquifer.
2. The aquifer is unconfined and under water table conditions. Drawdown will occur but should not be significant at the distance between production wells. Interference is not a concern. The observation well hydrographs reinforce this conclusion.
3. The wells authorized by these applications are constructed in accordance with SD Well Construction Standards.
4. Approval of Water Permit No. 5962-3 will mean there is 702 acre feet of water remaining in Future Use Permit Nos. 3984-3 and 3984A-3.
5. Approval of Water Permit No. 5963-3 will not affect the future use reservation as this is considered a new application even though this is an existing well and has been in use for many years.
6. These water permit applications were made as a result of an investigation of Big Sioux Community Water Corporation water permits. Approval of these applications will reflect the as built water supply system.


James A Goodman
Natural Resources Engineer

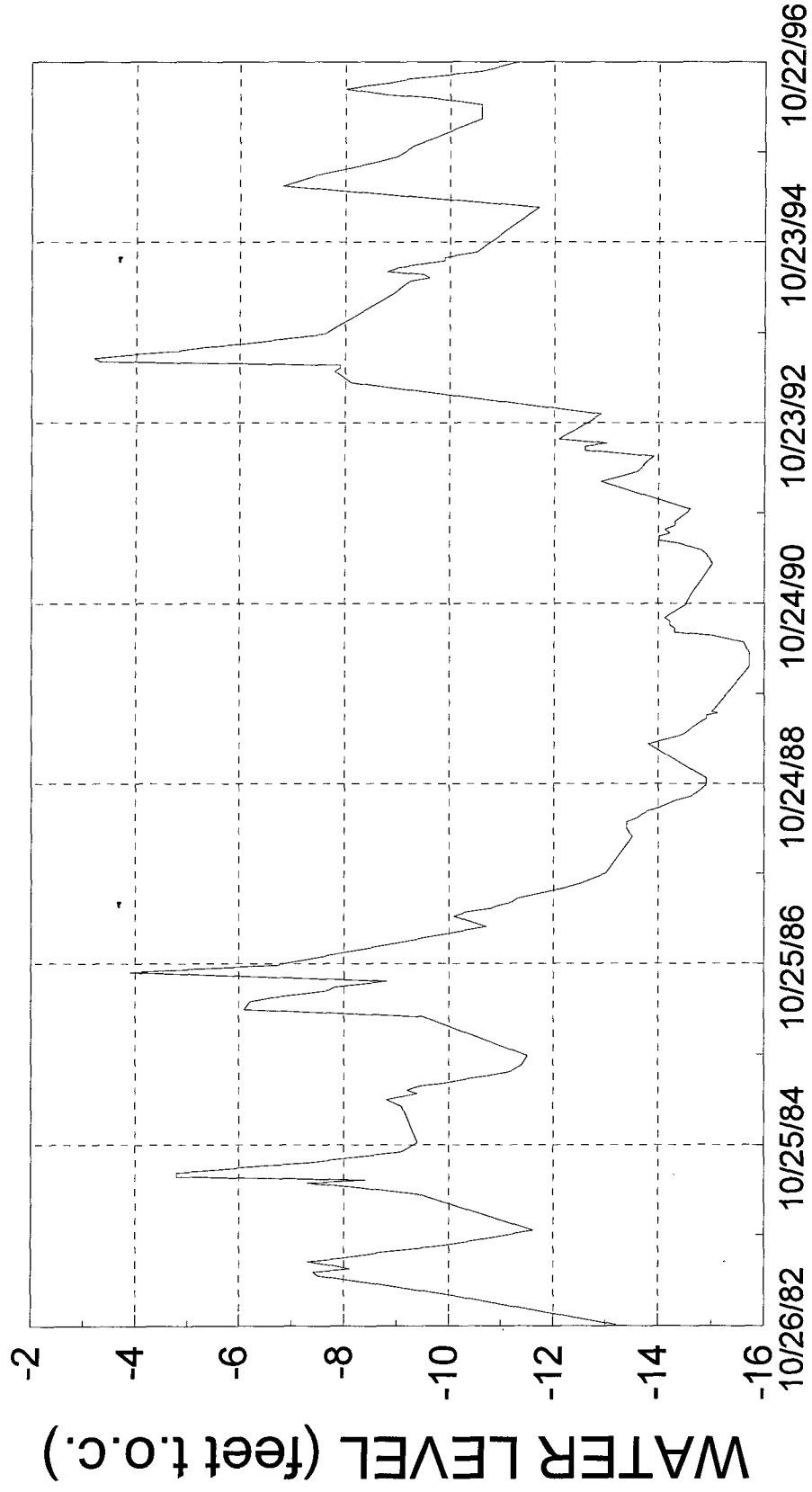
BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, USGS WRI 84-4209, USGS, Huron, SD, 57350.

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

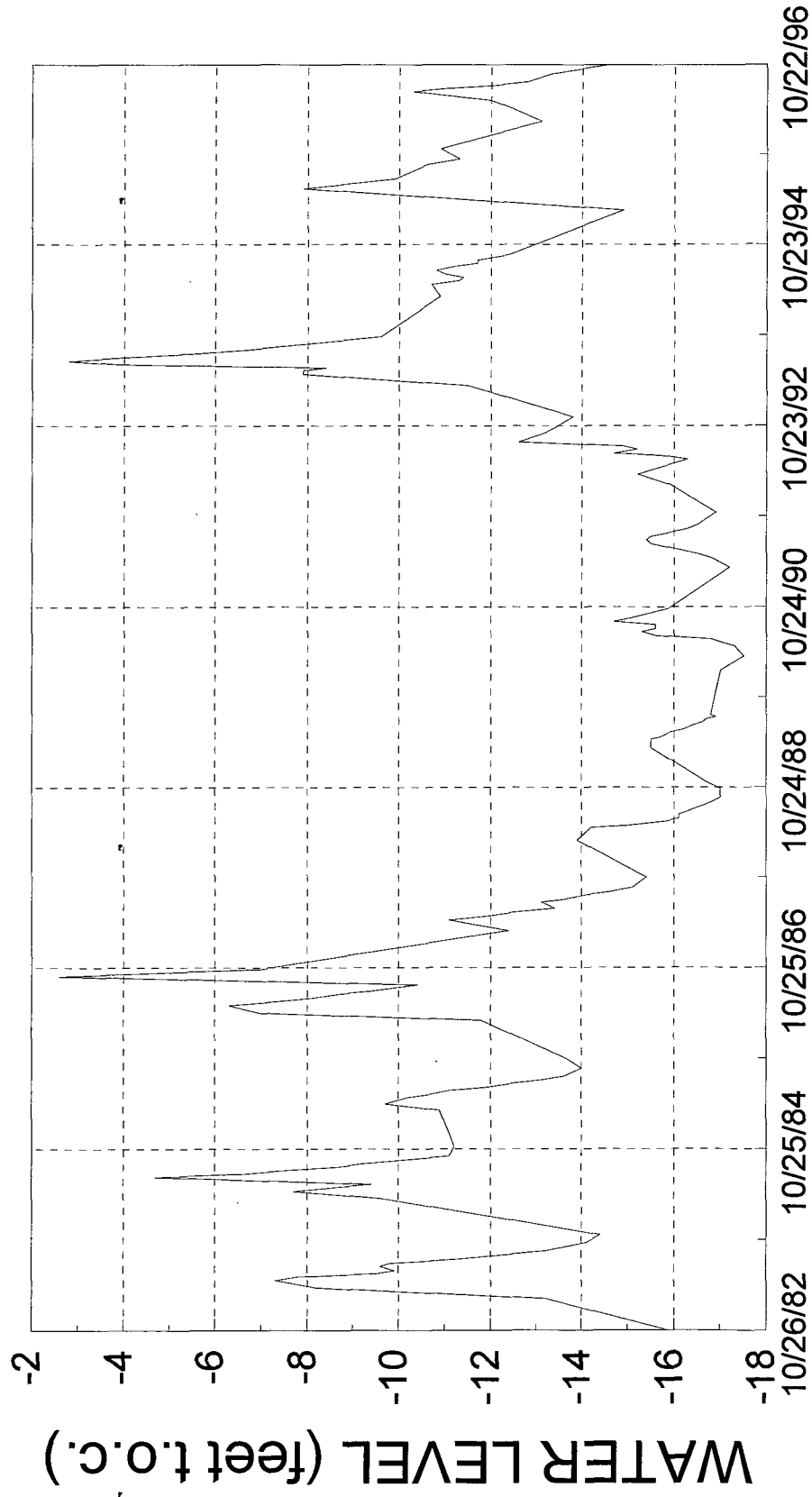
WATER RIGHTS OBSERVATION WELL

MY-82E



WATER RIGHTS OBSERVATION WELL

MY-82F



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 5962-3, Big Sioux Community Water Corporation**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5962-3, Big Sioux Community Water Corporation, c/o Martin Jarrett, Manager, Box 158, Egan, SD 57024.

The Chief Engineer is recommending APPROVAL of Application No. 5962-3 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 qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 5962-3 authorizes a total annual diversion of 120 acre-feet of water annually from the Big Sioux:Moody Aquifer.
3. The Big Sioux Community Water Corporation shall report to the Chief Engineer annually the amount of water withdrawn each year from the Big Sioux:Brookings Aquifer.

See report on application for additional information.



JOHN HATCH, Chief Engineer
November 13, 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.**

November 14, 1996

Big Sioux Community Water Corporation
%Martin Jarrett, Manager
Box 158
Egan, SD 57024

Dear Mr. Jarrett:

Water Permit Application Nos. 5962-3 and 5963-3 for rural water system use have 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 Brookings Register printed at Brookings, SD (Ph # (605) 692-6271), the Moody Co. Enterprise printed at Flandreau, SD (Ph # (605) 997-3194), the Daily Leader printed at Madison, SD (Ph # (605) 256-4555), and the Argus Leader printed at Sioux Falls, SD (Ph # (605) 331-2200). For your information, copies of the notices, the recommendations of the Chief Engineer and a report on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 1996

Argus Leader
P.O. Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5962-3 and 5963-3 to be published twice. Please publish the first notice on November 26, 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 Big Sioux Community Water Corporation, %Martin Jarrett, Manager, Box 158, Egan, SD 57024 (Ph # (605) 997-2098).

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

November 14, 1996

Daily Leader
P.O. Box 348
Madison, SD 57042-0348

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5962-3 and 5963-3 to be published twice. Please publish the first notice on November 26, 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 Big Sioux Community Water Corporation, %Martin Jarrett, Manager, Box 158, Egan, SD 57024 (Ph # (605) 997-2098).

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.

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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

November 14, 1996

Moody Co. Enterprise
Box 71
Flandreau, SD 57028-0071

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5962-3 and 5963-3 to be published twice. Please publish the first notice on November 26, 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 Big Sioux Community Water Corporation, %Martin Jarrett, Manager, Box 158, Egan, SD 57024 (Ph # (605) 997-2098).

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

November 14, 1996

Brookings Register
P.O. Box 177
Brookings, SD 57006-6271

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5962-3 and 5963-3 to be published twice. Please publish the first notice on November 26, 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 Big Sioux Community Water Corporation, %Martin Jarrett, Manager, Box 158, Egan, SD 57024 (Ph # (605) 997-2098).

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

Instruction to Newspaper - Publish first Notice on November 26, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 5962-3 and 5963-3 to Appropriate Water

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 has filed the following applications for water permits:

Water Permit Application No. 5962-3 requests to place to beneficial use 0.44 cubic feet of water per second (cfs) (120 acre-feet annually) from one existing well (Big Sioux Moody Aquifer) 42 feet deep located in the SE 1/4 SE 1/4 Section 7-T106N-R48W. This water was appropriated and reserved by Future Use Permit No. 3984-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5962-3 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.

Water Permit Application No. 5963-3 appropriates 0.95 cfs (240 acre feet annually) from one existing well (Big Sioux Moody Aquifer) 30.5 feet deep located in the NE 1/4 NE 1/4 Section 18-T106N-R48W. The water is used to supply the Big Sioux Community Water Corporation which serves users in Moody, Lake, Brookings and Minnehaha Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5963-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineers recommendations. 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 December 13, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Moody) SS

1. Angela Nibbelink

certify that the attached printed Notice was

taken from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and State of

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

Nov. 27, 1996

Dec. 4, 1996

Cost of Printing: \$45.02

Angela Nibbelink
(Signature)

Bookman
(Title)

12-4-96
(Date Signed)

NOTICE OF APPLICATION NOS.

5962-3 and 5963-3

to Appropriate Water

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 has filed the following applications for water permits:

Water Permit Application No. 5962-3 requests to place to beneficial use 0.44 cubic feet of water per second (cfs) (120 acre-feet annually) from one existing well (Big Sioux Moody Aquifer) 42 feet deep located in the SE 1/4 SE 1/4 Section 7 T106N-R48W). This water was appropriated and reserved by Future Use Permit No. 3984-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5962-3 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.

Water Permit Application No. 5963-3 appropriates 0.95 cfs (240 acre feet annually) from one existing well (Big Sioux Moody Aquifer) 30.5 feet deep located in the NE 1/4 NE 1/4 Section 18-T106N-R48W. The water is used to supply the Big Sioux Community Water Corporation which serves users in Moody, Lake, Brookings and Minnehaha Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5963-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. 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 December 13, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

Nettie H. Myers, Secretary, Department
of Environment and Natural Resources
(Nov. 27 & Dec. 4, 1996)

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Lake)

I, Deanna Bergheim

certify that the attached printed Notice was

taken from the Madison Daily

Leader

printed and published in Madison, SD

County of Lake and State of

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

Tuesday, November 26

Tuesday, December 3

Cost of Printing 46.35

Deanna Bergheim
(Signature)

Secretary

(Title)

12-12-96

(Date Signed)



Tuesday, Nov. 26 & Dec. 3

NOTICE OF APPLICATION NOS. 5962-3 and 5963-3 to Appropriate Water

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57042 has filed the following applications for water permits:

Water Permit Application No. 5962-3 requests to place to beneficial use 0.44 cubic feet of water per second (cfs) (120 acre-feet annually) from one existing well (Big Sioux Moody Aquifer) 42 feet deep located in the SE 1/4 SE 1/4 Section 7-T106N-R48W. This water was appropriated and reserved by Future Use Permit No. 3984-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of

Application No. 5962-3 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.

Water Permit Application No. 5963-3 appropriates 0.95 cfs (240 acre feet annually) from one existing well (Big Sioux Moody Aquifer) 30.5 feet deep located in the NE 1/4 NE 1/4 Section 18-T106N-R48W. The water is used to supply the Big Sioux Community Water Corporation which serves users in Moody, Lake, Brookings and Minnehaha Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5963-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the application and chief engineer. The application must file a petition if contesting the chief engineer's recommendations. 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 December 13, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

NETTIE H. MYERS

Secretary

Department of Environment
and Natural Resources



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:

Tuesday, November 26, 1996

Tuesday, December 3, 1996

Cost of Printing: 96.43

D. Reicher
 (Signature)

Assistant Controller
 (Title)

12/3/96
 (Date Signed)

NOTICE OF APPLICATION NOS. 5962-3 and 5963-3 to Appropriate Water

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 has filed the following applications for water permits:

Water Permit Application No. 5962-3 requests to place the beneficial use 0.44 cubic feet of water per second (cfs) (120 acre-feet annually) from one existing well (Big Sioux Moody Aquifer) 42 feet deep located in the SE 1/4 SE 1/4 Section 7-T106N-R48W. This water was appropriated and reserved by Future Use Permit No. 3984-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5962-3 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.

Water Permit Application No. 5963-3 appropriates 0.95 cfs (240 acre feet annually) from one existing well (Big Sioux Moody Aquifer) 30.5 feet deep located in the NE 1/4 NE 1/4 Section 18-T106N-R48W. The water is used to supply the Big Sioux Community Water Corporation which serves users in Moody, Lake, Brookings and Minnehaha Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5963-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineers recommendations. 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 December 13, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 1996

Big Sioux Community Water Corporation
c/o Martin Jarrett, Manager
Box 158
Egan SD 57024

Dear Mr. Jarrett:

I am writing regarding publication of the Notice to Appropriate Water for Water Permit Nos. 5962-3 and 5963-3. This Notice was originally sent to you November 14, 1996, with instructions to contact four area newspapers to authorize publication. Yesterday, we contacted the Brookings Register, requesting the affidavit of publication. Nancy, from the paper, indicated you had not contacted them to authorize publication; consequently, the Notice was not published November 26 and December 3.

Enclosed is another Notice that has been sent to the Brookings Register (phone - 605 692-6271) to be published on December 20 and 27, 1996. **It will be necessary for you to contact the Brookings Register to authorize publication of the Notice and to arrange for payment.** Please contact the paper as soon as possible.

It will not be necessary to readvertise in the other three papers. If you have any questions, please contact Karen Schlaak or me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cy: Brookings Register



December 10, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Brookings Register
PO Box 177
Brookings SD 57006-6271

Dear Nancy:

Pursuant to our phone call yesterday, enclosed is another Notice of Hearing on Application Nos. 5962-3 and 5963-3 to be published twice. Please publish the first notice on December 20, 1996 with the second publication December 27, 1996.

The Big Sioux Community Water Corporation has been informed that they must verify to you that the notice is to be published, before you make the first publication. The Big Sioux Community Water Corporation, c/o Martin Jarrett, Manager, Box 158, Egan SD 57024 (phone 605 997-2098) is responsible for the cost of publication.

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. Further processing of the applications can not proceed until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. 5962-3 & 5963-3

TO: Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of December 10, 1996 enclosing Notice of Application Nos. 5962-3 & 5963-3 which was first published in our issue of December 20, 1996. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 20, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 5962-3 and 5963-3 to Appropriate Water

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 has filed the following applications for water permits:

Water Permit Application No. 5962-3 requests to place to beneficial use 0.44 cubic feet of water per second (cfs) (120 acre-feet annually) from one existing well (Big Sioux Moody Aquifer) 42 feet deep located in the SE 1/4 SE 1/4 Section 7-T106N-R48W. This water was appropriated and reserved by Future Use Permit No. 3984-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5962-3 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.

Water Permit Application No. 5963-3 appropriates 0.95 cfs (240 acre feet annually) from one existing well (Big Sioux Moody Aquifer) 30.5 feet deep located in the NE 1/4 NE 1/4 Section 18-T106N-R48W. The water is used to supply the Big Sioux Community Water Corporation which serves users in Moody, Lake, Brookings and Minnehaha Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5963-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineers recommendations. 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 January 6, 1997.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brookings) SS

I, Nancy P Skyberg

certify that the attached printed Notice was taken

from the Brookings Register

printed and published in Brookings

County of Brookings and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

December 20, 1996

December 27, 1996

Cost of Printing forty-four dollars

and seventy-four cents \$44.74

Nancy P Skyberg
(Signature)

Legal Ad Coordinator
(Title)

December 27, 1996
(Date Signed)

Legal 957, 2x, December 20, 27
NOTICE OF APPLICATION NOS.

5962-3 and 5963-3 to Appropriate Water
Notice is given that Big Sioux
Community Water Corporation, Box 158,
Egan, SD 57024 has filed the following
applications for water permits:

Water Permit Application No. 5962-3
requests to place to beneficial use 0.44
cubic feet of water per second (cfs) (120
acre-feet annually) from one existing well
(Big Sioux Moody Aquifer) 42 feet deep
located in the SE 1/4 SE 1/4 Section 7-
T106N-R48W. This water was appropriated
and reserved by Future Use Permit
No. 3984-3.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 5962-3 because 1) exist-
ing rights will not be unlawfully
impaired, 2) it is a beneficial use of water,
and 3) it is in the public interest.

Water Permit Application No. 5963-3
appropriates 0.95 cfs (240 acre feet annu-
ally) from one existing well (Big Sioux
Moody Aquifer) 30.5 feet deep located in
the NE 1/4 NE 1/4 Section 18-T106N-
R48W. The water is used to supply the
Big Sioux Community Water
Corporation which serves users in
Moody, Lake, Brookings and Minnehaha
Counties.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 5963-3 because 1) unap-
propriated water is available, 2) existing
rights will not be unlawfully impaired, 3)
it is a beneficial use of water, and 4) it is
in the public interest.

In accordance with SDCL 46-2A-23,
the chief engineer will act on the applica-
tions, as recommended, unless a petition
is filed opposing the applications or the
applicant files a petition contesting the
chief engineer's recommendations. If a
petition opposing the applications or
contesting the recommendations is filed,
then a hearing will be scheduled and the
Water Management Board will consider
the applications. Notice of the hearing
will be given to the applicant and any
person filing a petition.

Any person interested in opposing or
supporting these applications or recom-
mendations must file a written petition
with BOTH the applicant and chief engi-
neer. The applicant must file a petition if
contesting the chief engineers recom-
mendations. The Chief Engineer's
address is "Water Rights Program, Foss
Building, 523 E Capitol, Pierre SD 57501
(605-773-3352)" and the applicant's mail-
ing address is given above. A petition
filed by either an interested person or the
applicant must be filed by January 6,
1997.

The petition may be informal, but
must include a statement describing the
petitioner's interest in the applications,
the petitioner's reasons for opposing or
supporting the applications, and the sig-
nature and mailing address of the peti-
tioner 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 these applica-
tions.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

Big Sioux Community Water Corporation
%Martin Jarrett, Manager
Box 158
Egan, SD 57024

Dear Mr. Jarrett:

Enclosed are Water Permit Nos. 5962-3 and 5963-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Also enclosed are two Form 10's, 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 systems and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water Licenses 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 may be made to your water permits usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date April 8, 1997

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

FROM: Big Sioux Community Water System, Inc. P.O. Box 158
(name) (address)

Egan S.D. 57024 605-997-2098
(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. 5962-3.

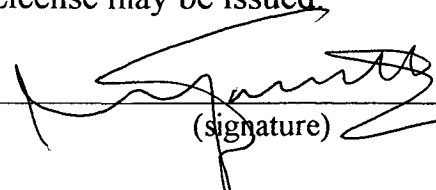
Water Permit No. 5962-3 states that the diversion system is to be constructed by January 6, 2002, and that the water is put to beneficial use by
(date)

January 6, 2006.
(date)

The diversion system was completed on October 7, 1994.
(date)

Applying the water to beneficial use was completed on April 10, 1995.
(date)

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


(signature)

Permit No. 5962-3
Big Sioux River - Water District

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

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

I have this day, **June 12, 1996**, made a thorough examination of the water use system constructed by **the Big Sioux Community Water Corporation of Box 158, Egan SD 57024** holder of Permit No. **5962-3**, bearing the priority of **June 6, 1977** authorizing the diversion of **0.44** cu. ft. per second of the waters (**120** acre-feet annually) of **the Big Sioux Moody aquifer** for **rural water** purposes, in **Moody, Lake, Brookings, and Minnehaha** Counties.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Pump:

- 1) Make **Aurora-Vertiline**
- 2) Capacity **200** GPM

Motor:

- 1) Make **General Electric**
- 2) Horsepower rating **10** hp

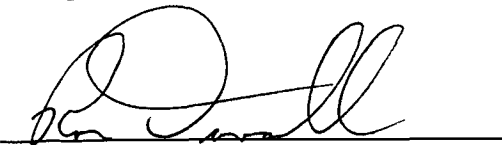
B. Works used to transport and apply water to place of use:

Water is treated at the treatment plant in the SE¼SE¼NE¼ section 7-T106N-R48W and then distributed to customers via the rural water pipeline.

The system is in the following condition **good**. The point of diversion is located **Well No. 3: 250 feet N and 80 feet W (SE¼SE¼) from the SE corner of section 7-T106N-R48W.** The works are capable of diverting and conveying to the place of use **0.44** cu. ft. per second of water (**120*** acre-feet annually) which is to be used for **rural water purposes**.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **none** Date report completed: **July 21, 1997**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

*No. 5962-3 places water to use reserved by Nos. 3984-3 and 3984A-3. The full volume of water (acre-feet) appropriated has been developed. No water needs to be returned to the future use reservation.

Map prepared for Application No. 5962-3 is from the on-site investigation. Same map can serve as map for licensing of Water Permit No. 5962-3

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5962-3

DATE OF INVESTIGATION:	June 12, 1996
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Martin Jarrett, Manager
NAME & ADDRESS OF PERMIT HOLDER	Big Sioux Community Water Corp. Box 158 Egan SD 57024
DIVERSION POINT LEGAL LOCATION	Well No. 3: 250 feet N and 80 feet W (SE$\frac{1}{4}$SE$\frac{1}{4}$) from the SE corner of section 7-T106N-R48W

Other permit(s) associated with the project: 5963-3, 2054-3, 5720-3 & 5720A-3

WELL INFORMATION:

- 1) Well Drilling Firm: **Lacey Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **30.5** feet
- 4) Well log is available **Y**

Screen:

- 1) Type **stainless steel**
- 2) Length **8** feet

Pump:

- 1) Make **Aurora-Vertiline**
- 2) Capacity **200** GPM

Motor:

- 1) Make **General Electric**
- 2) Horsepower rating **10** hp

Casing:

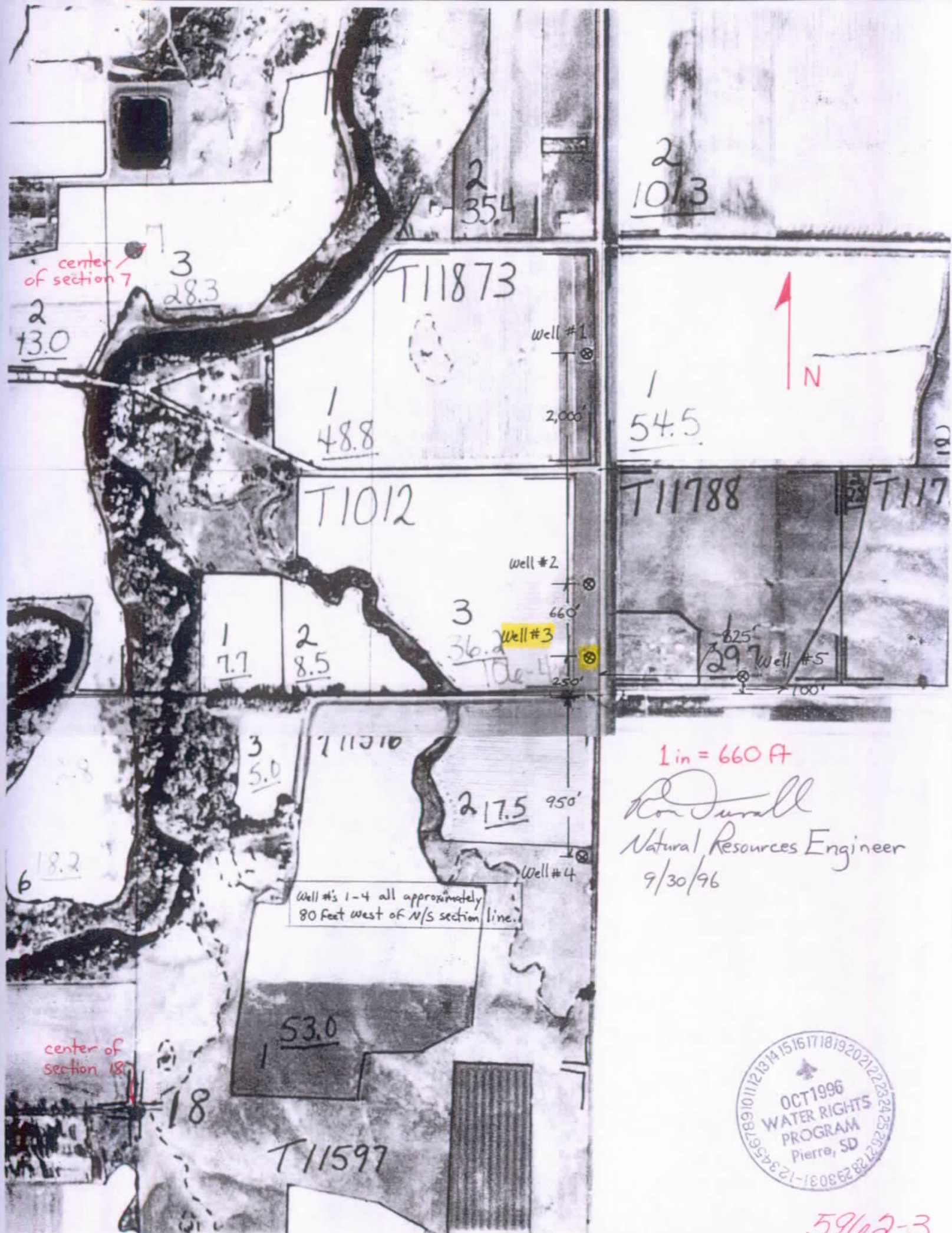
- 1) Diameter **12** inches
- 2) Length **22.5** feet
- 3) Type **steel**

DISTRIBUTION LINES OR CANALS:

Water is treated at the treatment plant in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 7-T106N-R48W and then distributed to customers via the rural water pipeline.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by **Y**
- 2) All structures, wells and lands on map **Y**



1 in = 660 ft

Don Durall
Natural Resources Engineer
9/30/96



5962-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1997

2054-3
4943-3
5720A-3
5962-3
5963-3

Big Sioux Community Water Corp.
Martin Jarrett, Manager
P.O. Box 158
Egan, SD 57024

Dear Mr. Jarrett:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 2054-3, 4943-3, 5720A-3, 5962-3 and 5963-3, have been completed. Your final water right documents, the Water Licenses, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5720-3 will be incorporated into 5720A-3.

Statutes require that we charge a \$50.00 fee per license for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee per license (\$250.00 total) from you, we will begin processing your Water Licenses.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.

RECEIPT

415494

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 17, 19 97

RECEIVED OF Big Sioux Community Water, Inc., P.C. Box 158, Egan, SD 57024-0158

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5962-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1997

Martin Jarrett, Manager
Big Sioux Community Water Corp.
PO Box 158
Egan SD 57024

Dear Martin:

I am writing in response to our conversation on September 10, 1997, concerning the amount of the fees for licensing your water permits.

Two or more permits may, under certain conditions, be combined into one water license. This occurs when the permits involve diversion works that are included on each of the permits. For example, the rural water system holds Permit Nos. 5720-3 and 5720A-3 which both concern well No. 5. These two permits will be incorporated into one license and subsequently only one license fee of \$50.00 is needed. Your other permits all involve separate wells which is the reason for issuing separate licenses for the following permits.

- Permit No. 2054-3 covers well Nos. 1 and 2 (Nos. 3 and 4 were developed after the construction period)
- Permit No. 5962-3 covers well No. 3
- Permit No. 5963-3 covers well No. 4
- Permit No. 4943-3 covers the well located in Lake county.

Well Nos. 3 and 4 were not included on the same permit because one well places water to use reserved under a future use permit while the other well is located outside of the future use area.
--

Therefore, the total fee for the five licenses is \$250.00. However, based on our conversation about moving well No. 5, you may want to wait with licensing Nos. 5720-3 and 5720A-3. Permit No. 5720-3 was approved for use of 1.10 cfs (495 gpm) with an annual volume of 478 acre-feet. If licensed now, the diversion rate will be reduced to the current pump capacity of 0.31 cfs (140 gpm) with an annual volume limit of 150 acre-feet. Therefore, if a well relocation is approved and the relocated well produces more than 0.31 cfs (150 acre-feet annually), it would be advantageous to wait and license the permit for the greater diversion rate and volume. The time period to place water to beneficial use under No. 5720-3 does not expire until March 3, 2002.

Please let me know how you want to proceed. If you have any questions concerning this letter or any other issues, I can be reached at 605 773-3352. I will try to assist in any way possible.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5962-3

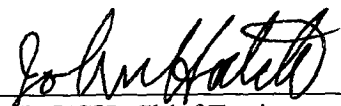
(1) The Big Sioux Community Water System, Inc., PO Box 158, Egan, SD 57024-0158 made Application No. 5962-3, October 16, 1996 for a water permit to divert 0.44 cubic feet of water per second (120 acre feet annually) from ground water (one existing well), Moody County, South Dakota for rural water system purposes. Permit No. 5962-3, with a priority date of June 6, 1977 (established under Future Use Permit No. 3984-3) was approved January 6, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 6, 2002 and for the application to beneficial use of said water on or before January 6, 2006.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on April 10, 1997. The "*Notice*" indicated the system was completed on October 7, 1994, and water applied to beneficial use on April 10, 1995.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.44 cubic feet of water per second for beneficial use. The location of the diversion point is Well # 3 - 250'N and 80'W of the SE corner of Section 7, T106N, R48W (SE $\frac{1}{4}$ SE $\frac{1}{4}$).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. Water is treated at the treatment plant in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T106N, R48W and then distributed via a pipeline to customers in Moody, Lake, Brookings and Minnehaha Counties.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Big Sioux Community Water System, Inc., PO Box 158, Egan, SD 57024-0158 the holder and/or owner of Water Permit No. 5962-3 is issued a license to appropriate water, the right to use 0.44 cubic feet of water per second (120 acre feet annually) from ground water (one well) with a priority date of June 6, 1977 from the location specified in (2) of this license, for rural water system purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5962-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

2054-3
4943-3
5962-3
5963-3

Big Sioux Community Water system, Inc.
%Martin Jarrett, Manager
P.O. Box 158
Egan, SD 57024-0158

Dear Mr. Jarrett:

Enclosed are Water License Nos. 2054-3, 4943-3, 5962-3 and 5963-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415492, 415493, 415494 and 415495 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 2054-3, 4943-3, 5962-3 and 5963-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures