

WATER PERMIT NO. 6106-3

Name of Applicant: B-Y Water District

Address: PO Box 248, Tabor SD 57063

Phone: 605 463-2531

Amount of Water Claimed: 8.08 cfs

Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: rural water system use

County: Yankton

Type of Waste Disposal System: NA

Location: about 5 ½ miles south of Tabor

PRIORITY

Date Received: 10-1-1998

Fee: \$1400

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Increased the diversion rate authorized by No. 5824-3

Diversion Point: NE ¼ NE 1/4

Sec 24-T93N-R58W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

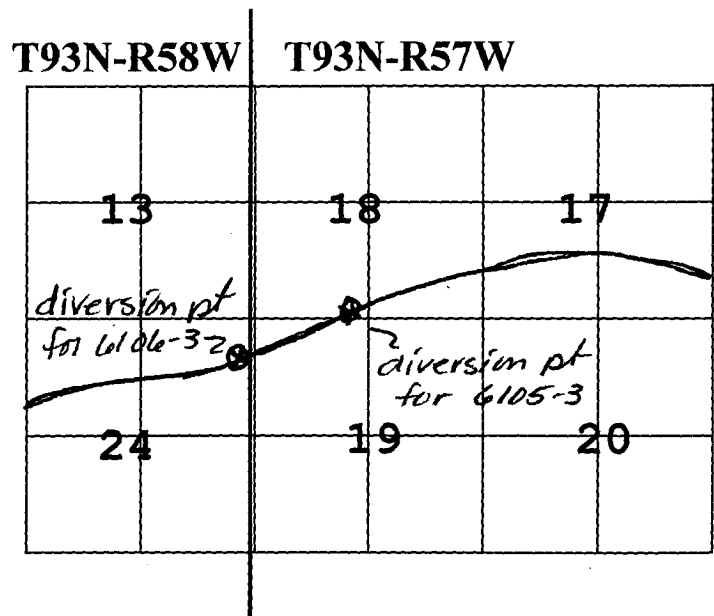
Type of Map: topo

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 10-7-1998

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>6106-3</u>	(office use only) Hydrologic Unit <u>10/20/01</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>See 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 B-Y Water District Phone 463-2531
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 248 Taber State SD 57063
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 8.08 add'l *CFS or **GPM ***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 Missouri River

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE1/4 NE1/4 section 24-T93N-R58W
County Yankton Bon Homme

5. County or counties where water will be used Hutchinson, Turner, McCook, Hanson, Bon Homme,
Yankton, Douglas, Clay

6. Annual period during which water is to be used 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)

This application is to increase the permitted diversion rate authorized by Permit No. 5824-3 from 6.95 cfs to 15.03 cfs, an increase of 8.08 cfs.

STATE OF SOUTH DAKOTA)
County of Yankton) 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, Michael D. Williams, 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.

Applicant's signature Michael D. Williams

Subscribed and sworn to before me this 25 day of September 19 98

Shirley R. Hood
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6106-3

Date of first receipt of application October 1, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6106-3 to B-Y Water District, PO Box 248, Tabor SD 57063 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6106-3 appropriates 8.08 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 5824-3. Water Permit No. 5824-3 appropriates 6.95 cfs from the Missouri River located in the NE ¼ NE ¼ Sction24-T93N-R58W. This permit increases the water appropriation from the Missouri River, from 6.95 cfs to 15.03 cfs.
2. The water appropriated shall be used for the purpose of supplying users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties and may not exceed the amount of water needed for beneficial use for the rural water system.
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. 6106-3 is November 23, 1998.
5. The date from which applicant may claim right is October 1, 1998.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

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

FEB 22 1999

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 415885

Pierre, October 1, 19 98

RECEIVED OF B - Y Water District, PO Box 248, Tabor, SD 57063-0248
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6106-3 to Appropriate Water, to construct
and to put water to beneficial use _____

1400 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. 6106-3 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

1450 00

By

Chief Engineer

John Hatch
JOHN HATCH



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 24, 1998

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

Dear Mr. Williams:

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

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

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

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

The fee structure is outlined on the enclosed instruction sheet.

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

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

Water Permit Application No. 6105-3 and 6106-3
B-Y Water District

October 16, 1998

Application No. 6105-3 proposes to appropriate an additional 2.14 cubic feet of water per second (cfs) from the Missouri River to increase the diversion rate authorized by Water Right Permit No. 3140-3 from 6.20 cfs to 8.34 cfs. The point of diversion is located in the SE¼SW¼ section 18-T93N-R57W and the water is used for rural water supply purposes.

Application No. 6106-3 proposes to appropriate an additional 8.08 cfs from the Missouri River to increase the diversion rate authorized by Water Right No. 5824-3 from 6.95 cfs to 15.03 cfs. The point of diversion is located in the NE¼NE¼ section 24-T93N-R58W and the water is used for rural water supply purposes.

Background

An inspection of Water Right Permit Nos. 3140-3 and 5824-3 completed on September 17, 1998 found that the pump capacity of each diversion point was greater than the permitted diversion rate. Application Nos. 6105-3 and 6106-3 are to increase the diversion rates to the maximum pump rates that can be delivered to the water treatment plant. Currently, the water treatment plant has a capacity of 6.9 million gallons of water per day which equates to an average diversion rate over 24 hours of 10.67 cfs. During periods of high demand it is possible the permitted diversion rates will be exceeded. In addition, an expansion of the treatment plant is planned in the near future to support the continued growth of the rural water system. B-Y Water District is currently providing water service to approximately 3500 customers and may add several communities in the future.

Discussion

The points of diversion are located approximately one half mile apart on the Missouri River above the Gavins Point Dam. Additional water is available from the Missouri River and interference with existing water rights is not a concern.

Conclusions

1. Unappropriated water is available from the Missouri River for Application Nos. 6105-3 and 6106-3.
2. There will be no adverse effect on diversions made under existing water rights.
3. The proposed use is a beneficial use of water and in the public interest.



Ron Duvall, Natural Resources Engineer

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6106-3, B-Y Water District**

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. 6106-3, B-Y Water District, c/o Michael D. Williams, P.O. Box 248, Tabor SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 6106-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 23, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 28, 1998

B-Y Water District
%Michael D. Williams
P.O. Box 248
Tabor, SD 57063

Dear Mr. Williams:

Water Permit Application Nos. 6105-3 and 6106-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers shown on the attached list. For your information, a copy 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 newspapers shown on the attached list to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspapers have been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the 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.

Freeman Courier
Freeman, SD
(605) 925-7033

Canistota Clipper
Canistota, SD
(605) 296-3181

Tyndall Tribune & Register
Tyndall, SD
(605) 589-3242

Corsica Globe
Corsica, SD
(605) 946-5489

The New Era
Parker, SD
(605) 297-4419

The Alexandria Herald
Alexandria, SD
(605) 239-4521

Daily Press & Dakotan
Yankton, SD
(605) 665-7811

Plain Talk
Vermillion, SD
(605) 624-2695



October 28, 1998

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

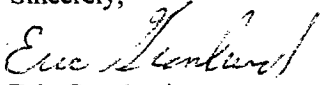
Enclosed is a Notice of Hearing on Application Nos. 6105-3 and 6106-3 to Appropriate Water to be published twice. Please publish the first notice on November 4, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is B-Y Water District, %Michael D. Williams, P.O. Box 248, Tabor, SD 57063 (Ph # (605) 463-2531).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6105-3 & 6106-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6105-3 and 6106-3 which was first published in our issue of _____.

ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name Newspaper



October 28, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

The New Era
Box 579
Parker, SD 57053-0579

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6105-3 and 6106-3 to Appropriate Water to be published twice. Please publish the first notice on November 5, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is B-Y Water District, %Michael D. Williams, P.O. Box 248, Tabor, SD 57063 (Ph # (605) 463-2531).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6105-3 & 6106-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6105-3 and 6106-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 28, 1998

Canistota Clipper
Box 128
Canistota, SD 57012-0128

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6105-3 and 6106-3 to Appropriate Water to be published twice. Please publish the first notice on November 5, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is B-Y Water District, %Michael D. Williams, P.O. Box 248, Tabor, SD 57063 (Ph # (605) 463-2531).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6105-3 & 6106-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6105-3 and 6106-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 28, 1998

The Alexandria Herald
Box 450
Alexandria, SD 57311-0450

ATTENTION: Legal Department

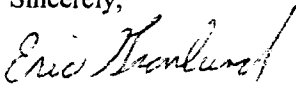
Enclosed is a Notice of Hearing on Application Nos. 6105-3 and 6106-3 to Appropriate Water to be published twice. Please publish the first notice on November 6, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is B-Y Water District, %Michael D. Williams, P.O. Box 248, Tabor, SD 57063 (Ph # (605) 463-2531).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6105-3 & 6106-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6105-3 and 6106-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 28, 1998

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

ATTENTION: Legal Department

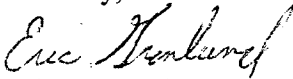
Enclosed is a Notice of Hearing on Application Nos. 6105-3 and 6106-3 to Appropriate Water to be published twice. Please publish the first notice on November 4, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is B-Y Water District, %Michael D. Williams, P.O. Box 248, Tabor, SD 57063 (Ph # (605) 463-2531).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6105-3 & 6106-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6105-3 and 6106-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 28, 1998

Daily Press & Dakotan
P.O. Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6105-3 and 6106-3 to Appropriate Water to be published twice. Please publish the first notice on November 4, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is B-Y Water District, %Michael D. Williams, P.O. Box 248, Tabor, SD 57063 (Ph # (605) 463-2531).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6105-3 & 6106-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6105-3 and 6106-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 28, 1998

Corsica Globe
Box 45
Corsica, SD 57328-0045

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6105-3 and 6106-3 to Appropriate Water to be published twice. Please publish the first notice on November 3, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is B-Y Water District, %Michael D. Williams, P.O. Box 248, Tabor, SD 57063 (Ph # (605) 946-5489).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6105-3 & 6106-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6105-3 and 6106-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



October 28, 1998

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6105-3 and 6106-3 to Appropriate Water to be published twice. Please publish the first notice on November 6, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is B-Y Water District, %Michael D. Williams, P.O. Box 248, Tabor, SD 57063 (Ph # (605) 463-2531).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6105-3 & 6106-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6105-3 and 6106-3 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 3, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6105-3 and 6106-3 to Appropriate Water

Notice is given that B-Y Water District, c/o Michael D Williams, PO Box 248, Tabor SD 57063 has filed the following applications for a water permit.

Application No. 6105-3 proposes to appropriate 2.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 3140-3. Water Permit No. 3140-3 appropriates 6.20 cfs from the Missouri River located in the SE ¼ SW ¼ Section 18-T93N-R57W. This application proposes to increase the water appropriation from the Missouri River, from 6.20 cfs to 8.34 cfs.

Application No. 6106-3 proposes to appropriate 8.08 cfs by increasing the diversion rate authorized by Water Permit No. 5824-3. Water Permit No. 5824-3 appropriates 6.95 cfs from the Missouri River located in the NE ¼ NE ¼ Section 24-T93N-R58W. This application proposes to increase the water appropriation from the Missouri River, from 6.95 cfs to 15.03 cfs. The District will serve users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6105-3 and 6106-3 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 November 23, 1998.

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.

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF TURNER } ss.

J. Mary Lee of the City of Parker,
County of Turner, State of South Dakota, being first duly sworn on oath,
deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed
and published in the City of Parker, in said County of Turner, by The New
Era, Lyon-Sioux Press, publishers, and has been such legal newspaper
during the times hereinafter mentioned; that the said newspaper has been
in existence as such legal newspaper for more than one year prior to the
publication of the notice hereunto attached, and has during all of said
time had, and now has, more than 200 bona fide subscribers; that the

undersigned, the affiant, is the Office Manager of the said news-
paper, in charge of the advertising department thereof and has personal
knowledge of all the facts stated in this affidavit and the advertisement

headed #1916-6105 6-3 Approp. Water
B-Y Water Dist

printed copy of which hereunto attached, was printed and published in the

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

On Thursday, the 5 day of November, 1998;
On Thursday, the 12 day of November, 1998;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;

That \$ 50.41 being the full amount of the fees for publication of
the attached notice insures solely for the benefit of the publishers of the said
newspaper; that no arrangement or understanding for a division thereof has
been made with any other person and that no part thereof has been agreed to
be paid to any other person whomsoever.

Mary Lee
Subscribed and sworn to before me this 25
day of November, 1998.

Notary Public, Turner County, South Dakota.

912-01



Notice of Application No. 6105-3 and 6106-3 to Appropriate Water

Notice is given that B-Y Water District,
c/o Michael D. Williams, P.O. Box 248,
Tabor, S.D. 57063, has filed the following
applications for a water permit.

Application No. 6105-3 proposes to
appropriate 2.14 cubic feet of water per sec-
ond (cfs) by increasing the diversion rate
authorized by Water Permit No. 3140-3.
Water Permit No. 3140-3 appropriates 6.2
cfs from the Missouri River located in the
SE1/4SW1/4 Section 18-T93N-R57W. This
application proposes to increase the water
appropriation from the Missouri River, from
6.20 cfs to 8.34 cfs.

Application No. 6106-3 proposes to
appropriate 8.08 cfs by increasing the diver-
sion rate authorized by Water Permit No.
5824-3. Water Permit No. 5824-3 appropri-
ates 6.95 cfs from the Missouri River locat-
ed in the NE1/4NE1/4 Section 24-T93N-
R58W. This application proposes to
increase the water appropriation from the

Missouri River, from 6.95 cfs to 15.03 cfs.
The District will serve users in Hutchinson,
Turner, McCook, Hanson, Bon Homme,
Yankton, Douglas and Clay counties.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application Nos. 6105-3 and 6106-3
because 1) unappropriated water is avail-
able, 2) existing rights will not be unlaw-
fully impaired, 3) it is a beneficial use of water,
and 4) it is in the public interest. In accor-
dance with SDCL 46-2A-23, the chief engi-
neer will act on the applications, as recom-
mended, unless a petition is filed opposing
the applications or the applicant files a peti-
tions 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 fil-
ing a petition.

Any person interested in opposing or
supporting these applications or recommen-
dations 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, S.D. 57501 (605-773-3352)" and the
applicant's mailing address is given above.
A petition filed by either an interested per-
son or the applicant must be filed by Nov.
23, 1998.

The petition may be informal, but must
include a statement describing the petiti-
on-er's interest in the applications, the petiti-
on-er'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

F #1916, Nov. 5 and 12, 1998.

Affidavit of Publication



STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.

Adrian Pratt being first duly sworn says: That he is
the Editor of the Yankton Printing Company, a
corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily
newspaper of general circulation, printed and published in the City and County of
Yankton, South Dakota; that he has personal knowledge of all the facts stated in this
affidavit; and that the advertisement captioned NOTICE OF APPLICATION
NOS. 6105-3 AND 6106-3 TO APPROPRIATE WATER

a printed copy of which is hereunto attached, was printed and published in the regular
and entire issue of said newspaper, and not in a supplement, once each week
for two successive weeks, the first publication being
made on the 4th day of November, 19 98, and the last pub-
lication being made on the 11th day of November, 19 98.
The first publication being made on the 4th day of November
The second publication being made on the 11th day of November
The third publication being made on the..... day of
The fourth publication being made on the..... day of
The fifth publication being made on the..... day of
The sixth publication being made on the..... day of
The seventh publication being made on the..... day of
The eighth publication being made on the..... day of
The ninth publication being made on the..... day of
The tenth publication being made on the..... day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than
two hundred copies daily and has been published in the English language within the said
County of Yankton for more than one year next prior to the first publication of said
notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the
place of publication of said newspaper. That the full amount of the fee paid for the
publication of the annexed notice is \$ 65.00, which inures solely to the benefit of
said publisher; that no agreement or understanding for a division thereof has been made
with any person, and that no part thereof has been agreed to be paid to any person
whomsoever.

[Signature]
18th
Subscribed and sworn to before me this..... day
of November, 19 98

Notary Public, South Dakota

8-19-2003

My Commission Expires

 11-4&11
 NOTICE OF APPLICATION NOS. 6105-3
 AND 6106-3 TO APPROPRIATE WATER

Notice is given that B-Y Water District, c/o
Michael D Williams, PO Box 248, Tabor SD 57063
has filed the following applications for a water
permit.

Application No. 6105-3 proposes to appropriate
2.14 cubic feet of water per second (cfs) by
increasing the diversion rate authorized by Water
Permit No. 3140-3. Water Permit No. 3140-3
appropriates 6.20 cfs from the Missouri River
located in the SE 1/4 SW 1/4 Section 18-T93N-
R57W. This application proposes to increase the
water appropriation from the Missouri River, from
6.20 cfs to 8.34 cfs.

Application No. 6106-3 proposes to appropriate
8.08 cfs by increasing the diversion rate authorized
by Water Permit No. 5824-3. Water Permit No.
5824-3 appropriates 6.95 cfs from the Missouri
River located in the NE 1/4 NE 1/4 Section 24-
T93N-R58W. This application proposes to increase
the water appropriation from the Missouri River,
from 6.95 cfs to 15.03 cfs. The District will serve
users in Hutchinson, Turner, McCook, Hanson, Bon
Homme, Yankton, Douglas and Clay counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer
recommends APPROVAL of Application Nos.
6105-3 and 6106-3 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 November 23, 1998.

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.

Publication Fees \$.....

Received Payment,



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of McCook) SSI, Mary Ann Letere

certify that the attached printed Notice was taken

from the Canistota Clipperprinted and published in CanistotaCounty of McCook and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 5, 1998November 12, 1998Cost of Printing \$46.43

Mary Ann Letere
(Signature)

Office Manager
(Title)

Nov. 17, 1998
(Date Signed)

Notice of Application

Application # 6105-3 and 6106-3 to Appropriate Water Notice is given that B-V Water District, c/o Michael D. Williams, PO Box 248 Tabor, SD 57063 has filed the following applications for a water permit.

Application No 6105-3 proposes to appropriate 2.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No 3140-3. Water Permit # 3140-3 appropriates 6.20 cfs from the Missouri River located in the SE 1/4, SW 1/4 Section 18-T93N-R57W. This application proposes to increase the water appropriation from the Missouri River from 6.20 cfs to 8.34 cfs.

Application #6106-3 proposes to appropriate 8.03 cfs by increasing the diversion rate authorized by Water Permit #5824-3. Water Permit No 5824-3 appropriates 6.95 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. This application proposes to increase the water appropriation from the Missouri River from 6.95 cfs to 15.03 cfs. The District will serve users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton Douglas and Clay Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6105-3 and 6106-3 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 of contesting the chief engineer's recommendations. The Chief Engineer's address is Water Rights Program, Foss Building 1623 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 Nov. 23, 1998.

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, 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



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hutchinson) SS

I, Jim L. Waltner

certify that the attached printed Notice was taken

from the Freeman Courier

printed and published in Freeman

County of Hutchinson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 4, 1998

November 11, 1998

Cost of Printing \$26.55

Mary Ann Piehman
(Signature)

Office Manager
(Title)

November 19, 1998
(Date Signed)

Notice of Application Nos. 6105-3 and 6106-3 to Appropriate Water

Notice is given that B-Y Water District, c/o Michael D. Williams, PO Box 248, Tabor SD 57063 has filed the following applications for a water permit.

Application No. 6105-3 proposes to appropriate 2.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 3140-3. Water Permit No. 3140-3 appropriates 6.20 cfs from the Missouri River located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. This application proposes to increase the water appropriation from the Missouri River, from 6.20 cfs to 8.34 cfs.

Application No. 6106-3 proposes to appropriate 8.08 cfs by increasing the diversion rate authorized by Water Permit No. 5824-3. Water Permit No. 5824-3 appropriates 6.95 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. This application proposes to increase the water appropriation from the Missouri River, from 6.95 cfs to 15.03 cfs. The District will serve users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6105-3 and 6106-3 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 November 23, 1998.

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



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hanson) SSI, Jerry Janssen

certify that the attached printed Notice was taken

from the Alexandria Heraldprinted and published in AlexandriaCounty of Hanson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Nov 5, 1998Nov 12, 1998Cost of Printing 44.01

Kathy Haggman
(Signature)

Bookkeeper
(Title)

Nov 12, 1998

(Date Signed)

NOTICE OF APPLICATION

NOS. 6105-3 AND 6106-3 TO APPROPRIATE WATER

Notice is given that B-Y Water District, c/o Michael D. Williams, PO Box 248, Tabor SD 57063 has filed the following applications for a water permit.

Application No. 6105-3 proposes to appropriate 2.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 3140-3. Water Permit No. 3140-3 appropriates 6.20 cfs from the Missouri River located in the SE 1/4 SW1/4 Section 18-T93N-R57W. This application proposes to increase the water appropriation from the Missouri River, from 6.20 cfs to 8.34 cfs.

Application No. 6106-3 proposes to appropriate 8.08 cfs by increasing the diversion rate authorized by Water Permit No. 5824-3. Water Permit No 5824-3 appropriates 6.95 cfs from the Missouri River located in the NE 1/4 NE1/4 Section 24-T93N-R58W. This application proposes to increase the water appropriation from the Missouri River, from 6.95 cfs to 15.03 cfs. The district will serve users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6105-3 and 6106-3 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 November 23, 1998.

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)
) SS
County of Clay)

I, Jodi Hildebrand

certify that the attached printed Notice was
taken

from the Plain Talk

printed and published in Clay

County of Vermillion and

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

November 6, 1998

November 13, 1998

Cost of Printing \$45.36

Jodi Hildebrand
(Signature)

(Title)

11-13-98

(Date Signed)

NOTICE OF APPLICATION NOS. 6105-3 and 6106-3 to Appropriate Water

Notice is given that B-Y Water District, c/o Michael D. Williams, PO Box 248, Tabor, SD 57063 has filed the following applications for a water permit.

Application No. 6105-3 proposes to appropriate 2.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 3140-3. Water Permit No. 3140-3 appropriates 6.20 cfs from the Missouri River located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. This application proposes to increase the water appropriation from the Missouri River, from 6.20 cfs to 8.34 cfs.

Application No. 6106-3 proposes to appropriate 8.08 cfs by increasing the diversion rate authorized by Water Permit No. 5824-3. Water Permit No. 5824-3 appropriates 6.95 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. This application proposes to increase the water appropriation from the Missouri River, from 6.95 cfs to 15.03 cfs. The District will serve users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6105-3 and 6106-3 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 November 23, 1998.

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 Environmental
and Natural Resources
Publish: November 6 & 13, 1998.

Affidavit of Publication



State of South Dakota }
County of Bon Homme } ss

OK

Marvin A. Blaha Being first duly sworn says that the Tyndall Tribune and Register is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Not. of Application

89 @ 31.9 + 80% X1

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks, upon the following dates:

<u>Nov. 4</u>	<u>19 98</u>	_____	<u>19</u>
<u>Nov. 11</u>	<u>19 98</u>	_____	<u>19</u>
_____	<u>19</u>	_____	<u>19</u>
_____	<u>19</u>	_____	<u>19</u>

That the full amount of the fee charged for the publication of said notice, \$51.10, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Marvin A. Blaha
Subscribed and sworn to before me this
11th day of Nov. 1998
Peggy Schelske
Notary Public South Dakota

NOTICE OF APPLICATION NOS. 6105-3 and 6106-3 to Appropriate Water

Notice is given that B-Y Water District, c/o Michael D. Williams, PO Box 248, Tabor SD 57063 has filed the following applications for a water permit.

Application No. 6105-3 proposes to appropriate 2.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 3140-3. Water Permit No. 3140-3 appropriates 6.20 cfs from the Missouri River located in the SE1/4 SW 1/4 Section 18-T93N-R57W. This application proposes to increase the water appropriation from the Missouri River, from 6.20 cfs to 8.34 cfs.

Application No. 6106-3 proposes to appropriate 8.08 cfs by increasing the diversion rate authorized by Water Permit No. 5824-3. Water Permit No. 5824-3 appropriates 6.95 cfs from the Missouri River located in the NE1/4 NE1/4 Section 24-T93N-R58W. This application proposes to increase the water appropriation from the Missouri River, from 6.95 cfs to 15.03 cfs. The District will serve users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6105-3 and 6106-3 because 1) unappropriated water is available; 2) existing rights will not be unlawfully impaired; 3) 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 November 23, 1998.

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. 4 & 11)

Affidavit Of Publication



STATE OF SOUTH DAKOTA.

County of Douglas

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

Notice of application

B-Y Water District

Water Rights Program

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

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

The first publication being made on 11/3, 1998.

the second publication being made on 11/10, 1998.

the third publication being made on _____, 19____.

the fourth publication being made on _____, 19____.

the fifth publication being made on _____, 19____.

the sixth publication being made on _____, 19____.

the seventh publication being made on _____, 19____.

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

that \$ 43.62 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public, Douglas County, South Dakota

My Commission Expires _____

Notice of application Nos. 6105-3 and 6106-3 to appropriate water

Notice is given that B-Y Water District, c/o Michael D. Williams, P.O. Box 248, Tabor, S.D. 57063 has filed the following applications for a water permit.

Application No. 6105-3 proposes to appropriate 2.14 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 3140-3. Water permit No. 3140-3 appropriates 6.20 cfs from the Missouri River located in the SE1/4SW1/4 Section 18-T93N-R57W. This application proposes to increase the water appropriation from the Missouri River, from 6.20 cfs to 8.34 cfs.

Application No. 6106-3 proposes to appropriate 8.08 cfs by increasing the diversion rate authorized by Water Permit No. 5824-3. Water Permit No. 5824-3 appropriates 6.95 cfs from the Missouri River located in the NE1/4NE1/4 Section 24-T93N-R58W. This application proposes to increase the water appropriation from the Missouri River, from 6.95 cfs to 15.03 cfs. The District will serve users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application Nos. 6105-3 and 6106-3 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 Nov. 23, 1998.

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.

CL76:11/3-10c

Permit No. 6106-3
Missouri River - Water District

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

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

I have this day, September 17, 1998, made a thorough examination of the water use system constructed by B-Y Water District of PO Box 248, Tabor SD 57063 holder of Permit No. 6106-3, 5824-3 and 5824A-3, bearing priority dates of October 1, 1998 (8.08 cfs) and May 16, 1994 (6.95 cfs), respectively, authorizing the diversion of 15.03 cu. ft. per second of the waters of the Missouri River for rural water purposes, in Bon Homme, Hutchinson, Turner, McCook, Hanson, Yankton, Douglas and Clay Counties.

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

A. Works used to divert the water:

Pumps (5 units):

- 1) Make **Fairbanks Morse**
- 2) Capacity 6,750 (combined) GPM

Motor (5 units):

- 1) Make **US Motor**
- 2) Horsepower rating 200 (each) hp

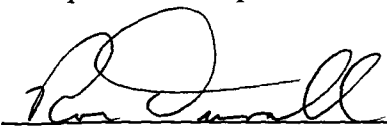
B. Works used to transport/apply water to place of use:

Water is diverted from the Missouri River to a treatment plant currently capable of treating 6.9 million gallons of water per day. Treated water is delivered via the distribution system to approximately 3,500 customers. Hanson and TM Rural Water have hooked up to the B-Y System as authorized by Water Right Permit No. 5824A-3.

The system is in the following condition excellent. The point of diversion is located Missouri River: 650 feet S and 5,100 feet E from the NW corner of section 24-T93N-R58W (NE¼NE¼). The works are capable of diverting and conveying to the place of use 15.03 cu. ft. per second of water which is to be used for rural water system purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 15.03 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: November 6, 1998



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

The map prepared for Application No. 6106-3 also serves as the examination of works map.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6106-3

DATE OF INVESTIGATION	September 17, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Mike Mudder, employee of B-Y
NAME & ADDRESS OF PERMIT HOLDER	Mike Williams, Manager B-Y Water District PO Box 248 Tabor SD 57063
DIVERSION POINT LEGAL LOCATION	Missouri River: 650 feet S and 5,100 feet E from the NW corner of section 24-T93N-R58W (NE$\frac{1}{4}$NE$\frac{1}{4}$)

Other permit(s) associated with the project: 5824-3 and 5824A-3

Pumps (5 units):

- 1) Make Fairbanks Morse
- 2) Capacity 6,750 (combined) GPM

Motor (5 units):

- 1) Make US Motor
- 2) Horsepower rating 200 (each) hp

DISTRIBUTION LINES OR CANALS:

Water is diverted from the Missouri River to a treatment plant currently capable of treating 6.9 million gallons of water per day. Treated water is delivered via the distribution system to approximately 3,500 customers.

PERMIT QUALIFICATIONS:

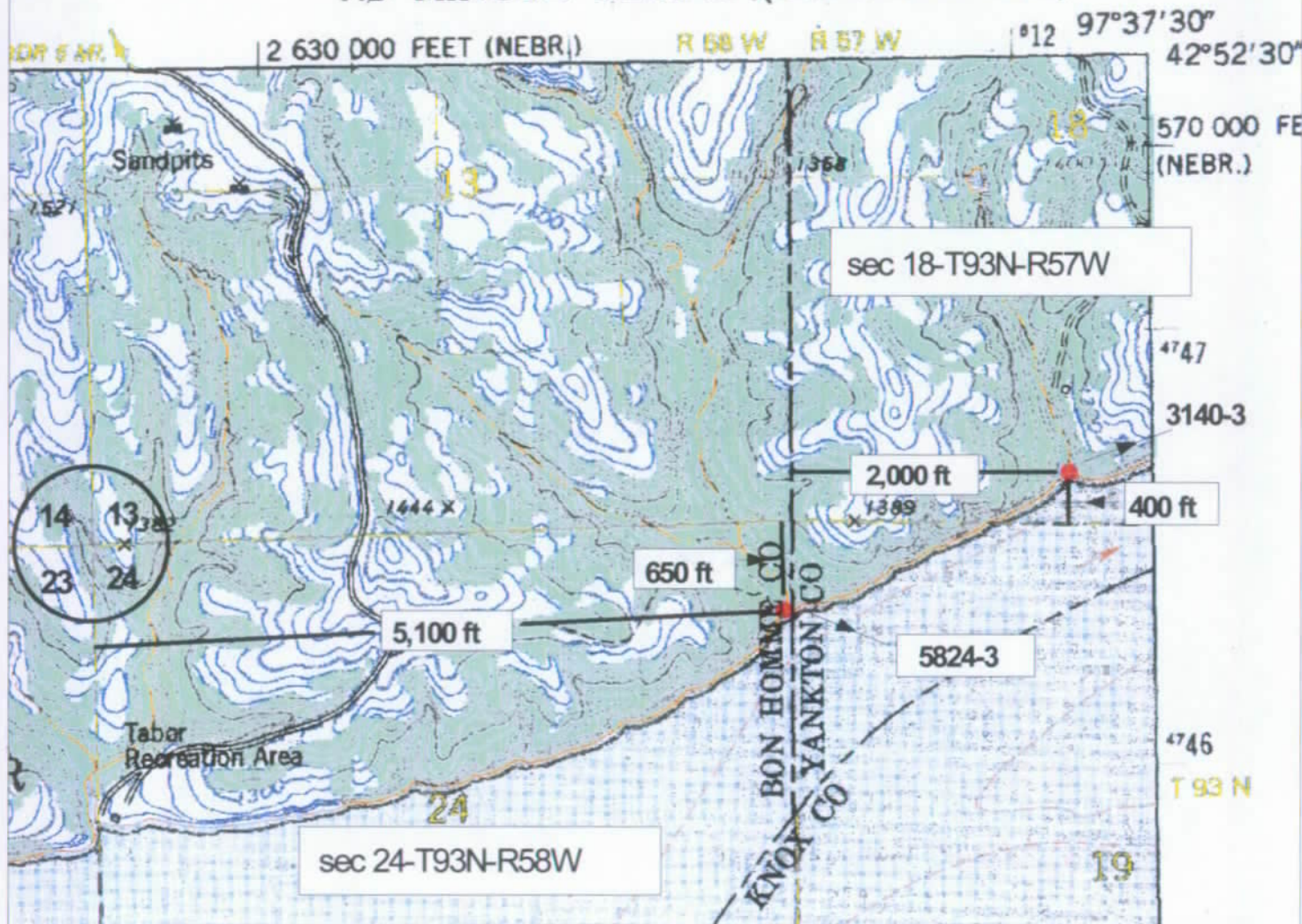
- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

900 0 900 Feet



BON HOMME COLONY QUADRANGLE
SOUTH DAKOTA—NEBRASKA
7.5 MINUTE SERIES (TOPOGRAPHIC)

6489 1 NE
(TABOR A)



● Diversion points

Ron Duvall

Ron Duvall, Nat Res Engineer

10/6/98

Date

6106-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6106-3

(1) B-Y Water District, PO Box 248, Tabor SD 57063 made Application No. 6105-3, October 1, 1998 for a water permit to divert 8.08 cubic feet of water per second (cfs) from the Missouri River, Bon Homme County, South Dakota for rural water system use purposes. Permit No. 6106-3, with a priority date of October 1, 1998 was approved November 23, 1998 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

Water Permit No. 5824-3 with a priority date of May 16, 1994 authorized 6.95 cfs from the Missouri River. Water Permit No. 6106-3 increased the water appropriation from 6.95 cfs to 15.03 cfs. Water Permit No. 5824A-3, with a priority date of May 16, 1994, authorizes connection of the Hanson Rural Water System. No. 5824A-3 did not authorize an increase in the diversion rate. The applicable portions of Nos. 5824-3 and 5824A-3 have been incorporated into No. 6106-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 15.03 cubic feet of water per second for beneficial use. The location of the diversion point is 650 feet south and 5,100 feet east from the northwest corner of Section 24-T93N-R58W (NE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to users in Hutchinson, Turner, McCook, Hanson, Bon Homme, Yankton, Douglas and Clay counties.

(4) Pursuant to South Dakota Water Law 46-5-30.1 B-Y Water District, PO Box 248, Tabor SD 57063 the holder and/or owner of Incorporated Water Right No. 6106-3 is issued a license to appropriate water, the right to use 15.03 cubic feet of water per second from the Missouri River with priority dates of May 16, 1994 (6.95 cfs) and October 1, 1998 (8.08 cfs) from the location specified in (2) of this license for rural water system use. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 6106-3 and subject to South Dakota State Law.



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

FEB 22 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 22 1999

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

Dear Mr. Williams:

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

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

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

Very truly yours,

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

ks

enclosures