

WATER PERMIT NO. 6241-3

Name of Applicant: B-Y Water District

Address: PO Box 248, Tabor SD 57063-0248

Phone: 605 463-2531

Amount of Water Claimed: no additional water

Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: rural water system use

County: Bon Homme

Type of Waste Disposal System:

Location: about 5 ½ miles south of Tabor

PRIORITY

Date Received: 11-20-2000

Fee: \$50

Corrected Application Received::

Period of Annual Use: January 1 – December 31

Remarks: Authorize connection of the City of Mitchell

Diversion Point: NE ¼ NE ¼ Sec 24-T93N-R58W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller: :

Remarks:

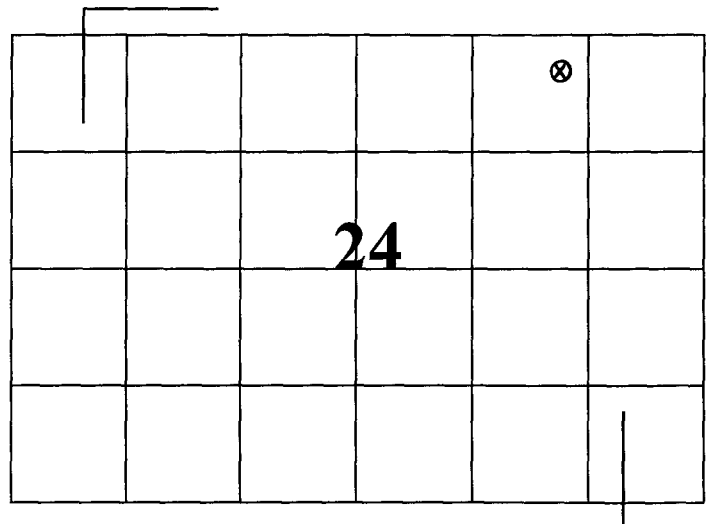
Type of Map: topo

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 11-20-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6241-3**

Date of first receipt of application November 20, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6241-3 to B-Y Water District, PO Box 248, Tabor SD 57063-0248 authorizing the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6241-3 authorizes connection of the City of Mitchell to the rural water system. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE ¼ SW ¼ Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE ¼ NE ¼ Section 24-T93N-R58W. This permit authorizes no increase in the authorized diversion rate.
2. The water appropriated shall be used for the purpose of supplying water to the rural water system and may not exceed the amount of water needed for beneficial use to serve users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton Counties.
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. 6241-3 is February 1, 2001.
5. The date from which applicant may claim right is November 20, 2000.
6. One-fifth of the construction is to be completed on or before August 1, 2003.
7. All construction is to be completed on or before February 1, 2006.
8. Water is to be put to beneficial use on or before February 1, 2010.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 15 2001

date



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>6241-3</u>	(office use only) Hydrologic Unit <u>10170101</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.
X Amendment/Correction to Permit No. 5824-3

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

- Name of Applicant B-Y Water District Phone 605-463-2531
(check one) X Owner Tenant/lessee
Mailing Address P.O. Box 248 Tabor State South Dakota 57063-0248
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed No Additional *CFS or **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Lewis & Clark Lake - Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) As located under existing permit
NE1/4 NE1/4 Section 24 Twp. 93N Range 58W
- County Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton Counties
- County or counties where water will be used
- Annual period during which water is to be used January 1--December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Application is to authorize connection of City of Mitchell, SD.

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

Applicant's signature Michael D. Williams for B-Y Water District

Subscribed and sworn to before me this 17 day of November 2000

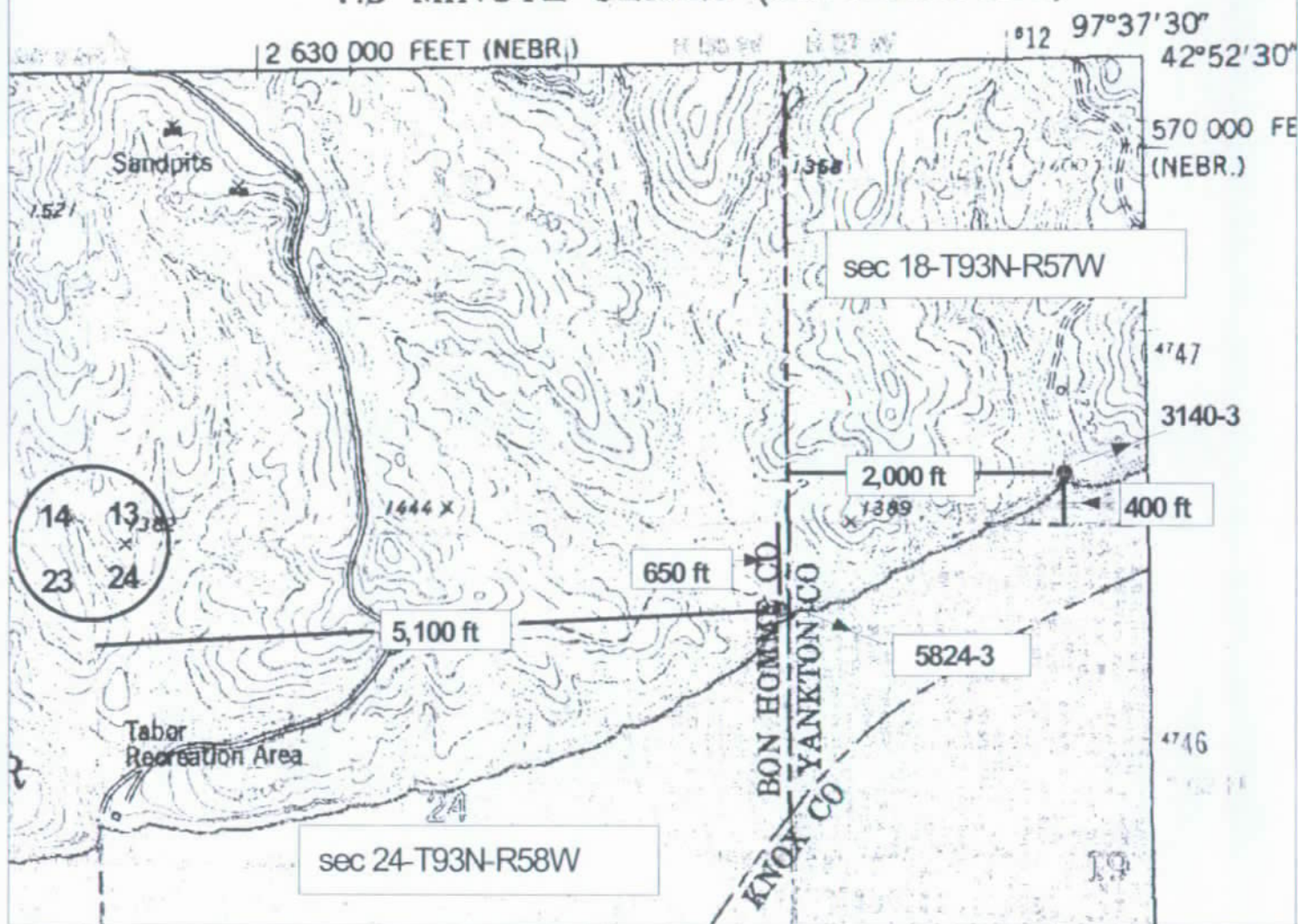
Shirley R. Moore
Notary Public signature

900 0 900 Feet



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

6469 1 NE
(TABOR R)



● Diversion points

Ron Duvall

Ron Duvall, Nat Res Engineer

10/6/98

Date

6241-3
6106-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 41665

Pierre, November 20

20

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

Fee for Application for Permit No. <u>6241-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6241-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100.00 100.00

By

Chief Engineer

Galland Erbele

KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6241-3, 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. 6241-3, B-Y Water District, c/o Michael D. Williams, P.O. Box 248, Tabor, SD 57063-0248.

The Chief Engineer is recommending APPROVAL of Application No. 6241-3 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 qualifications:

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.

Garland Erbele, Chief Engineer
December 13, 2000

REPORT ON WATER PERMIT APPLICATION NO. 6241-3
B-Y Water District Tabor, SD
December 12, 2000

Water Permit Application No. 6241-3 proposes to connect the City of Mitchell, SD to the existing B-Y Water District rural water system. B-Y Water District provides service to users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner, and Yankton Counties. The source of water used to supply customers of the B-Y Water District is the Missouri River with the diversion point located in Bon Homme County south of the town of Tabor. No increase in the total diversion rate of 15.03 cubic feet per second (cfs) allowed under Water License No. 6106-3 is claimed or authorized by this application.

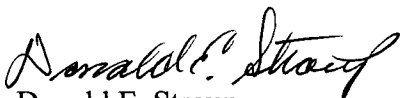
Review of Water Source and Existing Water Rights

The water source for this application is the Missouri River with the diversion point approximately 5 miles south of Tabor, SD in the NE¼ NE¼ of Section 24 T93N R58W (Attachment 1). This diversion point was authorized by Water Permit No. 5824-3 with a 6.95 cfs withdrawal rate. Water Permit No. 5824A-3 authorized the connection of the Hanson and T-M Rural Water Systems to the B-Y Water District with no increase in the diversion rate. Permits 5824-3 and 5824A-3 were later incorporated into Water License No. 6106-3 authorizing an increase in the diversion rate to 15.03 cfs at this location. Diversion priority dates at this location are May 16, 1994 for 6.95 cfs and October 1, 1998 for 8.08 cfs.

Water is available from the Missouri River and the connection of Mitchell, SD to the B-Y District rural water system with no increase in the total diversion rate at this location will not affect existing water rights.

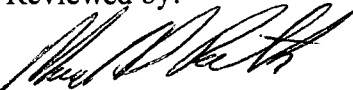
Conclusions

1. Water Permit No. 6241-3 proposes to connect the City of Mitchell, SD to the existing B-Y Water District rural water system with no increase in the diversion rate.
2. Water is available from the Missouri River. Connecting Mitchell, SD to the existing rural water system will not affect existing water rights.
3. B-Y Water District should report the annual amount of water withdrawn at this location to the Chief Engineer.



Donald E. Stroup
Natural Resources Engineer
DENR Water Rights Program

Reviewed by:



Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

References

South Dakota Department of Environment and Natural Resources, Water Rights Program Records



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 13, 2000

Freeman Courier
Box 950
Freeman SD 57029-0950

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 22, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____
We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

The Alexandria Herald
Box 450
Alexandria SD 57311-0450

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 21, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____

We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

Corsica Globe
Box 45
Corsica, SD 57328-0045

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 19, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____

We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

Plain Talk
Box 256
Vermillion, SD 57069-0256

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 22, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____
We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 20, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____
We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 20, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____
We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

Miner Co Pioneer
Box P
Howard SD 57349

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 21, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____

We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

The Daily Republic
PO Box 1288
Mitchell SD 57301-1288

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 20, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____

We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

The New Era
Box 579
Parker SD 57053-0579

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 21, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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

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

No. 6241-3

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

Date _____

We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

Salem Special
PO Box 220
Salem SD 57058-0220

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December 21, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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-----

No. 6241-3

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

Date _____
We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 57501-3182
www.state.sd.us/denr

December 13, 2000

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on December ²¹20, 2000 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, PO Box 248, Tabor, SD 57063-0248 (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

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

No. 6241-3

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

Date _____

We are in receipt of your letter of December 13, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 December 20, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6241-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE ¼ SW ¼ Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE ¼ NE ¼ Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



December 13, 2000

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

B-Y Water District
% Michael D Williams
PO Box 248
Tabor SD 57063-0248

Dear Sir:

Water Permit Application No. 6241-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the

Tyndall Tribune & Register printed at Tyndall, SD (Ph # 605-589-3242).
Plain Talk printed at Vermillion, SD (Ph # 605-624-2695).
Corsica Globe printed at Corsica, SD (Ph # 605-946-5489).
The Alexandria Herald printed at Alexandria, SD (Ph # 605-239-4521).
Freeman Courier printed at Freeman, SD (Ph # 605-925-7033).
The Daily Republic printed at Mitchell, SD (Ph # 605-996-5514).
Miner Co Pioneer printed at Howard, SD (Ph # 605-772-5644).
Argus Leader printed at Sioux Falls, SD (Ph # 605-331-2200).
Salem Special printed at Salem, SD (Ph # 605-425-2361).
The New Era printed at Parker, SD (Ph # 605-297-4419).
Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811).

For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund /165

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

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

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 12/12, 20 00,

the second publication being made on 12/19, 20 00,

the third publication being made on _____, 20 _____,

the fourth publication being made on _____, 20 _____,

the fifth publication being made on _____, 20 _____,

the sixth publication being made on _____, 20 _____,

the seventh publication being made on _____, 20 _____,

and the eighth publication being made on _____, 20 _____,

that \$ 41.67 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of 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.

Mary Neugebauer

Subscribed and sworn to before me this 17th day of January, 20 01.

Beverly A. Alvestro

Notary Public, Douglas County, South Dakota

My Commission Expires

10-26-2001

Tuesday, Dec. 19, 2000 Page 7

NOTICE OF APPLICATION NO. 6241-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor, S.D. 57063-0248, has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 Jan. 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources

L65c12/12c



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Sandy Brinkley

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

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application

NO. 6241-3

to Appropriate Water

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

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

aforsaid was on Friday, the 22 day of December 2000, and that the succeeding publications were severally

on Friday, the 29 day of December 2000

on Friday, the _____ day of _____

on Friday, the _____ day of _____

on Friday, the _____ day of _____

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

Forty Four dollars and 01 cents

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

Sandy Brinkley

Subscribed and sworn to before me this 10

day of January 2001

Notary Public

My COMMISSION EXPIRES 5/23/05

NOTICE OF APPLICATION NO. 6241-3

to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Eric M. Firner, Secretary
Department of Environment
and Natural Resources

Published: December 22 & 29, 2000

Affidavit of Publication

**NOTICE OF APPLICATION
NO. 6241-3 to Appropriate
Water**

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Rights Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 Section 18-T93N-R55W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R55W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF)
SOUTH DAKOTA)
COUNTY OF DAVISON)

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

Dec. 20	2000	20
Dec. 27	2000	20
	20	20

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$99.44, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Subscribed and sworn to before me this
27 day of Dec A.B., 2000

Kathy Pappas
Notary Public
County of Hanson, S.D. OCT 5 2003
My Commission Expires: _____



AFFIDAVIT OF PUBLICATION-

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Beth Buchanan being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

State Notices

No. 6106-3 appropriates 15.03 cfs. from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T83N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, DeSoto, Minner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 48-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition. Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and the Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation.

The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained, contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

Dec. 21, 28, 2000

State Notices

NOTICE OF APPLICATION
NO. 6241-3

to Appropriate Water
Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right

Thursday, the 21 day of December

, the day of

, the day of

, the day of

, the day of

, the day of

, the day of

and that \$98.88 was charged for publishing the same including

A \$5.00 affidavit fee.

Beth Buchanan

Subscribed and sworn to before me January 4, 2001.

Joan Stahl



My Commission expires June 30, 2005.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

NOTICE OF APPLICATION

No. 6241-3 to

Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor, SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

headed

Notice of Application
No 6241-3

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

successive weeks, the first publication being made on the *21* day of *Dec* *2000*

and the last publication on the *28* day of *December* *2000*

The first publication being made on the *21* day of *December* *2000*

The second publication being made on the *28* day of *December* *2000*

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

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

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

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$49.07 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Subscribed and sworn to me this *3rd* day of *January* *2001*

Brent Hunsger

My Commission expires the *14th* day of *May* *2001*



Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Dec. 21 & 28)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Bon Homme) SS

I, Rebecca Tycz

certify that the attached printed Notice was taken

from the Tyndall
Tribune & Register

printed and published in Tyndall

County of Bon Homme and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

December 20, 2000

December 27, 2000

Cost of Printing \$44.01

Rebecca Tycz

(Signature)

Publisher

(Title)

12-27-2000

(Date Signed)

NOTICE OF APPLICATION**NO. 6241-3 to Appropriate Water**

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in

the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

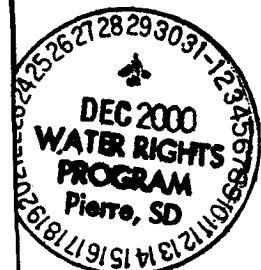
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above, Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
 Department of Environment
 and Natural Resources

(Dec. 20 and 27)



Affidavit of Publication

STATE OF SOUTH DAKOTA,
SS.
COUNTY OF HANSON

TERRY JANSSEN, Publisher, of said County and State, being first duly sworn on his oath, says the ALEXANDRIA HERALD is a weekly newspaper of general circulation, printed and published in Alexandria, in Hanson County, State of South Dakota, by himself and has been such newspaper during the times hereinafter mentioned, that the said newspaper is a legal newspaper, that it has a bona-fide circulation of more than 2000 copies weekly, that it has been published within said County of Hanson for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit; that the advertisement headed

Notice of Application No. 6241-3
to Appropriate Water

a printed copy of which is herein attached, was printed and published in the said newspaper for 2 weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit: The first publication being made

21 Dec. 2000

the second publication on 28 Dec. 2000

the third publication on 19

the fourth publication on 19

and the last publication on 19

at \$ 48.32 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a diversion thereof has been made with any person; and that no part thereof has been agreed to be paid by any person whatsoever.

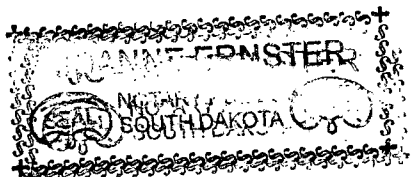
Terry Janssen
Subscribed and sworn to before me this 29th

day of December 2000
19

Notary Public, Hanson County

My Commission Expires

(24-1)



NOTICE OF APPLICATION NO. 6241-3 TO APPROPRIATE WATER

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is require to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE1/4 SW1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition if filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in Opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if

contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources.

52-1



JOANNE ERNSTER



NOTARY PUBLIC
SOUTH DAKOTA



Exp. date

8-16-2006

**Notice of Application
No. 6241-3 to
Appropriate Water**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Turner) SSI, Maury Leecertify that the attached printed Notice was
taken

from the _____

New Eraprinted and published in Turner ParkerCounty of Turner and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

12/21/0012/28/00Cost of Printing \$42.42

Maury Lee
(Signature)Office Manager
(Title)1-2/00
(Date Signed)

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is require to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(#2401, December 21 and 28, 2000.)

Public Notice**NOTICE OF APPLICATION**

NO. 6241-3 to

Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

12/21, 12/28

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Troy Schwane

certify that the attached printed Notice was taken

from the Salon Special

printed and published in Salon

County of McCook and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Dec. 21, 2000

Dec. 28, 2000

Cost of Printing \$ 47⁴⁵

Troy Schwane
(Signature)

Editor
(Title)

12-28-00

(Date Signed)



AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Notice of Application**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
December 20, 2000

the second publication on:
December 27, 2000

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$42.25** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$42.25** is the rate for publishing legal notices.

Tim L. Walt

Subscribed and sworn to before me this 31st day of December 2000.

Linda W. J.

Notary Public
Commission expires: 10/9/06

Publication fee: **\$42.25**
Notary fee:
Total: **\$42.25**



NOTICE OF APPLICATION NO. 6241-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition

opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

TONYA SCHILD BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE BUSINESS OFFICE MANAGER OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF APPLICATION NO. 6241-3 TO APPROPRIATE WATER

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 20TH DAY OF DECEMBER, 2000.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$33.15 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 12/20/2000

FILED ON: 12/20/2000

12+ 20 & 27

NOTICE OF APPLICATION NO. 6241-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District hold Water Rights No's. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-To3N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (606-773-3352)" 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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Tonya M. Schild
SUBSCRIBED AND SWORN TO BEFORE ME THIS 27TH DAY OF DECEMBER, 2000

Janie Hadden
NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 7/16/2001



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

ERIC GRONLUND
WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SD 57501-3181

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

TONYA SCHILD BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE BUSINESS OFFICE MANAGER OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF APPLICATION NO 6241-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 27TH DAY OF DECEMBER, 2000.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$61.20 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 12/20/00; 12/27/00

FILED ON: 1/2/01

12+ 20 & 27

NOTICE OF APPLICATION NO. 6241-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District hold Water Rights No's. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-To3N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (606-773-3352)" 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 9, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2ND DAY OF JANUARY, 2000

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 7/16/01





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 2001

B-Y Water District
% Michael D Williams
PO Box 248
Tabor SD 57063-0248

Dear Sir:

The legal notice of hearing on Water Permit Application No. 6241-3 published in the Daily Press & Dakotan printed in Yankton was not correct. The location of the Missouri River diversion point authorized by Permit No. 6105-3 was incorrectly published as being in Section 18-T03N-R57W. The correct location is Section 18-T93N-R57W.

As a result of the error, the notice needs to be readvertised in the Daily Press & Dakotan. The readvertisedment is needed to ensure the permit is free from legal problems due to inaccurate public notice. The information needed to readvertise the notice is enclosed. It will be necessary for you to contact the Daily Press & Dakota (phone 605 665-7811) to authorize publication on January 15 and 22, 2001.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosure

c: Daily Press & Dakotan



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 9, 2001

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6241-3 to Appropriate Water to be published twice. Please publish the first notice on January 15, 2001 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. The APPLICANT is B-Y Water District, %Michael D. Williams, PO Box 248, Tabor, SD 57063-0248 (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

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

No. 6241-3

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

Date _____

We are in receipt of your letter of January 9, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6241-3 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 January 15, 2001 with the second publication January 22, 2001.

NOTICE OF APPLICATION NO. 6241-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Right Nos. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-3 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE ¼ SW ¼ Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE ¼ NE ¼ Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 February 1, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

1+15 & 22

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
SURFACE WATER QUALITY PROGRAM
523 EAST CAPITOL
PIERRE, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

RITA THOMAS BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT SHE IS THE PUBLISHER OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED NOTICE OF APPLICATION NOT. 6241-3 TO APPROPRIATE WATER
(NO CHARGE)

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 22ND DAY OF JANUARY, 2001.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$0.00 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/22/01

FILED ON: 1/22/01

NOTICE OF APPLICATION NO. 6241-3 to Appropriate Water

Notice is given that B-Y Water District, PO Box 248, Tabor SD 57063-0248 has filed an application for a water permit to authorize connection of the City of Mitchell to the rural water system. A new water permit is required to connect a separate water system to the B-Y Water District. The District holds Water Rights No's. 6105-3 and 6106-3 to supply water to their customers. Water Right No. 6105-2 appropriates 8.34 cubic feet of water per second (cfs) from the Missouri River from a point located in the SE 1/4 SW 1/4 Section 18-T93N-R57W. Water Right No. 6106-3 appropriates 15.03 cfs from the Missouri River located in the NE 1/4 NE 1/4 Section 24-T93N-R58W. The District serves users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton County. This permit authorizes no increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 6241-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (606-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 1, 2001.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22ND DAY OF JANUARY, 2001

NOTARY PUBLIC SOUTH DAKOTA

MY COMMISSION EXPIRES

08/19/2003





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Dear Sir:

Enclosed is Water Permit No. 6241-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 6241-3
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, **July 13, 2006**, 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. **6241-3**, bearing a priority date of **November 20, 2000**, respectively, authorizing the diversion of **no additional** cu. ft. per second of the waters of the **Missouri River** for **rural water** purposes, in **Bon Homme, Davison, Miner, Minnehaha, 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 as authorized by Nos. 6105-3 and 6106-3:

Pumps (3 units): No. 6105-3

- 1) Make **unknown (no plate)**
- 2) Capacity **3,744 (combined)** GPM

Motor (3 units):

- 1) Make **US Motor**
- 2) Horsepower rating **250 (each)** hp

Pumps (5 units): No. 6106-3

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

Motor (5 units):

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

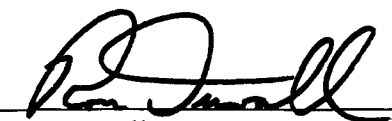
B. Works used to transport/apply water to place of use:

Water is diverted from the Missouri River to a treatment plant and is then delivered via a pipeline distribution system to approximately 14,558 customers in the City of Mitchell.

The system is in the following condition **excellent**. The points of diversion are located **Missouri River: 400 feet N and 2,000 feet E from the SW corner of section 18-T93N-R57W (SE¼SW¼) and 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 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 **to supply the City of Mitchell** with **no additional** cfs above that authorized by Water Right Nos. 6105-3 and 6106-3.

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

Exceptions to compliance are: **none** Date report completed: **September 27, 2006**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6241-3

(1) B-Y Water District, PO Box 248, Tabor SD 57063-0248 made Application No. 6241-3, November 20, 2000 for a water permit to authorize connection of the City of Mitchell to the rural water system. Water Permit No. 6241-3 did not allow for an increase in the diversion rate from the Missouri River authorized by Water Right Nos. 6105-3 and 6106-3. Permit No. 6241-3, with a priority date of November 20, 2000 was approved February 1, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 1, 2006 and for the application to beneficial use of said water on or before February 1, 2010.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to the addition of the City of Mitchell to the rural water system. The location of the diversion points as authorized by Water Right Nos. 6105-3 and 6106-3 are located at the Missouri River:

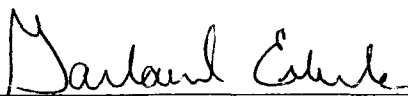
- 400 feet N and 2,000 feet E of the SW corner of Section 18, T93N, R57W (SE $\frac{1}{4}$ SW $\frac{1}{4}$), and
- 650 feet S and 5,100 feet E of the NW corner of Section 24, T93N, R58W (NE $\frac{1}{4}$ NE $\frac{1}{4}$).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. Water is diverted from the Missouri River to a treatment plant and is then delivered via a pipeline distribution system to customers in the City of Mitchell. The rural water system supplies water to users in Bon Homme, Clay, Douglas, Hanson, Hutchinson, Davison, Miner, Minnehaha, McCook, Turner and Yankton Counties.

(4) Pursuant to South Dakota Water Law 46-5-30.1 B-Y Water District, PO Box 248, Tabor SD 57063-0248 the holder and/or owner of Water Right No. 6241-3 is issued a license to divert water to the City of Mitchell from the Missouri River with a priority date of November 20, 2000 from the locations specified in (2) of this license for rural water system purposes. Water Right No. 6241-3 does not authorize an increase in the diversion rate specified in Water Right Nos. 6105-3 and 6106-3.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6241-3 and subject to 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.



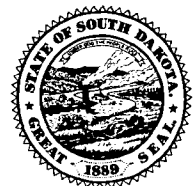
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAY 10 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAY 10 2007

6241-3

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

Dear Mr. Williams:

Enclosed is Water License No. 6241-3. Water License No. 6241-3 is the final document which completes the process of obtaining a water right and authorizes connection of the City of Mitchell to the rural water system.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

A handwritten signature in black ink that reads "Garland Erbele". The signature is written in a cursive, flowing style.

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

enclosure