

WATER PERMIT NO. 6718-3

Name of Applicant: Brookings-Deuel Rural Water System

Address: 47602 SD Hwy 28, Toronto SD 57268

Phone: 605 794-4201

Amount of Water Claimed: 300 AF

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: RWS

County: Brookings

Type of Waste Disposal System:

Location: 4 miles north of Bruce

PRIORITY

Date Received: 4-19-06

Application/License Fee: \$300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Withdrawing from future use Permit No. 3982-3

Diversion Point: SW ¼ SW ¼ Sec 19-T112N-
R50W

Land to be Irrigated: NA

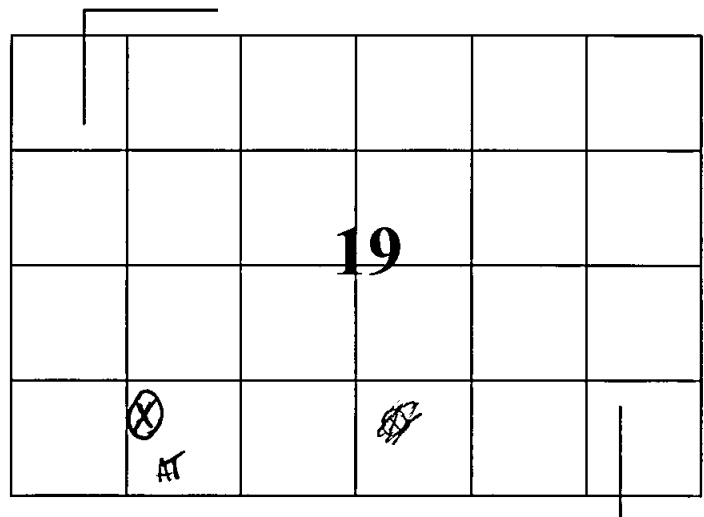
Depth of Well: 45

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Duane Schriever, PE



Reviewed and the Number Assigned on: 4-25-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for uses other than irrigation

(type or print)

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

No. 6718-3 Hydrologic Unit 10170202
Basin Sioux River
Newspaper 1st attached
(office use only)

RECEIVED

APR 19 2006

WATER RIGHTS
PROGRAM

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

Check use of water:

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

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☒ Place to Beneficial Use Water Reserved by Future Use Permit No. 3982-3
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant Brookings-Deuel Rural Water System Phone 605-794-4201
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 47602 SD Hwy 28 Toronto State SD 57268
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 1.0 *CFS or 300 **GPM 300 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Big Sioux Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in 112N-50W-Sec 19
SW1/4 of the SW1/4
- County Brookings
- County or counties where water will be used Brookings-Deuel-Kingsbury-Hamlin-Moody-Minnehaha-McCook
Miner-Lake-Clark
- Annual period during which water is to be used 12 months Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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

STATE OF SOUTH DAKOTA)

County of Deuel ss

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

Signed Pat Gilligan

Subscribed and sworn to before me this 18 day of April 19 2006

Laurie J. Santorum
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 6718-3**

Date of first receipt of application April 19, 2006.

The Water Management Board approved Water Permit No. 6718-3 on July 12, 2006 for Brookings-Deuel Rural Water System, 47692 SD Hwy 28, Toronto SD 57268 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6718-3 authorizes placing to beneficial use 300 acre-feet of water annually reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW ¼ SW ¼ Section 19-T112N-R50W to divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux:Brookings Aquifer (approximately 45 feet deep). With approval of this permit, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. Permit No. 6718-3 also expands the future use area authorized by No. 3982-3 to include the entire N½ NE¼ section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area will retain the June 6, 1977 priority date established under No. 3982-3.
2. The water appropriated shall be used to supply users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark Counties and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is June 6, 1977 (established by Future Use Permit No. 3982-3).
5. One-fifth of the construction is to be completed on or before January 12, 2009.
6. All construction is to be completed on or before July 12, 2011.
7. Water is to be put to beneficial use on or before July 12, 2015.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6718-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Brookings-Deuel Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:Brookings Aquifer.

WATER MANAGEMENT BOARD

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

AUG 17 2006
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 20" Depth 45'
- b) Casing Type steel Diameter 14" Thickness
- c) Screen Type stainless steel Diameter 14" Thickness
- d) Gravel Pack Thickness 3' Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 8'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
- On applicants property NA On property owned by others 1300'

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Primary Outlet Capacity
If Pipe, diameter

f) Secondary Spillway Capacity
Spillway width

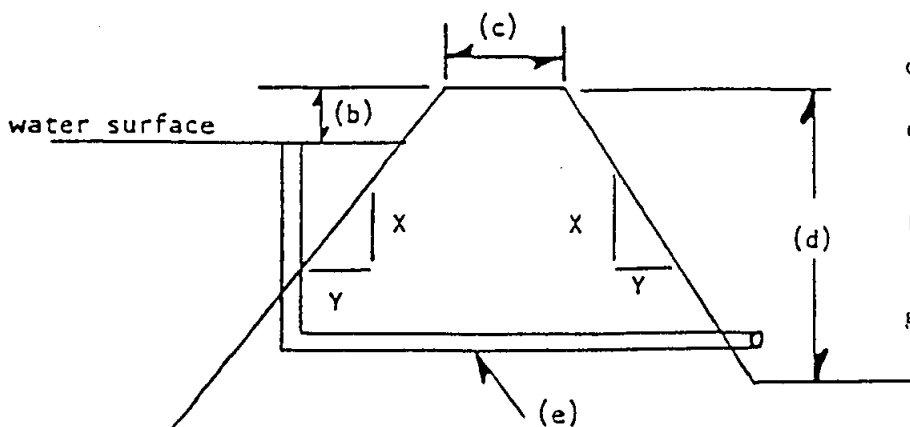
g) X & Y Slope
Upstream

Downstream

Surface Area of Impoundment

Storage acre feet

Drainage area above dam



Pat Seeling - mgs/agad
Signature of Applicant

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 19, 20 06

RECEIVED OF Brookings-Deuel PWS, 47602 SD Hwy 25, Toronto SD 57268

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

Fee for Application for Permit No. <u>6718-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6718-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300.00

No.

02398

By

Darland Erbe
Chief Engineer *gm*



PROPOSED WELL #8
JWF - BRUCE WTP
BROOKINGS-DEUEL RWS
TORONTO, SOUTH DAKOTA

DATE MAR 2006
DRAWN BY JMG
APPROVED DLS
REVISED
PROJECT NO. 800208

I hereby certify that this plan, specification, or report, was prepared by me or under my direct personal supervision, and that I am a duly Registered Professional Engineer under the laws of the State of South Dakota.
By *Darin L. Schriever*
Date 4-10-06

DeWild Grant Reckert
and Associates Company
Consulting Engineers
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

DEWIL

Project No.
800208
Sheet

3

REPORT ON APPLICATION NO. 6718-3

For Brooking-Deuel RWS

May 24, 2006

Application No. 6718-3 proposes to divert and place to beneficial use 300 acre-feet of water from one well to be completed into the Big Sioux: Brookings Aquifer (approximately 45 feet deep) located in the SW ¼ SW ¼ Section 19, T112N-R50W. This water was appropriated and reserved by Future Use Permit No. 3982-3. The water will be used to supply the Brookings-Deuel Rural Water System to serve users in the Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, Miner, Lake and Clark Counties.

AQUIFER – BIG SIOUX: BROOKINGS (BS: B)

The Big Sioux: Brookings Aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 74,500 acres and contains an estimated 245,800 acre feet of recoverable water in storage in Brookings County (Hedges, 1982). The aquifer extends into Hamlin and Deuel Counties to the north and into Moody County to the south. The aquifer appears to be hydraulically connected to the Big Sioux River and other ground water management units within the aquifer.

Recharge to the Big Sioux: Brookings Aquifer has been estimated to range from 2.7 to 6.9 inches per year (46,180 to 109,880 acre-feet per year) (Hedges, 1983). The estimated water use from the aquifer was found to be less than the estimated annual recharge to the aquifer.

The Water Rights Program monitors an observation well (BG-75M) completed into the Big Sioux: Brookings aquifer located approximately ¼ mile south of this site. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the observation well record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). A hydrograph for this observation well is included in this report and labeled as Figure 1.

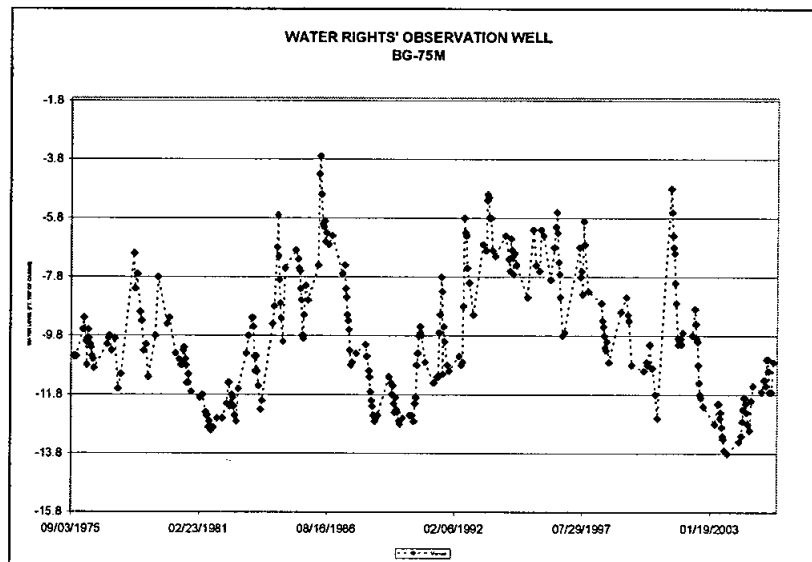


Figure 1. Hydrograph of observation well BG-75M.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

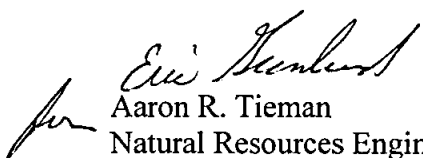
There are several existing Water Rights appropriating ground water within a two mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Big Sioux: Brookings Aquifer is approximately ¼ mile to the northeast. This well is for Water Rights No. 6002-3 (0.78 cfs for rural water system). Interference is not expected to be a problem.

Table 1. Table identifying permits within a two mile radius of the application.

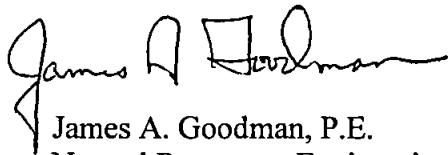
PERMIT NO	LAST NAME	AQUIFER	USE	CFS
2048-3	KROGH	BS:B	IRR	1.67
2071-3	HOLTER	BS:B	IRR	1.50
2072-3	KREIN	BS:B	IRR	1.11
2122-3	VANDERWAL	BS:B	IRR	1.00
2125-3	APLAND	BS:B	IRR	1.11
2126-3	ULVESTAD	BS:B	IRR	1.11
2127A-3	EBBERS	BS:B	IRR	0.70
2127B-3	KREIN	BS:B	IRR	0.64
2128-3	WIEDRICK	BS:B	IRR	1.11
2148-3	SUMMA LIVING TRUST	BS:B	IRR	1.23
2151-3	BECKER	BS:B	IRR	2.00
2166-3	SUMMA LIVING TRUST	BS:B	IRR	1.00
2437-3	SANDBERG	BS:B	IRR	3.56
2667-3	ADEE	BS:B	IRR	1.67
3204-3	ULVESTAD	BS:B	IRR	2.00
3222-3	PETERSON	BS:B	IRR	2.00
4087-3	PANKRATZ	BS:B	IRR	1.10
4462-3A	KREIN	BS:B	IRR	1.11
5079-3	BROOKINGS-DEUEL-KINGBROOK	BS:B	RWS	2.90
5170-3	PETERSON	BS:B	IRR	1.78
5434-3	BROOKINGS-DEUEL-KINGBROOK	BS:B	RWS	1.00
5602-3	BROOKINGS-DEUEL-KINGBROOK	BS:B	RWS	1.00
6002-3	BROOKINGS-DEUEL-KINGBROOK	BS:B	RWS	0.78
6069-3	JANSSEN	BS:B	IRR	0.97
6209-3	EBBERS	BS:B	IRR	1.30
6702-3	FORD	BS:B	IRR	0.67

CONCLUSIONS

1. The Big Sioux: Brookings Aquifer is a viable groundwater source and water is available for this appropriation.
2. The water for this permit was appropriated and reserved by Future Use Permit No. 3982-3.
3. The aquifer is under unconfined conditions at this site. Interference should not be a concern.
4. The well authorized for this application must be completed in accordance with SD Well Construction Standards.


Aaron R. Tieman
Natural Resources Engineer

Approved by

A handwritten signature in black ink, appearing to read "James A. Goodman". The signature is fluid and cursive, with a large initial "J" and "G".

James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

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

Hedges, L.S., 1983, Same, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.

Water Right, 2006, Unpublished Observation Well Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6718-3, Brookings-Deuel Rural Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6718-3, Brookings-Deuel Rural Water System, 47602 SD Hwy 28, Toronto SD 57268.

The Chief Engineer is recommending APPROVAL of Application No. 6718-3 because 1) water is appropriated for future use by Permit No. 3982-3, 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:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6718-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Brookings-Deuel Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:Brookings Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 5, 2006

Instruction to Newspaper - Publish first Notice on June 14, 2006 with the second publication 7 days later. The applicant is responsible for payment.

Notice of Hearing to Review Future Use Permit No. 3982-3 and
Consider Water Permit Application No. 6718-3

Notice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Deuel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy 28, Toronto SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress made in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on December 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW ¼ NW ¼ NE ¼ and NE ¼ NE ¼ NE ¼ Section 24; NE ¼ NE ¼ NE ¼ Section 25; all in T112N-R51W and SW ¼ Section 19-T112N-R50W for rural water system use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre-feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN in EFFECT for 507 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW ¼ SW ¼ Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux Aquifer (approximately 45 feet deep). The water will be used to supply the Brookings-Deuel Rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark Counties. If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by No. 3982-3 to include the entire N½ NE¼ section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area will retain the June 6, 1977 priority date established under No. 3982-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6718-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3982-3 and Application No. 6718-3 at 10 A.M. July 12, 2006 at the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The July 12, 2006 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01.25. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

Canisota Clipper
PO Box 128
Canisota SD 57012-0128

ATTENTION: Legal Public Notice

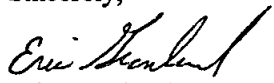
Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 15, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

Miner Co Pioneer
PO Box 220
Howard SD 57349

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 15, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

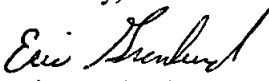
Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

Moody County Enterprise
PO Box 71
Flandreau SD 57028-0071

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

Estelline Journal
PO Box 159
Estelline SD 57234-0159

ATTENTION: Legal Public Notice

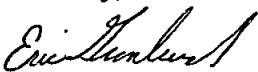
Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

DeSmet News
PO Box 69
DeSmet SD 57231-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

Clear Lake Courier
PO Box 830
Clear Lake SD 57226-0830

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

Brookings Register
PO Box 177
Brookings SD 57006-0177

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 8, 2006

Madison Daily Leader
PO Box 348
Madison SD 57042

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6718-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Brookings-Deuel Rural Water System, % Pat Gilligan, 47602 SD Hwy 28, Toronto SD (Ph # 605-794-4201).

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. 6718-3

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

Date _____

We are in receipt of your letter of June 8, 2006 enclosing Notice to Appropriate Water by Application No. 6718-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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 NEWSPAPERS RIGHT AWAY.

June 8, 2006

Brookings-Deuel Rural Water System
% Pat Gilligan
47602 SD Hwy 28
Toronto SD 57268

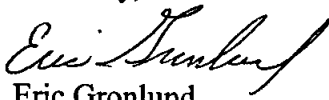
Dear Mr. Gilligan:

Water Permit Application No. 6718-3 and the seven year review of Future Use Permit No. 3982-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the publishers of the following papers: Brookings Register, Brookings, SD (Ph # 605-692-6271), Clear Lake Courier, Clear Lake, SD (Ph #605-874-2499), DeSmet News, DeSmet, SD (Ph #605-854-3331), Estelline Journal, Estelline, SD (Ph #605-873-2475), Moody County Enterprise, Flandreau, SD (Ph #605-997-3725), Argus Leader, Sioux Falls, SD (Ph #605-331-2200), Canisota Clipper, Canisota, SD (Ph #605-296-3181), Miner Co. Pioneer, Howard, SD (Ph #605-772-5644), Madison Daily Leader, Madison, SD (Ph#605-265-4555) and Clark County Courier, Clark, SD (Ph #605-532-3654).

You will need to contact the newspapers and authorize publication of this notice. 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

Amy B. Larsen of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed

that the

Legal #656 "Water Permit"

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit

said newspaper for _____ 2 times, to-wit:

June 14, 2006

June 21, 2006

said Exhibit "A" inures to the sole benefit for the publishers of 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 person whomsoever; that the fees charged for the publication thereof are:

One hundred twelve dollars and seventy-five cents. \$112.75

Subscribed and sworn to before me this

22nd day of

June

2006

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2012

RECEIVED
JUL 12 2006
WATER RIGHTS
PROGRAM

Legal 656, 2x, 06/14, 21
Notice of Hearing to
Review Future Use Permit
No. 3982-3 and

Consider Water Permit
Application No. 6718-3
Notice is given that the
Water Management Board
will review Future Use
Permit No. 3982-3 and
consider Application No.
6718-3 filed by the
Brookings-Deuel Rural
Water System, c/o Pat
Gilligan, 47602 SD Hwy
28, Toronto SD 57268.

Future Use Permit No.
3982-3 will be reviewed for
progress made in the
development of the water
reserved by the permit and
to correct an error when
the future use permit was
last reviewed on
December 5, 2001. This
permit was approved in
1978 to reserve water
from the Big Sioux Aquifer
located in NW 1/4 NW 1/4
NE 1/4 and NE 1/4 NE 1/4
NE 1/4 Section 24; NE 1/4
NE 1/4 NE 1/4 Section 25;
all in T1 12N-R51W and
SW 1/4 Section 19-T112N-
R50W for rural water sys-
tem use. During the last
review of the future use
permit, it was allowed to
remain in effect for 73
acre-feet of water. This
was incorrect in that 434
acre-feet of water was
inadvertently deducted
from the future use permit.
This notice serves to clar-
ify that 507 acre-feet of
water remains in reserve.

Pursuant to SDCL 46-
2A-2 the Chief Engineer of
the Water Rights Program
recommends that Permit
No. 3982-3 REMAIN in
EFFECT for 507 acre-feet
annually because 1) the
reserved water may be
developed, 2) there is
need for the reserved
water 3) the proposed use
will be a beneficial use and
4) it is in the public inter-
est.

The recommendation of
the Chief Engineer is not
final or binding upon the
Board and the Board is
authorized to 1) allow the
permit to remain in effect,
2) amend the permit by
adding qualifications, 3)
cancel the permit for no
development or no
planned future develop-
ment, or 4) take no action
after it reaches a conclu-
sion based upon facts pre-
sented at the public hear-
ing.

Application No. 6718-3
proposes to annually
place to beneficial use 300
acre-feet of water
reserved by Future Use
Permit No. 3982-3. One
well is to be completed in
the SW 1/4 SW 1/4 Section
19-T112N-R50W and
divert water at a rate of
1.00 cubic feet of water
per second from the Big
Sioux Aquifer (approx-
imately 45 feet deep). The
water will be used to sup-
ply the Brookings-Deuel
Rural Water System to
serve users in Brookings,
Deuel, Kingsbury, Hamlin,
Moody, Minnehaha,
McCook, Miner, Lake and
Clark Counties. If
Application No. 6718-3 is
approved, the amount of
water remaining in reserve
under No. 3982-3 will be
207 acre-feet. In addition,

Application No. 6718-3
seeks to expand the future
use area authorized by
No. 3982-3 to include the
entire N 1/2 NE 1/4 section
25-T112N-R51W. This
expansion does not autho-
rize any change in the
amount of reserved water
and the expanded area
will retain the June 6, 1977
priority date established
under No. 3982-3.

Pursuant to SDCL 46-
2A-2, the Chief Engineer
recommends APPROVAL
of Application No. 6718-3
because 1) unappropriat-
ed water is available, 2)
existing rights will not be
unlawfully impaired, 3) it is
a beneficial use of water,
and 4) it is in the public
interest.

The recommendation of
the Chief Engineer is not
final or binding upon the
Board and the Board is
authorized to 1) approve,
2) approve with qualifica-
tions, 3) defer, or 4) deny
this application based on
the facts presented at the
public hearing.

The Water Management
Board will conduct the
hearing to review Future
Use Permit No. 3982-3
and
Application No. 6718-3 at
10 A.M. July 12, 2006 at
the Matthew Training
Center, Foss Building, 523
E Capitol, Pierre SD. The
July 12, 2006 hearing date
will be automatically
delayed for at least 20
days upon written request
to the Chief Engineer from
the applicant or any inter-
ested person opposing the
future use permit and/or
application. The request
for an automatic delay
must be filed by July 3,
2006.

Any person interested
in opposing or supporting
the future use review
and/or application must
file a written petition with
BOTH the applicant and
Chief Engineer. The appli-
cant must also file a peti-
tion if opposed to the Chief
Engineer's recommenda-
tions. 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
July 3, 2006. The petition
may be informal,
but must include a state-
ment describing the peti-
tioner's interest in the
future use review and/or
application, the
petitioner's reasons for
opposing or supporting
the future use review
and/or application, and the
signature and mailing
address of the petitioner or
the petitioner's legal coun-
sel, if legal counsel is

Any hearing will be an
adversary proceeding. Any
person filing a petition
and/or the applicant have
the right to be represented
by a lawyer and may pre-
sent evidence or cross-
examine witnesses
according to SDCL 1-26.

These and other due
process rights will be for-
feited if not exercised.
Decisions of the Board
may be appealed to the
Circuit Court and State
Supreme Court as provid-
ed by law. Contact Eric
Gronlund by July 3, 2006,
at the above Water Rights
Program address to
request copies of informa-
tion pertaining to the
future use review and/or
the application, to assure
access to the hearing by
the handicapped or to
obtain an interpreter for
the hearing impaired.

Since the application
does not involve a mone-
tary controversy in excess
of \$2,500.00 or termina-
tion of a property right in
accordance with SDCL 1-
26-18.3, the Chief
Engineer has determined
this contested case may
not be referred to the
Office of Hearing
Examiners. If any party
disagrees with this deter-
mination, the Chief
Engineer shall be notified
by July 3, 2006.

The future use review
and this application are
made pursuant to SDCL
46-1-1 thru 46-1-9, 46-1-
12 thru 46-1-16; 46-2-3.1,
46-2-5, 46-2-9, 46-2-11,
46-2-13, 46-2-17; 46-2A-1
thru 46-2A-10, 46-2A-12,
46-2A-14, 46-2A-15, 46-
2A-20, 46-2A-21; 46-5-1
thru 46-5-11, 46-5-13 thru
46-5-15, 46-5-24, 46-5-25,
46-5-30.2, 46-5-30.4, 46-5-
31; 46-6-3, 46-6-3.1, 46-6-
6.1, 46-6-10, 46-6-13, 46-
6-14, 46-6-26; 46-5-38
thru 46-5-40; and Board
Rules ARSD 74:02:01:01
thru 74:02:01:15,
74:02:01:24 thru
74:02:01:25.

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

Completed

Notice of Hearing to Review Future
Use Permit No. 3982-3 and
Consider Water Permit Application
No. 6718-3

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Deuel) SS

I, Gary DeJong

certify that the attached printed Notice was
taken

from the Clear Lake Courier

printed and published in Clear Lake

County of Deuel and

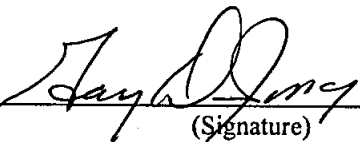
state of South Dakota. The notice was
published

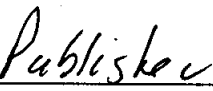
in the newspaper on the following two dates:

June 14, 2006

June 21, 2006

Cost of Printing 116.28


(Signature)


(Title)

6/28/06
(Date Signed)

Notice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Deuel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy 28, Toronto SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress made in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on December 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW 1/4 NW 1/4 NE 1/4 and NE 1/4 NE 1/4 NE 1/4 Section 24; NE 1/4 NE 1/4 NE 1/4 Section 25; all in T112N-R51W and SW 1/4 Section 19-T112N-R50W for rural water system use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre-feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN in EFFECT for 507 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW1/4 SW1/4 Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux Aquifer (approximately 45 feet deep). The water will be used to supply the Brookings-Deuel Rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark Counties. If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by No. 3982-3 to include the entire N1/2 NE1/4 section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area will retain the June 6, 1977 priority date established under No. 3982-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6718-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3982-3 and Application No.

RECEIVED
JUL - 3 2006
WATER RIGHTS
PROGRAM

6718-3 at 10 A.M. July 12, 2006 at the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The July 12, 2006 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006.

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

June 14 & 21

RECEIVED

JUN 23 2006

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Kingsbury)

I, Dale Blegen

certify that the attached printed Notice was
taken

from the The De Smet News

printed and published in De Smet

County of Kingsbury and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

June 14, 2006

June 21, 2006

Cost of Printing 115.00

Dale Blegen
(Signature)

Replika
(Title)

June 21, 2006
(Date Signed)

177 x 36.1 = 6389.27
60% of 6389.27 = 3833.56
115.00

NOTICE OF HEARING TO
REVIEW FUTURE USE
PERMIT NO. 3982-3 AND
CONSIDER WATER PERMIT
APPLICATION NO. 6718-3

Notice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Deuel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy. 28, Toronto, SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress made in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on Dec. 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW 1/4 NW 1/4 NE 1/4 and NE 1/4 NE 1/4 NE 1/4 Section 24; NE 1/4 NE 1/4 NE 1/4 Section 25; all in T112N-R51W and SW 1/4 Section 19-T112N-R50W for rural water system use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre-feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2, the chief engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN in EFFECT for 507 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and, 4) it is in the public interest.

The recommendation of the chief engineer is not final or binding upon the board and the board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW 1/4 SW 1/4 Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux Aquifer (approximately 45 feet deep). The water will be used to supply the Brookings-Deuel Rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark counties. If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by No. 3982-3 to include the entire N1/2NE1/4 Section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area will retain the June 6, 1977, priority date established under No. 3982-3.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 6718-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The recommendation of the chief engineer is not final or binding upon the board and the board is authorized to

1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3982-3 and Application No. 6718-3 at 10 a.m. July 12, 2006, at the Matthew Training Center, Foss Building, 523 E. Capitol, Pierre SD. The July 12, 2006, hearing date will be automatically delayed for at least 20 days upon written request to the chief engineer from the applicant or any interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and chief engineer. The applicant must also file a petition if opposed to the chief engineer's recommendations. The chief engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501; (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decision of the board may be appealed to the Circuit Court and the state Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500 or termination of a property right in accordance with SDCL 1-26-18.3, the chief engineer has determined this contested case may not be referred to the office of hearing examiners. If any party disagrees with this determination, the chief engineer shall be notified by July 3, 2006.

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25.

Steven M. Pirne
Secretary

Department of Environment and
Natural Resources

6-14-2wc-6-21

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LleAnne Archer

certify that the attached printed Notice was
taken

from the The Estelline Journal

printed and published in Estelline

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 14, 2006

June 21, 2006

Cost of Printing \$112.32

LleAnne Archer
(Signature)

Owner
(Title)

6/22/2006
(Date Signed)

RECEIVED

JUN 23 2006

WATER RIGHTS
PROGRAM

**NOTICE OF HEARING TO
REVIEW FUTURE USE PERMIT
NO. 3982-3 AND CONSIDER
WATER PERMIT APPLICATION
NO. 6718-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Deuel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy 28, Toronto, SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on December 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW1/4NW1/4 NE 1/4 and NE1/4NE1/4NE1/4 in Section 24; NE1/4NE1/4NE1/4 Section 25; all in T112N-R51W and SW1/4 Section 19-T112N-R50W for rural water system use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN IN EFFECT for 507 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect 2) amend the permit by adding qualifications, 3) cancel the permit for no development or not planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW1/4SW1/4 Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from

the Big Sioux Aquifer (approximately 45 feet deep). The water will be used to supply the Brookings-Deuel Rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark Counties. If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by No. 3982-3 to include the entire N1/2NE1/4 section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area will retain the June 6, 1977 priority date established under No. 3982-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6718-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3982-3 and Application No. 6718-3 at 10 a.m. July 12, 2006 at the Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD. The July 12, 2006 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Joe 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 July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal council, if legal council is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006.

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25.

**Steven M. Pirner,
Secretary,**

**Department of Environment
and Natural Resources**
(publish June 14 and 21, 2006)

RECEIVED

JUN 23 2006

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County

Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 14, 2006

June 21, 2006

Cost of Printing 119.86

Angela Nibbelink

(Signature)

Brookheiser

(Title)

June 21, 2006

(Date Signed)

NOTICE OF HEARING TO REVIEW
FUTURE USE PERMIT NO. 3982-3
and CONSIDER WATER PERMIT
APPLICATION NO. 6718-3

Notice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Deuel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy 28, Toronto SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress made in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on December 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW 1/4 NW 1/4 NE 1/4 and NE 1/4 NE 1/4 NE 1/4 Section 24; NE 1/4 NE 1/4 NE 1/4 Section 25; all in T112N-R51W and SW 1/4 Section 19-T112N-R50W for rural water use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre-feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN in EFFECT for 507 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW 1/4 SW 1/4 Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux Aquifer (approximately 45 feet deep). The water will be used to supply the Brookings-Deuel Rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark Counties. If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by No. 3982-3 to include the entire N 1/2 NE 1/4 section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area and will retain the June 6, 1977 priority date established under No. 3982-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6718-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3982-3 and Application No. 6718-3 at 10 A.M. July 12, 2006 at the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The July 12, 2006 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006.

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25.

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

(June 14 & 21, 2006)

AFFIDAVIT OF PUBLICATION-

Customer Number: **78200**

Invoice Number: **945317**

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

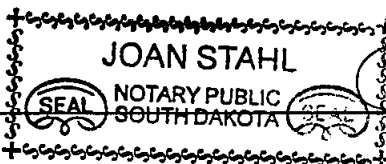
Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of 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

Wednesday, the 14 day of June 2006 ,
Wednesday the 21 day of June 2006 ,
_____, the _____ day of _____ 2006 ,
_____, the _____ day of _____ 2006 ,
_____, the _____ day of _____ 2006 ,
_____, the _____ day of _____ 2006 ,
_____, the _____ day of _____ 2006 ,

and that \$268.53 was charged for publishing the same

Linda Schulte

Subscribed and sworn to before me 6/21/2006



Notary Public, South Dakota

My Commission expires June 30, 2011

Notice of Hearing to Review
Future Use Permit No. 3982-3
and

Consider Water Permit
Application No. 6718-3
Notice is given that the Water
Management Board will re-
view Future Use Permit No.
3982-3 and consider applica-
tion No. 6718-3 filed by the
Brookings-Deuel Rural Water
System, c/o Pat Gilligan,
47602 SD Hwy 28, Toronto
SD 57268.

Future Use Permit No. 3982-
3 will be reviewed for progress
made in the development of
the water reserved by the per-
mit and to correct an error
when the future use permit
was last reviewed on Decem-
ber 5, 2001. This permit was
approved in 1978 to reserve
water from the Big Sioux
Aquifer located in NW1/4
NW1/4 NE1/4 and NE1/4
NE1/4 NE1/4 Section 24;
25; all in T112N-R51W and
SW1/4 Section 19-T112N-
R50W for rural water system
use. During the last review of
the future use permit, it was
allowed to remain in effect for
73 acre-feet of water. This
was incorrect in that 434 acre-
feet of water was inadvertently
deducted from the future use
permit. This notice serves to
clarify that 507 acre-feet of
water remains in reserve.

Pursuant to SDCL 46-2A-2
the Chief Engineer of the Wa-
ter Rights Program recom-
mends that Permit No. 3982-3
REMAIN IN EFFECT for 507
acre-feet annually because 1)
the reserved water may be de-
veloped, 2) there is need for
the reserved water 3) the pro-
posed use will be a beneficial
use and 4) it is in the public
interest.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and
the Board is authorized to 1)
allow the permit to remain in
effect, 2) amend the permit by
adding qualifications, 3) can-
cel the permit for no develop-
ment or no planned future de-
velopment, or 4) take no ac-
tion after it reaches a conclu-
sion based upon facts pre-
sented at the public hearing.

Application No. 6718-3 pro-
poses to annually place to
beneficial use 300 acre-feet of
water reserved by Future Use
Permit No. 3982-3. One well is
to be completed in the SW1/4
SW1/4 Section 19-T112N-
R50W and divert water at a
rate of 1.00 cubic feet of wa-
ter per second from the Big
Sioux Aquifer (approximately
45 feet deep). The water will
be used to supply the
Brookings-Deuel Rural Water
System to serve users in
Brookings, Deuel, Kingsbury,
Hamlin, Moody, Minnehaha,
McCook, Miner, Lake and
Clark Counties. If Application
No. 6718-3 is approved, the
amount of water remaining in
reserve under No. 3982-3 will
be 207 acre-feet. In addition,
Application No. 6718-3 seeks
to expand the future use area
authorized by No. 3982-3 to
include the entire N1/2 NE1/4
section 25-T112N-R51W. This
expansion does not authorize
any change in the amount of
reserved water and the ex-
panded area will retain the
June 6, 1977 priority date es-
tablished under No. 3982-3.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of Appli-
cation No. 6718-3 because 1)
unappropriated water is avail-
able, 2) existing rights will not
be unlawfully impaired, 3) it is
a beneficial use of water, and
4) it is in the public interest.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and
the Board is authorized to 1)
approve, 2) approve with qual-
ifications, 3) defer, or 4) deny
this application based on the
facts presented at the public
hearing.

The Water Management
Board will conduct the hearing
to review Future Use Permit
No. 3982-3 and Application
No. 6718-3 at 10 A.M. July 12,
2008 at the Matthew Training
Center, Foss Building, 523 E
Capitol, Pierre SD. The July
12, 2008 hearing date will be
automatically delayed for at
least 20 days upon written re-
quest to the Chief Engineer
from the applicant or any in-
terested person opposing the
future use permit and/or appli-
cation. The request for an au-
tomatic delay must be filed by
July 3, 2008.

Any person interested in op-
posing or supporting the fu-
ture use review and/or appli-
cation must file a written peti-
tion with BOTH the applicant
and Chief Engineer. The ap-
plicant must also file a petition
if opposed to the Chief Engi-
neer's recommendations. The
Chief Engineer's address is
"Water Rights Program, Foss
Building, 523 E Capitol,
Pierre SD 57501 (605 773-
3352)" and the applicant's
mailing address is given
above. A petition filed by ei-
ther an interested person or
the applicant must be filed by
July 3, 2008. The petition may
be informal, but must include
a statement describing the pe-
titioner's interest in the future
use review and/or application,
the petitioner's reasons for
opposing or supporting the fu-
ture use review and/or appli-
cation, and the signature and
mailing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is
obtained.

Any hearing will be an adver-
sary proceeding. Any person
filing a petition and/or the ap-
plicant have the right to be
represented by a lawyer and
may present evidence or
cross-examine witnesses ac-
cording to SDCL 1-28. These
and other due process rights
will be forfeited if not exer-
cised. Decisions of the Board
may be appealed to the Cir-
cuit Court and State Supreme
Court as provided by law.
Contact Eric Gronlund by July
3, 2008, at the above Water
Rights Program address to re-
quest copies of information
pertaining to the future use re-
view and/or the application, to
ensure access to the hearing
by the handicapped or to ob-
tain an interpreter for the
hearing impaired.

Since the application does
not involve a monetary con-
troversy in excess of \$2,500.00
or termination of a property
right in accordance with SDCL
1-28-18.3, the Chief Engineer
has determined this contested
case may not be referred to
the Office of Hearing Exami-
ners. If any party disagrees
with this determination, the
Chief Engineer shall be noti-
fied by July 3, 2008.

The future use review and
this application are made pur-
suant to SDCL 46-1-1 thru 46-
1-9, 46-1-12 thru 46-1-16; 46-
2-3.1, 46-2-5, 46-2-9, 46-2-11,
46-2-13, 46-2-17; 46-2A-1 thru
46-2A-10, 46-2A-12, 46-2A-14,
46-2A-15, 46-2A-20, 46-2A-21;
46-5-1 thru 46-5-11, 46-5-13
thru 46-5-15, 46-5-24, 46-5-25,
46-5-30.2, 46-5-30.4, 46-5-31;
46-6-3, 46-6-3.1, 46-6-6.1, 46-
6-10, 46-6-13, 46-6-14, 46-6-
28; 46-5-38 thru 46-5-40; and
Board Rules ARSD
74:02:01:01 thru 74:02:01:15,
74:02:01:24 thru 74:02:01:25.

Steven M. Pinner, Secretary,
Department of Environment
and Natural Resources.
945317 June 14 & 21, 2006

RECEIVED

JUL 10 2006

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF McCOOK:)

The undersigned, being first duly sworn, on his oath says: THE CANISTOTA CLIPPER is a weekly newspaper of general circulation, printed and published in the City of Canistota, McCook County, South Dakota, by MATTHEW ANDERSON, and has been such newspaper during the times hereinafter mentioned: that it has bona fide circulation of more than 200 copies weekly; that it has been published within said County of McCook in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned, and has been printed during such period and at the present time in part in an office maintained at the said place of publication: that I, the undersigned, am either the publisher@ or an employee of the said publisher@ of said newspaper and have personal knowledge of all the facts stated in the affidavit: that the advertisement headed

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in the said newspaper for two (2) successive weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication be made on 6-15

The second publication on 6-22

The third publication on _____

The fourth publication on _____

that 119.02 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whomsoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

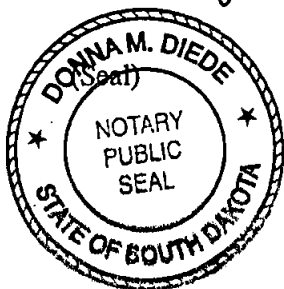
Matt Anderson

Subscribed and sworn to before me this 26

day of June 2006

Donna M. Diede
Notary Public, South Dakota

My commission expires 2-2-2010



RECEIVED
JUL - 3 2006
WATER RIGHTS
PROGRAM

Notice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Deuel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy 28, Toronto SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress made in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on December 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW ¼ NW ¼ NE ¼ and NE ¼ NE ¼ NE ¼ Section 24; NE ¼ NE ¼ NE ¼ Section 25; all in T112N-R51W and SW ¼ Section 19-T112N-R50W for rural water system use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre-feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN in EFFECT for 507 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW ¼ SW ¼ Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux Aquifer (approximately 45 feet deep). The water will be used to supply the Brookings-Deuel Rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark Counties.

If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by No. 3982-3 to include the entire N½ NE¼ section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area will retain the June 6, 1977 priority date established under No. 3982-3.

based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3982-3 and Application No. 6718-3 at 10 A.M. July 12, 2006 at the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The July 12, 2006 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006.

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15; 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25.

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

6-15-2tc

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6718-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application

AFFIDAVIT OF PUBLICATION

Thursday, June 22,

**NOTICE OF HEARING TO
REVIEW FUTURE USE
PERMIT NO. 3982-3 AND
CONSIDER WATER
PERMIT**

APPLICATION NO. 6718-3

Noice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Deuel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy 28, Toronto SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress made in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on December 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW 1/4 NW 1/4 NE 1/4 and NE 1/4 NE 1/4 NE 1/4 Section 24; NE 1/4 NE 1/4 NE 1/4 Section 25; all in T112N-R51W and SW 1/4 Section 19-T112N-R50W for rural water system use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre-feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN in EFFECT for 507 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be beneficial use and 4) it is the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

STATE OF SOUTH DAKOTA, County of Miner: ss.

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

Permit No 3982-3 And Consider Water Permit
Application No 6718-3

a printed copy of which is hereunto attached, was printed and publishing in the regular and entire issue of said newspaper and not in a supplement, once each week for 2 successive weeks, the first publication being made on the 15th day of June 2006 and the last publication on the 22nd day of June 2006.

The first publication being made on theday of.....20.....

The second publication being made on the.....day of.....20....

The third publication being made on theday of.....20.....

The fourth publication being made on the.....day of.....20.....

The fifth publication being made on the..... day of.....20.....

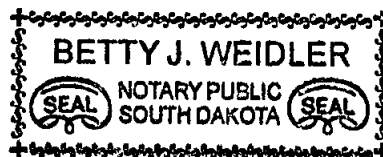
That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$114.00 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Danny Schwans
Subscribed and swore to me this 22nd day of June 2006

Betty J. Weidler

My Commission expires the 29th day of April 2010

RECEIVED
JUN 26 2006
WATER RIGHTS
PROGRAM



Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW 1/4 SW 1/4 Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux Aquifer (approximately 45 feet deep). The water will be used to supply the Brookings-Deuel Rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark Counties. If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by No. 3982-3 to include the entire N 1/2 NE 1/4 section 25-T112N-R51W. This expansion does not authorize any change in amount of reserved water and the expanded area will retain the June 6, 1977 priority date established under No. 3982-3. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6718-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing

006/MINER COUNTY PIONEER

to review Future Use Permit No. 3982-3 and Application No. 6718-3 at 10:00 a.m. July 12, 2006 at the Matthew Training Center, Foss Building, 523 E Capitol, Pierre SD. The July 12, 2006 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any other interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address given above. A petition filed by either an interested person or the applicant must be filed by July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have to right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain and interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006.

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25. Steven M. Piner, Secretary, Department of Environment and Natural Resources.

Wed., June 14, 21, 2006

Form 8

**NOTICE OF HEARING TO
REVIEW FUTURE USE PERMIT
NO. 3982-3 and CONSIDER
WATER PERMIT APPLICATION
NO. 6718-3**

Notice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Duel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy 28, Toronto, SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress made in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on December 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW 1/4 NW 1/4 NE 1/4 and NE 1/4 NE 1/4 NE 1/4 Section 24; NE 1/4 NE 1/4 NE 1/4 Section 25; all in T112N-R51W and SW 1/4 Section 19-T112N-R50W for rural water system use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre-feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN in EFFECT for 507 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW 1/4 SW 1/4 Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux Aquifer (approximately 45 feet deep).

The water will be used to supply the Brookings-Duel rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark Counties. If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by No. 3982-3 to include the entire N 1/2 NE 1/4 section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area will retain the June 6, 1977 priority date established under No. 3982-3.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lake) SS

I, Deanna D. Bergheim

certify that the attached printed Notice was taken

from the Madison Daily Leader

printed and published in City of Madison

County of Lake and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Wednesday, June 14, 2006

Wednesday, June 21, 2006

Cost of Printing 122.44

Deanna D. Bergheim
(Signature)

Bookkeeper

(Title)

June 21, 2006
(Date Signed)

RECEIVED
JUN 26 2006
WATER RIGHTS
PROGRAM

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6718-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3982-3 and Application No. 6718-3 at 10 A.M. July 12, 2006 at the Matthew Training Center, Foss Building, 523 E Capitol, Pierre, SD. the July 12, 2006 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/ or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26.

These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006.

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, thru 46-5-13, thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74-02:01:01 thru 74:02:01:15, 74:02:01:24; thru 74:02:01:25.

Steven M. Pirner
Secretary

Department of Environment
and Natural Resources.

NOTICE OF HEARING TO REVIEW FUTURE USE PERMIT NO. 3982-3 AND CONSIDER WATER PERMIT APPLICATION NO. 6718-3

Notice is given that the Water Management Board will review Future Use Permit No. 3982-3 and consider Application No. 6718-3 filed by the Brookings-Deuel Rural Water System, c/o Pat Gilligan, 47602 SD Hwy. 28, Toronto, SD 57268.

Future Use Permit No. 3982-3 will be reviewed for progress made in the development of the water reserved by the permit and to correct an error when the future use permit was last reviewed on December 5, 2001. This permit was approved in 1978 to reserve water from the Big Sioux Aquifer located in NW1/4NW1/4NE1/4 and NE1/4NE1/4NE1/4 Section 24; NE1/4NE1/4NE1/4 Section 25; all in T112N-R51W and SW1/4 Section 19-T112N-R50W for rural water system use. During the last review of the future use permit, it was allowed to remain in effect for 73 acre-feet of water. This was incorrect in that 434 acre-feet of water was inadvertently deducted from the future use permit. This notice serves to clarify that 507 acre-feet of water remains in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 3982-3 REMAIN in EFFECT for 507 acre-feet annually because (1) the reserved water may be developed, (2) there is need for the reserved water, (3) the proposed use will be a beneficial use, and (4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to (1) allow the permit to remain in effect, (2) amend the permit by adding qualifications, (3) cancel the permit for no development or no planned future development, or (4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Application No. 6718-3 proposes to annually place to beneficial use 300 acre-feet of water reserved by Future Use Permit No. 3982-3. One well is to be completed in the SW1/4SW1/4 Section 19-T112N-R50W and divert water at a rate of 1.00 cubic feet of water per second from the Big Sioux Aquifer (approximately 45 feet deep). The water will be used to supply the Brookings-Deuel Rural Water System to serve users in Brookings, Deuel, Kingsbury, Hamlin, Moody, Minnehaha, McCook, Miner, Lake and Clark counties. If Application No. 6718-3 is approved, the amount of water remaining in reserve under No. 3982-3 will be 207 acre-feet. In addition, Application No. 6718-3 seeks to expand the future use area authorized by N. 3982-3 to include the entire N1/2NE1/4 section 25-T112N-R51W. This expansion does not authorize any change in the amount of reserved water and the expanded area will retain the June 6, 1977, priority date established under No. 3982-3.

Pursuant to SDCL 45-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6718-3 because (1) unappropriated water is available, (2) existing rights will not be unlawfully impaired, (3) it is a beneficial use of water, and (4) it is in the public interest.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to (1) approve, (2) approve with qualifications, (3) defer, or (4) deny

this application based on the facts presented at the public hearing.

The Water Management Board will conduct the hearing to review Future Use Permit No. 3982-3 and Application No. 6718-3 at 10:00 a.m. July 12, 2006, at the Matthew Training Center, Foss Building, 523 E. Capitol, Pierre, S.D. The July 12, 2006, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the future use permit and/or application. The request for an automatic delay must be filed by July 3, 2006.

Any person interested in opposing or supporting the future use review and/or application must file a written petition with BOTH the applicant and the Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 3, 2006. The petition may be informal, but must include a statement describing the petitioner's interest in the future use review and/or application, the petitioner's reasons for opposing or supporting the future use review and/or application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by July 3, 2006, at the above Water Rights Program address to request copies of information pertaining to the future use review and/or the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

Since the application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006.

The future use review and this application are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-5, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, 74:02:01:24 thru 74:02:01:25.

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

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**BROOKINGS-DEUEL RURAL
WATER SYSTEM
WATER PERMIT #3982-3 AND 6718-3**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

June 14, 2006

June 21, 2006

that the full amount of the fees for the publication of the annexed notice is

\$112.50

William J. Krikac

Subscribed and sworn to before me this

22nd day of June 2006

Kimberly L. Seefeldt
Notary Public

Clark County, South Dakota

My commission expires: 10-02-07



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 17 2008

Brookings-Deuel Rural Water System
% Pat Gilligan
47692 SD Hwy 28
Toronto SD 57268

Dear Mr. Gilligan:

Enclosed is Water Permit No. 6718-3 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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Brookings – Deuel - Kingbrook Rural Water Joint Well Field

ADDRESS: 47602 SD Hwy 28, Toronto SD 57268

DATE: June 7, 2006

TELEPHONE: (605) 794-4201

RE: Expansion of future use area covered by Future Use Permit No. 3982-3

COMMENTS:

As part of a file review of Future Use Permit No. 3982-3 in connection with correcting the amount of water in reserve (see file documentation dated April 19, 2006 in No. 3982-3) it was discovered Permit No. 5602-3 placed water to beneficial use reserved by No. 3982-3 even though No. 5602-3 is outside of the future use area. According to No. 3982-3 the future use area includes the NE $\frac{1}{4}$ NE $\frac{1}{4}$ section 25-T112N-R51W but the well authorized under No. 5602-3 is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 25.

RECOMMENDED ACTION:

Application No. 6718-3 has been submitted to complete construction of a new well and place water to beneficial use that has been reserved under No. 3982-3. The application is also serving to correct the amount of water in reserve under No. 3982-3. After discussing the situation concerning No. 5602-3 with Pat Gilligan, manager of the rural water system, it was decided to amend Application No. 6718-3 to request an expansion of the future use area authorized by No. 3982-3. Mr. Gilligan indicated that the entire N $\frac{1}{2}$ NE $\frac{1}{4}$ section 25 is owned by the rural water system so this is the requested expansion area. If approved, the expanded area will then include the location of the well authorized by No. 5602-3 thus correcting use of No. 3982-3 as the source of water for the well. The proposed expansion of the future use area does not authorize any change in the amount of water reserved by No. 3982-3 nor result in any change to the June 6, 1977 priority date.



Ron Duvall
Natural Resources Engineer
Water Rights Program

correct legal
verified by Pat Gilligan KS

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6718-3

07-92

Location NE 1/4 NE 1/4 Sec 25 Twp 12-N Rg 51-W
County SW SW 19 North 112N-R50W

Brookings

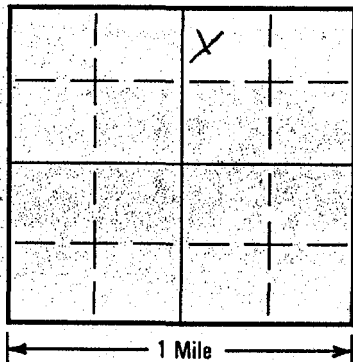
Please mark well location with an "X"

W

E

Well Completion Date

8-30-06



Well Owner: PAT Gilligan

Business Name: Brookings Devel RW

Address: Box 84

TORONTO, SDak. 57068

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Fine Gray Sand</u>	<u>0</u>	<u>36</u>
<u>Coarse Gray, Cement</u>	<u>36</u>	<u>46</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 600 ft. from old well (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket - Fake casing

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 LB/FT</u>	<u>12 IN</u>	<u>4 FT</u>	<u>36 FT</u>	<u>20 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>10</u>		<u>6</u> ft.	<u>136</u> ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 IN Length 10 FEET

Material Stainless Steel

Slot Size 0.80 Set From 36 Feet to 46 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

☐ NO, Why Not? _____

Laboratory sent to for water
quality analysis

Chlorine in pack

Brookings - Devel

STATIC WATER LEVEL 13' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

34' 8" ft. After 1 Hrs. pumped 600 GPM

34' 10" ft. After 2 Hrs. pumped 600 GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 9-27-06

RECEIVED
OCT 10 2006
WATER RIGHTS
PROGRAM

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

Date 1/12/07

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

RECEIVED**JAN 16 2007****WATER RIGHTS
PROGRAM**FROM: Joint Wellfield, Inc.(name)47602 SD Hwy 28(address)Toronto, SD 57268(city, state, zip)605-794-4201(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

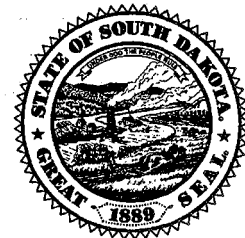
Water Permit No. 6718-3 states that the water use system is to be constructed by
July 12, 2011 , and water is to be put to beneficial use by July 12, 2015 .
(date) (date)

The water use system was completed on December 15, 2007 .
(date)

Applying the water to beneficial use was completed on January 11, 2007 .
(date)

You may schedule an investigation so that the water license may be issued.

Robert E. Hagen
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 17, 2007

6718-3

Pat Gilligan
Brookings-Deuel Rural Water System
47602 SD Hwy 28
Toronto SD 57268

Dear Mr. Gilligan:

I am writing in follow-up to our conversation concerning Water Permit No. 6718-3. The permit is currently listed in the name of Brookings-Deuel RWS.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6718-3

Date: 1-18-07

I/We request that Water Permit No. 6718-3

formerly owned by: Brookings-Deuel RWS, 47602 SD Hwy 28, Toronto SD 57268

be transferred to: (name & address) Brookings-Deuel/Kingbrook Rural Water Systems

Telephone No. 605-794-4201

Title to the following described land(s)/property has been transferred as described above:

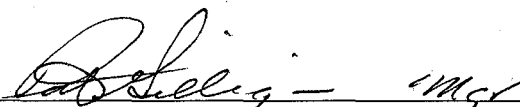
well location: SW ¼ SW ¼ Section 19, T112N, R50W

I/We understand that the validity of Water Permit No. 6718-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Brookings-Deuel/Kingbrook RWS, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
JAN 22 2007
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Jan 22, 20 07

RECEIVED OF Joint Wellfield, 47602 SD Hiway 28, Toronto SD 57266

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6718-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

2841

By Darland Erbe
Chief Engineer gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 20, 2007

6718-3

Pat Gilligan
Brookings-Deuel/Kingbrook Rural Water System
47602 SD Hwy 28
Toronto SD 57268

Dear Mr. Gilligan:

In January, 2007 you submitted a "Notice of Transfer of Ownership" form for changing Water Permit No. 6718-3 from Brookings-Deuel RWS to Brookings-Deuel/Kingbrook RWS. The transfer has been completed.

Enclosed is your Receipt No. 02841 in the amount of \$2.50 which you submitted for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

Permit No. 6718-3

Big Sioux River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day, October 28, 2014, made a thorough examination of the water use system constructed by Brookings-Deuel/Kingbrook RWS holder of Permit No. 6718-3, bearing the priority of June 6, 1977 authorizing the diversion of 1.00 cu. ft. per second and 300 acre-feet per year reserved by Future Use Permit No. 3982-3 of the waters of the Big Sioux: Brookings aquifer for rural water system purposes, in Brookings County.

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

- A. Works used to divert the water: One well 46 feet deep with a Franklin Electric submersible pump diverting water at 250 gallons per minute (0.56 cfs).
- B. Works used to transport water to place of use: approximately 1,900 feet of 6 inch and 10 inch pvc pipe to transport the water to the treatment plant.
- C. Works used to apply water to beneficial use: 8 inch and 10 inch pvc pipe to transport the water to the rural water system customers.

The system is in the following condition: excellent. The point of diversion is located: SW ¼ SW ¼ Sec. 19-T112N-R50W; 44.48868° N, 96.88617° W; 340 feet east and 1,190 feet north of the SW corner Sec. 19-T112N-R50W. The works are capable of diverting and conveying to the place of use 0.56 cu. ft. per second of water which is to be used for rural water system purposes. Water has been put to beneficial use to the maximum extent as follows: Brookings-Deuel RWS serves approximately 1,200 customers and Kingbrook RWS supplies approximately 1,000 customers with water from the plant that is partially supplied by the well authorized by Permit No. 6718-3. The well pumps approximately 300 acre-feet of water per year. The license should be issued for 0.56 cfs and 300 acre-feet per year. Future Use Permit No. 3928-3 continues to reserve 207 acre-feet per year. Applicable permit qualifications have been complied with: Yes. Exceptions to compliance are: None.

Date 10/30/2014


(Signature)

REPORT ON INSPECTION OF PERMIT NO. 6718-3

DATE: 10/28/14

Other permit(s) associated with the project: 6602-3, 6982A-3, 5602-3, 5434-3, 5079-3

DIVERIONS POINT LEGAL LOCATION: SW ¼ SW ¼ Sec 19-T112N-R50 W; 44.48868° N, 96.88617° W;

WELL INFORMATION:

- 1) Well Drilling Firm: Lacey Well Drilling (License No. 111)
- 2) No. of Wells: 1
- 3) Depth(s) feet: 46
- 4) Well Log is available Y/N: Yes, in both well log database and permit file

Casing:

- 1) Diameter inches: 12
- 2) Length feet: 36
- 3) Type: steel

Screen:

- 1) Type: stainless steel
- 2) Length feet: 10
- 3) Static water level feet: 13 feet below top of casing

Pump:

- 1) Make: Franklin Electric Submersible
- 2) Model: 2366149020
- 3) Size: 6 inch
- 4) Horsepower: 20
- 5) Capacity GPM: 250

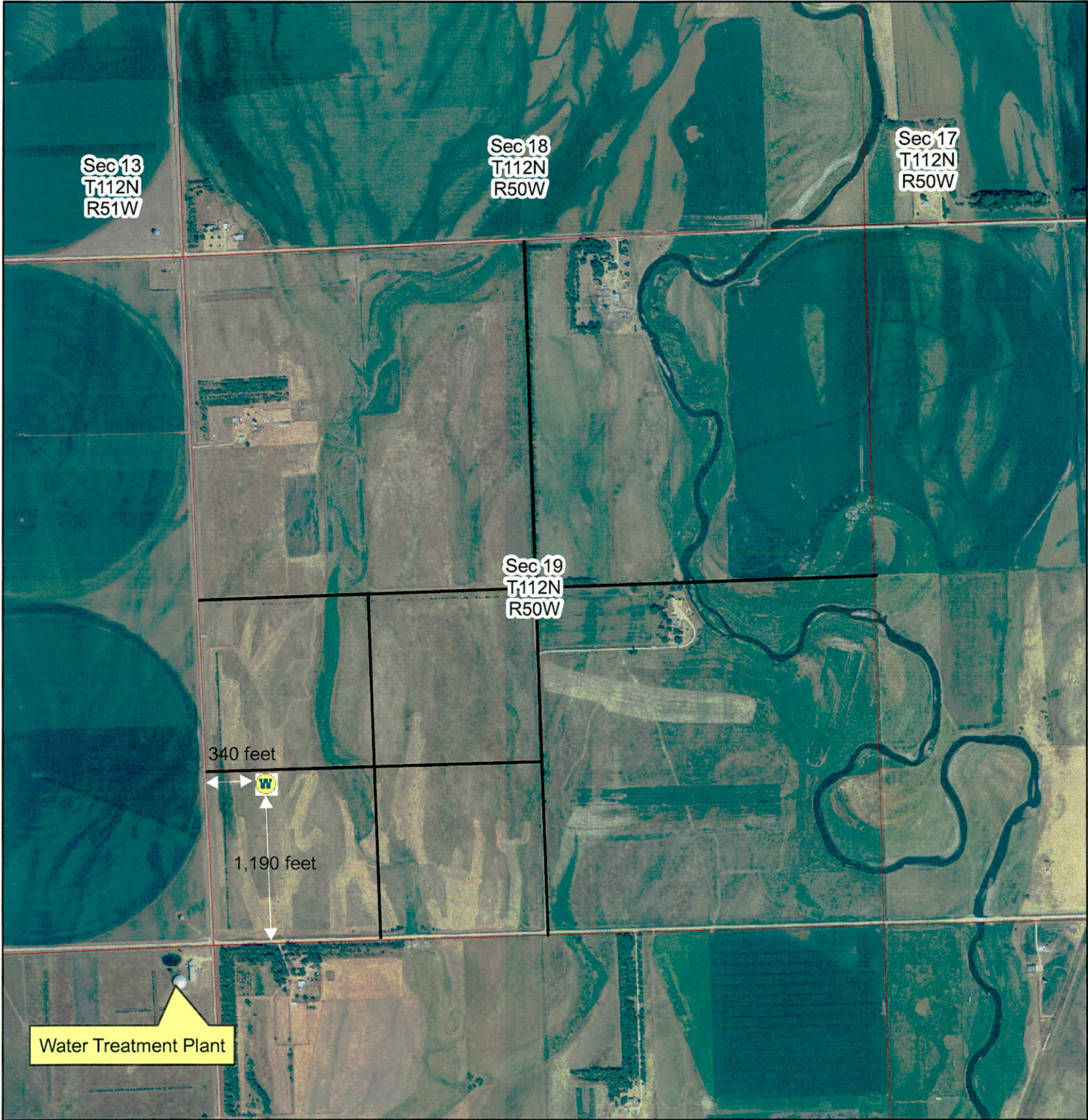
DISTRIBUTION LINES OR CANALS:

- 1) TYPE: PVC
- 2) Size inches: 6 inch, 8 inch, and 10 inch
- 3) Length feet: from well to treatment plant 1,900 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Water Permit No. 6718-3
Brookings-Deuel/Kingbrook RWS



Adam Mathiowetz
Prepared By:
Adam Mathiowetz

October 30, 2014
Date





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



NOV 13 2014

6718-3

Randy Jencks, Mgr
Brookings-Deuel/Kingbrook Rural Water Systems
47602 SD Hwy 28
Toronto SD 57268

Dear Mr. Jencks:

Enclosed is Water License No. 6718-3. This is the final water right document completing the rural water system's process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6718-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6718-3

(1) Brookings – Deuel Rural Water System, Toronto SD 57268 made Application No. 6718-3, April 19, 2006 for a water permit to put to beneficial use, 300 acre feet of water annually reserved by Future Use Permit No. 3982-3. Permit No. 6718-3 authorized 1.00 cubic feet of water per second from ground water – one well (Big Sioux Brookings Aquifer), Brookings County, South Dakota for rural water system purposes. Permit No. 6718-3, with a priority date of June 6, 1977 (established under Future Use Permit No. 3982-3) was approved July 12, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 12, 2011 and for the application to beneficial use of said water on or before July 12, 2015.

Water Permit No. 6718-3 was transferred January 22, 2007 to Brookings-Deuel/Kingbrook Rural Water Systems.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.56 cubic feet of water per second for beneficial use with an annual volume of 300 acre feet.

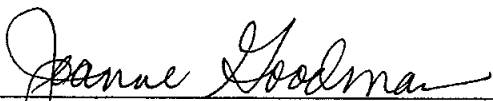
The location of the diversion point is 340 feet east and 1,190 feet north of the SW corner of Section 19, T112N, R50W (SW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. Brookings-Deuel RWS serves approximately 1,200 customers and Kingbrook RWS supplies approximately 1,000 customers with water from the plant partially supplied by the well authorized under No. 6718-3.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brookings-Deuel/Kingbrook Rural Water Systems, 47602 SD Hwy 28, Toronto SD 57268 the holder and/or owner of Water Right No. 6718-3 is issued a license to appropriate water, the right to use 0.56 cubic feet of water per second with an annual volume of 300 acre feet from ground water (one well – Big Sioux Brookings Aquifer) with a priority date of June 6, 1977 from the location specified in (2) of this license for rural water system purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6718-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6718-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was completed in 2006 by Lacey Well Drilling Inc. A copy of the log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 13 2014

date

