

WATER PERMIT NO. 6869A-3

Name of Applicant: Lewis & Clark Regional Water System

Address: 401 E 8th St, Suite 306, Sioux Falls SD 57103

Phone: 605 336-8688

Amount of Water Claimed: no add'l

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: rural water system use

County: Clay

Type of Waste Disposal System:

Location:

PRIORITY

Date Received: 7-13-10

Application/License Fee: \$

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Expands future use area authorized by No. 6869-3

Diversion Point: S ½ Sec 26, Sec 35-T92N-R52W,

E ½ Sec 2-T91N-R52W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

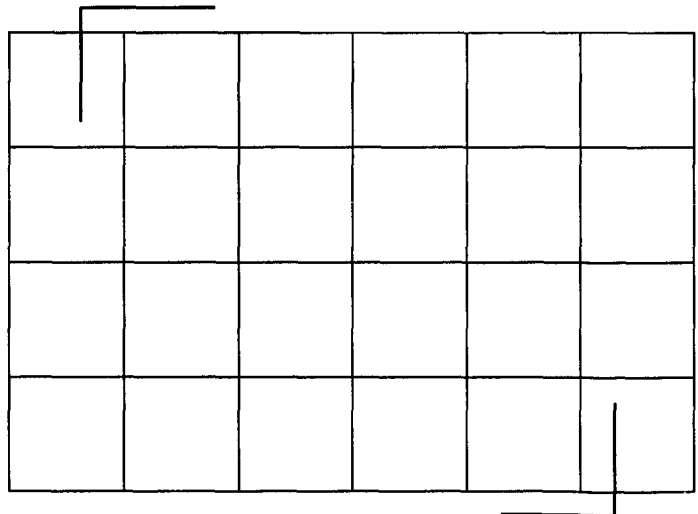
Type of Map: topo

Prepared by: Daniel Graber, PE

Reviewed and the Number Assigned on: 7-14-10

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 6869A-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper _____

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

Check use(s) of water:

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

Type of Application: (check one)

☐ New
☐ Vested Right (Use predates Mar 2, 1955)
☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 6869-3

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

Add Legal descriptions for Well Sites A & E.

- Name of Applicant Lewis and Clark Regional Water System Phone 605.336.8688
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 401 E 8th St., Suite 306 Sioux Falls SD 57103
(Address) (City) (State) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Missouri: Elk Point Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
Add Diversions: Site A(3 Wells): S1/2 Sec 26, Sec 35-T92N,R52W(SD Survey), SW1/4 Sec 15-T32N,R4E (Neb.), Site E(2 Wells): E1/2 Sec 2-T91N, R52W(SD), W1/2 Sec. 22, N 1/2 Sec. 27 T32N, R4E (Neb.)
- County or counties where water will be used Lewis and Clark Regional Water System
- Annual period during which water is to be used January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
See Attached Letter.

STATE OF SOUTH DAKOTA)
County of _____) SS

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

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

Applicant's signature _____

Subscribed and sworn to before me this 9th day of July 20 10

Notary Public signature _____

SOUTH DAKOTA
FUTURE USE PERMIT NO. 6869A-3

Date of first receipt of application July 13, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 6869A-3 to Lewis & Clark Regional Water System, c/o Troy Larson, Director, 401 E 8th St, Suite 306, Sioux Falls SD 57103 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 6869A-3 corrects and clarifies the location of original future use area and amends Future Use Permit No. 6869-3 to expand the future use area. Future Use Permit No. 6869-3 reserves 8,700 acre-feet of water (Missouri:Elk Point Aquifer) for future development of the system. The correct location of the original future use area is the S 1/4 Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots, 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W. This permit authorizes expansion the future use area to include in addition to the previous description Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer Lot 1 SW 1/4 Section 22, Blickle Lot 1 NW 1/4 Section 22 Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and 35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.
2. The water appropriated shall be used for providing water supplies for the regional water system which supplies 20 public water systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa 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 30.
4. The date of approval of Permit No. 6869A-3 is January 3, 2011.
5. The date from which applicant may claim right is July 16, 2007.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Permit No. 6869-3 and 6869A-3 reserves 8,700 acre feet of water annually from the Missouri:Elk Point Aquifer.
2. That Future Use Permit No 6869A-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board in developing reserved water upon expiration of seven (7) years as established by the review schedule for Future Use Permit No. 6869-3. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.

(continued)

3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 03 2011
date



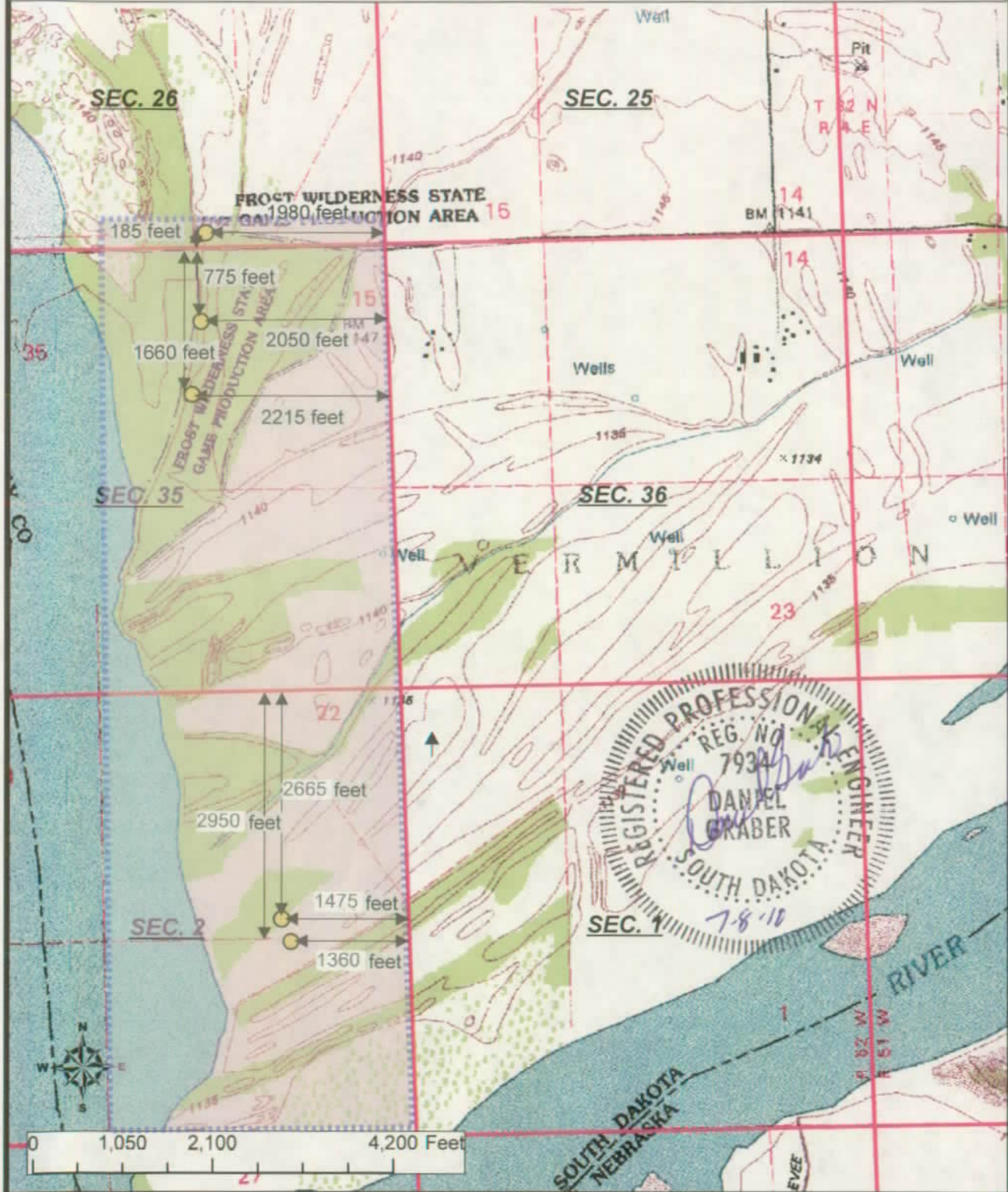
AMENDED ADDITIONAL AREA FOR FUTURE USE PERMIT 6869-3
(AS NOTED IN ITEM #1 IN ATTACHED LETTER)

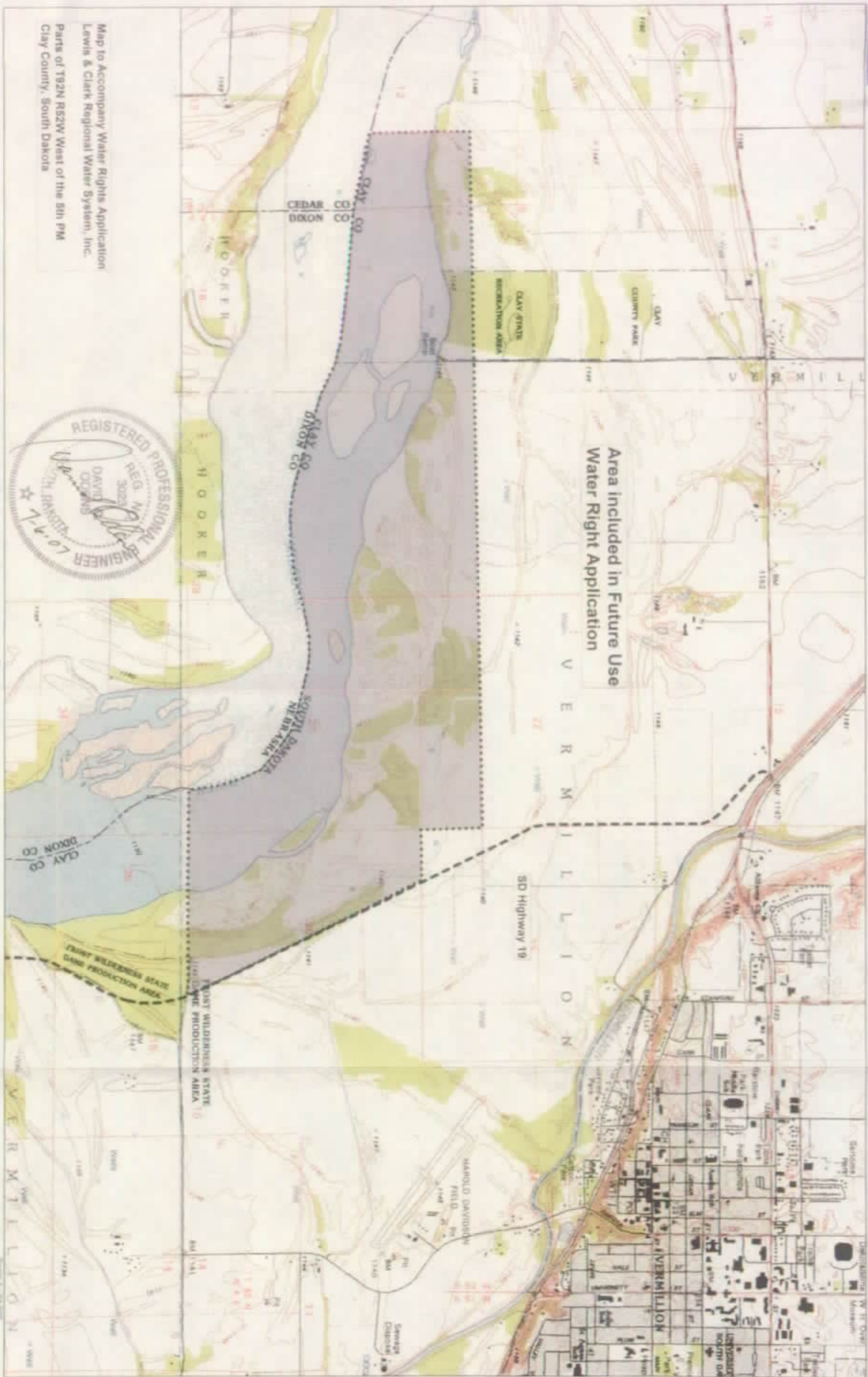
Well Sites A (3 Wells) and E (2 Wells)
Lewis and Clark Regional Water System
Section 2, 91N, R52W
Section 26, 92N, R52W
Section 35, 92N, R52W

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Area included in Future Use
Water Right Application



Map to Accompany Water Rights Application
Lewis & Clark Regional Water System, Inc.
Parts of 792N R52W West of the 5th PM
Clay County, South Dakota

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/16, 20 10

RECEIVED OF Lewis & Clark RWS 401 E 8th St # 306 Sioux Falls SD 57103

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

Fee for Application for Permit No. <u>6869A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>6869A-3</u>	200	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. 04507

By *Julia Erbe*
Chief Engineer

Northern Prairies
LAND TRUST

401 E. 8th Street, #200B
Sioux Falls, SD 57103-7015
605-339-3184

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info@northernprairies.org
www.northernprairies.org

December 20, 2010

Mr. Troy Larson, Director
Lewis & Clark Regional Water System
401 E. 8th St., Suite 306
Sioux Falls, South Dakota 57113

**Re: Notice of Application Nos 6869A-3 and 7208-3 end Future Use Area, Develop
Reserved Water and Appropriate and Reserve Water**

Dear Mr. Larson:

This is in response to the legal notice placed by Lewis & Clark Regional Water System in the above-captioned matter. Because this notice references both the Blickle tract and the Frost tract, be advised that Northern Prairies Land Trust holds conservation easements on the lands of Margaret Blickle, and on that portion of the Frost Wildlife lands known as Gunderson Park. These easements are a matter of record and precede Lewis & Clark in time.

Northern Prairies asserts the property rights described in both conservation easements, and opposes the Lewis & Clark Application to the extent that it invades those rights, directly or indirectly. Be advised further that the conservation easement on the Blickle lands extends to all accretion rights attached thereto. To the extent that the Application captioned above invades the property rights described in the two conservation easements, this letter constitutes a petition in opposition.

For your information, the Blickle easement is on file in the Clay County Recorder's office at Vol. 46, Page 638 Misc. The conservation easement on the Gunderson Park tract in the Frost lands was recorded on March 30, 2005.

Sincerely;



John H. Davidson
President

Cc: Chief Engineer, State of South Dakota
Water Rights Program
Foss Building, 523 E. Capitol
Pierre, South Dakota 57501



Northern Prairies
LAND TRUST

401 E. 8th Street, #200B
Sioux Falls, SD 57103-7015
605-339-3184

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info@northernprairies.org
www.northernprairies.org

January 27, 2011

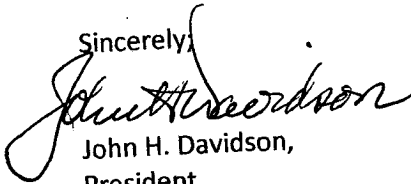
Water Engineer
Dep't of Environment and Natural Resources
State of South Dakota
Foss Building; 523 East Capitol
Pierre, South Dakota 57501

**RE: Notice of Application Nos 6869A-3, 7207-3 and 7208-3. Amend Future Use Area,
Develop Reserved Water and Appropriate and Reserve Water**

Dear Engineer:

Northern Prairies Land Trust herewith withdraws the Petition in Opposition to the above-captioned proceeding which it filed on December 20, 2010.

Sincerely,



John H. Davidson,
President

Cc:

Mr. Troy Larson, Director
Lewis & Clark Regional Water System
401 East 8th Street; Suite 306
Sioux Falls, South Dakota 57013

Capt. Lewis and myself walked in the Prairie on top of the Bluff and observed
the most beautiful prospects imaginable -- William Clark, July 30, 1804





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2011

NOTICE

TO: Troy Larson, Director
401 E 8th Street, Suite 306
Sioux Falls SD 57103

John H. Davidson, President &
Pat Anderson, Executive Director
Northern Prairies Land Trust
401 E. 8th Street, #200B
Sioux Falls SD 57103-7015

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Withdrawal of Petition in Opposition to Water Permit Application Nos. 6869A-3, 7207-3
and 7208-3, Lewis and Clark Regional Water System

The Northern Prairies Land Trust has submitted a letter withdrawing its petition in opposition to Water Permit Application Nos. 6869A-3, 7207-3 and 7208-3. As such, the Chief Engineer will issue the permits, as recommended, pursuant to the publication notice since they are no longer contested.

If any party has a question regarding this matter, please contact Eric Gronlund at (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on February 1, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 1, 2011, regarding withdrawal of petition in the matter of Water Right Permit Application Nos. 6869A-3, 7207-3 and 7208-3, as addressed below:

Troy Larson, Director
401 E 8th Street, Suite 306
Sioux Falls SD 57103

John H. Davidson, President &
Pat Anderson, Executive Director
Northern Prairies Land Trust
401 E. 8th Street, #200B
Sioux Falls SD 57103-7015

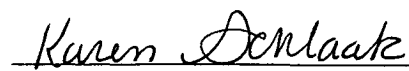
Diane Best, Assistant Attorney General
300 N. Dakota Avenue, Suite 403
Sioux Falls SD 57104



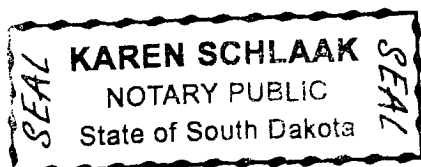
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of February 2011.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**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. 6869A-3, Lewis and Clark 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. 6869A-3, Lewis and Clark Rural Water System, c/o Troy Larson, Director, 401 E 8th Street, Suite 306, Sioux Falls SD 57103.

The Chief Engineer is recommending APPROVAL of Application No. 6869A-3 because 1) the applicant has demonstrated a reasonable need for the water reserved, 2) the proposed use is a beneficial use, and 3) it is in the public interest with the following qualifications:

1. Permit No. 6869-3 and 6869A-3 reserves 8,700 acre feet of water annually from the Missouri:Elk Point Aquifer.
2. That Future Use Permit No 6869A-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board in developing reserved water upon expiration of seven (7) years as established by the review schedule for Future Use Permit No. 6869-3. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 3, 2010

WATER PERMIT APPLICATION NO. 6869A-3,
LEWIS AND CLARK REGIONAL WATER SYSTEM
c/o TROY LARSON, DIRECTOR
NOVEMBER 2, 2010

Application No. 6869A-3 proposes to amend Future Use Permit No. 6869-3 to expand the future use area. Future Use Permit No. 6869-3 was approved in 2008 to reserve 8,700 acre-feet of water per year from the Elk Point management unit of the Missouri aquifer with a July 16, 2007 priority date. None of the original reservation has been placed to beneficial use. The permit application described the future use area as Gov. Lots 1, 2, 3 and 4 of Section 16, Gov. Lots 1, 2, 3 and 4 of Section 17, Gov. Lots 3 and 4 and the SE¼ Section 22, Gov. Lots 1 and 2, and the W½ Section 26, and the N½ Section 27; all T92N-R52W. The public notice for the Future Use Permit described the location of the future use area as it appeared in the application. The map submitted with the application identifies an area to be reserved for future use by Future Use Permit No. 6869-3 as shown in Figure 1.

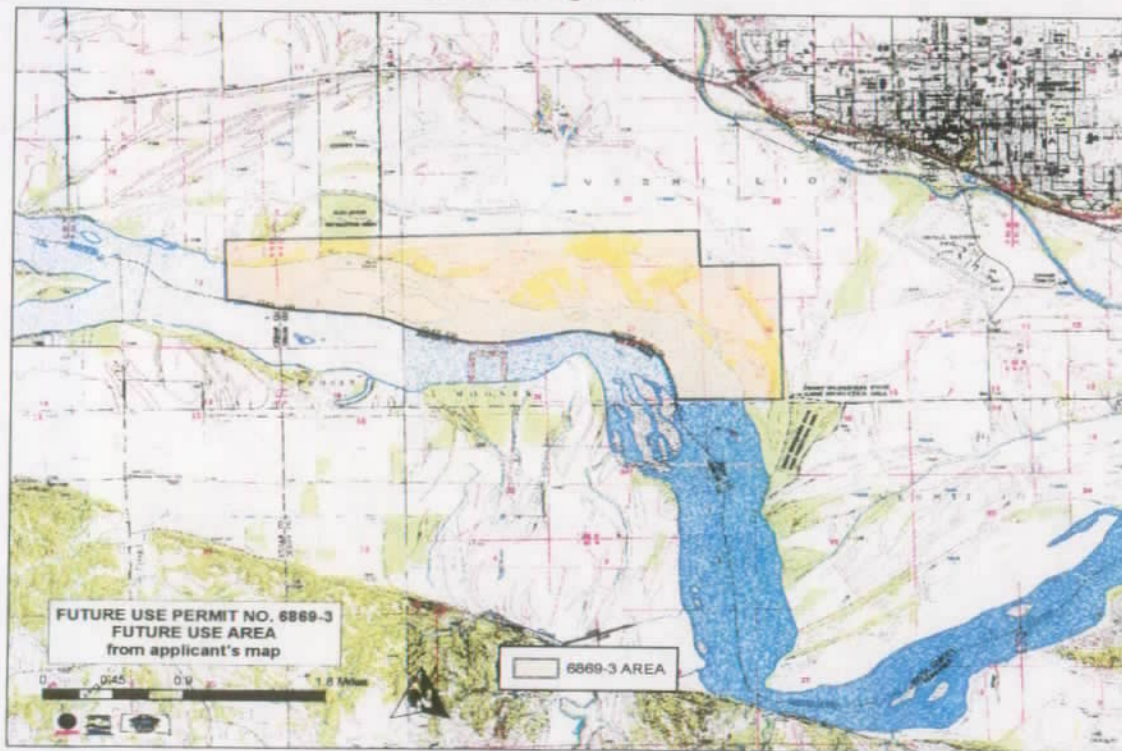


Figure 1. Area reserved for future use by Future Use Permit No. 6869-3.

If the future use area for Future Use Permit No. 6869-3 is to reflect the area represented by the map submitted with the application, it should be defined as:

- S¼ Sec.20, T92N-R52W
- Lot A of Lot X, Sec.16, T92N-R52W
- Lot X EXC N 2,796.35' & EXC Lot A Sec.16, T92N-R52W *
- Lot A Sec. 22, T92N-R52W *
- Acre Below Lots 3 & 4 to River Sec. 16, T92N-R52W
- The River Preserve Sec.22, 23, 26, 27, T92N-R52W*
- NW¼ N & W of Lot H1, Sec.26, T92N-R52W
- Lots 1, 2, 3, & 4 EXC Lot H1 Sec. 26, T92N-R52W *

* Just a portion of the parcel

Figure 2 shows the area that Future Use Application No. 6869A-3 proposes to expand the future use area to include. The legal location for the area is:

The River Preserve Sec.22, 23, 26, 27, T92N-R52W*

Lots 1, 2, 3, & 4 EXC Lot H1 Sec.26, T92N-R52W*

Lot A Missouri River Accretion Land NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, T32N-R04E & NW $\frac{1}{4}$ Sec. 22, T32N-R04E*

BTW Sec. 26 & 35 Extending E HWY To N & S Dixon Line Thence NE EXC Lot A1 & A4 Sec. 24, T92N-R52W and EXC Sutherland Farms & E*

Sutherland Farm in Sec. 10, 11, 14 & 15, T32N-R04E*

Lot A of Sutherland Farm Sec.15, T32N-R04E

Lot D of Frost Tract 1 SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec.15, T32N-R04E & NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.22, T32N-R04E, EXC lots H1 & H2

Parcels X, Y & Z EXC Lots H1 & EXC that PT Parcel Z E of Lot H1 N $\frac{1}{2}$ Sec. 15, T32N-R04E EXC that Pt Parcel Y E of Lot H1 S $\frac{1}{2}$ 1

Brewer Lot 1 & Lot 2 SW $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec.27, T32N-R04E, Brewer Lot 1 SW $\frac{1}{4}$ Sec.22, T32N-R04E, Blickle Lot 1 NW $\frac{1}{4}$ Sec. 22, T32N-R04E, Blickle Lot 1

Lot H1 Sec.21, T32N-R04E

Plowland Sec.22 & 27, T32N-R04E EXC Frost Tract 1 Timber & Pasture Sec.22, T32N-R-04E EXC parcel V & EXC Lot H1 & Blickle Lot 1*

* Just a portion of the parcel

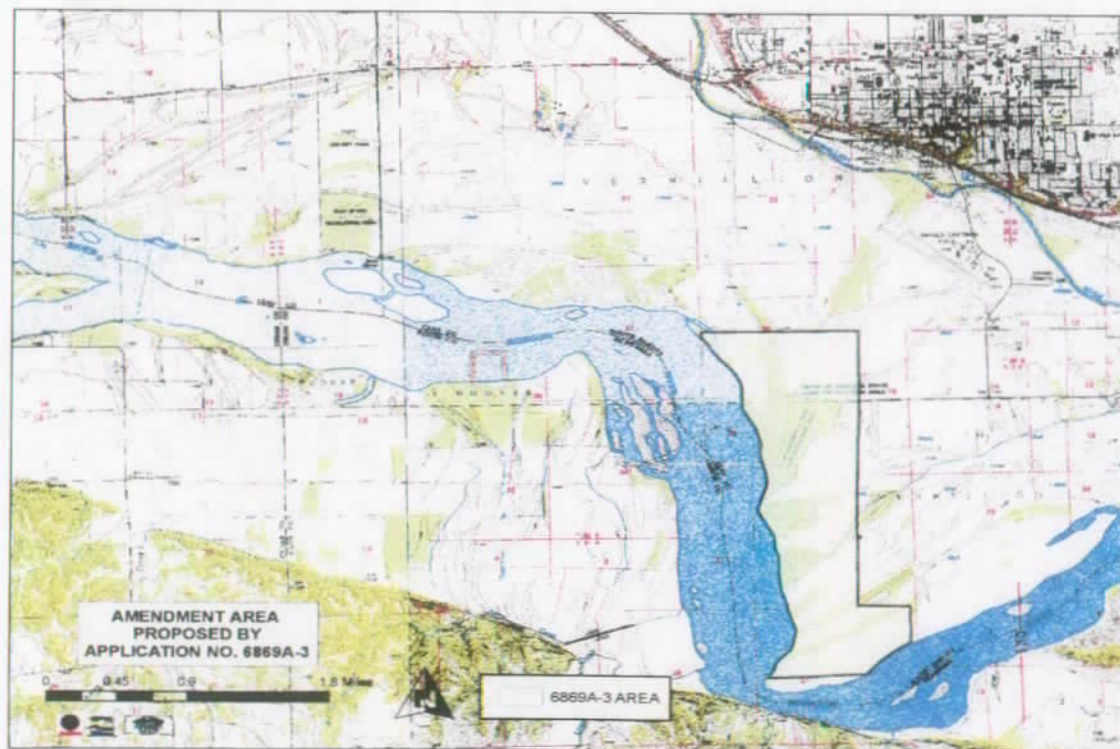


Figure 2. Area proposed by Application No. 6869A-3 to be amended to the area reserved for future use by Future Use Permit No. 6869-3.

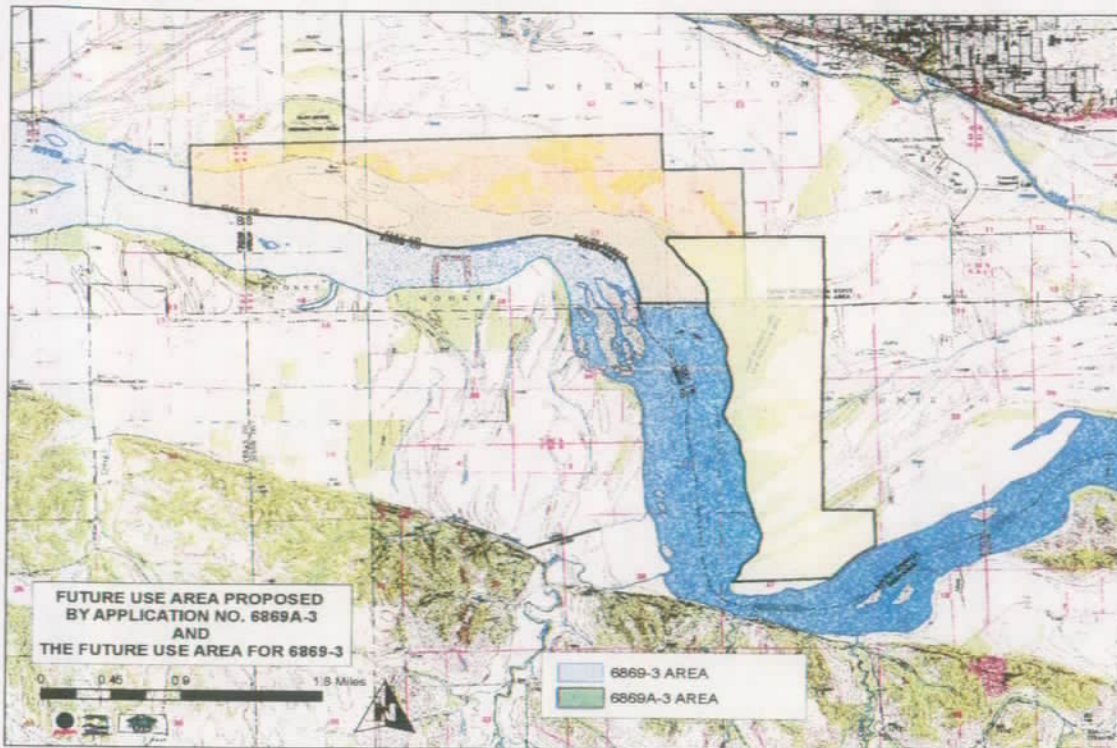


Figure 3. Total area of Future Use if amended.

It can be seen in Figure 3 that there is a small overlap of the proposed amended area and the area currently reserved for future use. In addition, the area proposed by this application basically coincides with the area Lewis and Clark Regional Water System currently has reserved for future use through Future Use Permit No. 5832-3 (see figure 4 and 5).

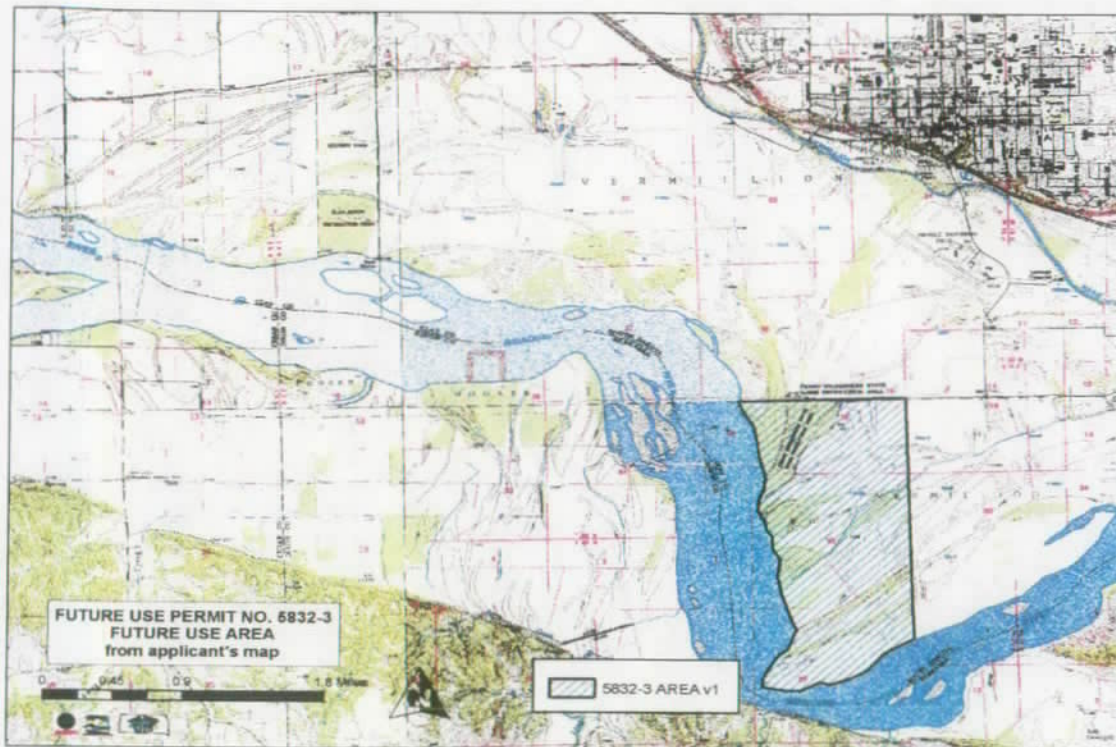


Figure 4. Area reserved for future use by Future Use Permit No. 5832-3

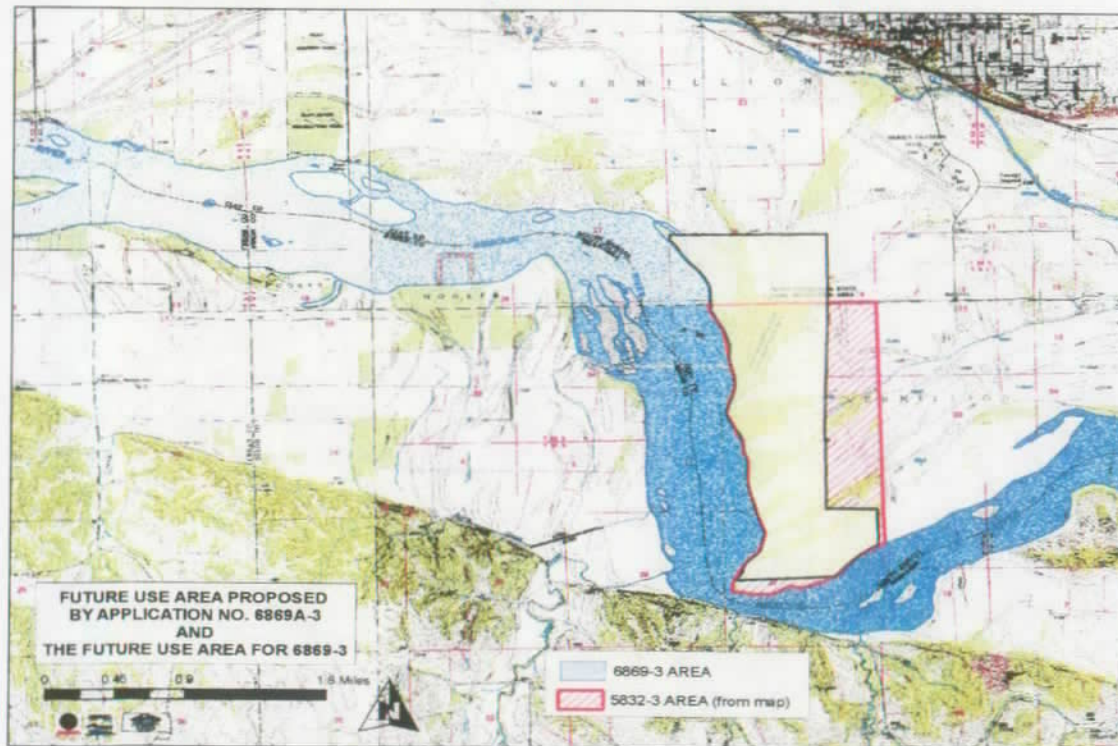


Figure 5. Area proposed by Application No. 6869A-3 in relation to the area currently reserved by Future Use Permit No. 5832-3

SDCL 46-2A-12 allows for amendments to existing permits or licenses, provided “the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest”.

There are two water rights for irrigation held by other owners in the future use area proposed by Application No. 6869A-3, they are shown in table 1.

PERMIT NO	NAME	PRIOR DATE	STATUS	CFS	ACRES
5412-3	NELS J SORENSEN	03/12/90	LC	0.70	49.00
5541-3	NELS J SORENSEN	03/14/91	LC	3.60	251.00
LC= Water Right * Water Right No. 5541-3 has multiple diversion points					

Table 1. Water Rights within the area proposed for future use by Application No. 6869A-3

There are five water rights for irrigation within approximately one-half mile, outside of the future use area proposed by Application No. 6869A-3; they are shown in table 2.

PERMIT NO	NAME	PRIOR DATE	STATUS	CFS	ACRES
5538-3	NELS J SORENSEN	03/14/1991	LC	3.34	276.00
5539-3	NELS J SORENSEN	03/14/1991	LC	1.78	148.00
5540-3	NELS J SORENSEN	03/14/1991	LC	1.78	148.00
5541-3*	NELS J SORENSEN	03/14/1991	LC	3.60	251.00
5579-3	NELS J SORENSEN	08/23/1991	LC	1.00	70.00
LC= Water Right * Water Right No. 5541-3 has multiple diversion points					

Table 2. Water Rights within approximately one-half mile, outside of the future use area proposed by 6869A-3

Approval of this amendment would not grant authority to drill any wells or to put any water to beneficial use. Pursuant to SDCL 46-5-38.1, before Lewis and Clark Regional Water System Development could construct a well or put reserved water to beneficial use, an application for a water permit must be approved. At the time an application is received to develop water from the future use area, the specific sites of the wells will be identified and the impact on existing users will be considered.

However, given: (1) the size of the future use area; (2) the proximity to the Missouri River which will serve as a recharge boundary; and (3) the characteristics of existing Lewis and Clark Regional Water System wells (see table 3); it is reasonable to assume that well sites can be identified in this future use area that could be developed without unlawfully impairing affect on existing rights.

Well	Pump Rate (gpm)	Drawdown (ft)	Specific Capacity (gpm/ft)
Vertical (31 Oct.06)	2,010	19	105.79
Angle "Site D 06-2"	2,000	19	105.26
Angle "Site C 06-5"	2,200	13.67	160.94
Angle "Site C 06-6"	2,200	14.58	150.89
Vertical "07-4"	800	27	29.62

Table 3. Information provided on the SD Water Well Completion Reports submitted for the Lewis and Clark Regional Water System wells completed for Water Permit No. 6736-3.

Application No. 6869A-3 does not propose any additional appropriation of water from the Missouri: Elk Point aquifer. Since the expansion area proposed by this application overlaps the area currently reserved by Future Use Permit No. 5832-3, it is fair to say the public interest and beneficial use issues of this future use reservation and this future use area have already been addressed, albeit in different permits, and need not be readdressed.

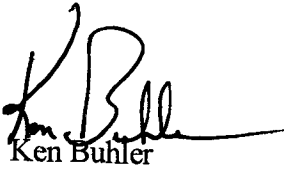
The practical effect of this amendment will be to add a second priority date to this Lewis and Clark Regional Water System's future use area. Pursuant to SDCL 46-5-30.4 "Priority shall be retained upon amendment". Indeed, the Water Management Board has allowed expansion of future use areas with the retention of the original priority dates in the past (see Permit Nos. 3427A-3, 5940A-3, 4838A-3, 3981A-3, 3984A-3, 2560A-2, 2560B-2 and 5101A-3). Although, Permit No. 3982A-3 was assigned a new priority date when it amended the area reserved for future use by Future Use Permit No. 3982-3 with an expansion.

If the amendment proposed by this application is approved, the first 28,000 acre-feet of water developed annually from the overlapping area will have a July 8, 1994 priority date, (from Future Use Permit No. 5832-3) and the next 8,700 acre-feet of water developed annually from the area will have a July 16, 2007 priority date (from Future Use Permit No. 6869-3).

CONCLUSIONS:

1. Permit No. 6869A-3 proposes to amend Future Use Permit No. 6869-3 by expanding the area from which the water is reserved.
2. Permit No. 6869A-3 will not increase the amount of water appropriated from the Elk Point management unit of the Missouri aquifer.
3. Permit No. 6869A-3 will not increase the amount of water reserved for future use by Lewis and Clark Regional Water System.
4. This amendment should include a correction of description of the area of the original future use area for Future Use Permit No. 6869-3, so the area that is public noticed matches the map submitted with the application.
5. The Fee for Inspecting Constructed Works, confirming beneficial use and issuing a Water License should be refunded.
6. This is simply an expansion of a future use permit. Lewis and Clark Regional Water System will be required to file an application to construct works and put water to beneficial use.

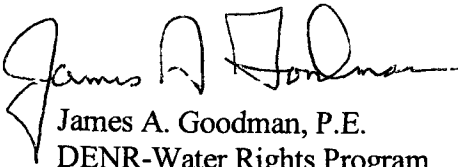
7. The Water Management Board's past actions indicate that a future use permit should be considered a reservation of water from an aquifer or management unit, and the actual location of the area of the reservation is not so important.



Ken Buhler

DENR-Water Rights Program

approved by



James A. Goodman, P.E.

DENR-Water Rights Program

STATE OF SOUTH DAKOTA } :SS
COUNTY OF TURNER }

RECEIVED

JAN 12 2011

WATER RIGHTS
PROGRAM

I, Robin Schneider of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

5037 Notice of application Nos. 6869A-3 7207-3 and 7208-3

Amend Future Use Area Develop Reserved Water and Appropriate
printed copy of hereto attached, is printed and published in the said news-
paper for two successive weeks, once each week and on the same
day of the week, on the following dates, to-wit:

On Thursday, the 16th day of Dec., 200

On Thursday, the 23rd day of Dec., 200

On Thursday, the day of , 200

On Thursday, the day of , 200

On Thursday, the day of , 200

That \$ 142.80 being the full amount of the fees for publication

of the attached notice insures solely for the benefits of the publishers of the

said newspaper, that no arrangement or understanding for a division thereof

has been made with any other person and that no part thereof has been agreed

to be paid to any other person whomsoever.

Robin Schneider

Subscribed and sworn to before me this 21st

Day of December 2010

Paul R. Harms

Notary Public, Turner County, South Dakota

My Commission
Expires:
February 10, 2012

Publication Fee...\$

Notary Fees.....\$

Total.....\$ 142.80

Received Payment Date,

PAUL R. HARMS



NOTARY PUBLIC
SOUTH DAKOTA



See attached

and
Reserves
Water

**NOTICE OF
APPLICATION NOS.
6869A-3, 7207-3 and 7208-3
Amend Future Use
Area, Develop Reserved
Water and Appropriate
and Reserve Water**

Notice is given that Lewis and Clark Regional Water System, c/o Troy Larson, Director, 401 E 8th St, Suite 306, Sioux Falls SD 57103 has filed three applications for water permits. The water is to be reserved for future use or placed to beneficial use for the purpose of providing water supplies for the regional water system which supplies 20 public water systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa.

The legal descriptions in the following application may include parcels or lots within the described areas that are excluded or only a portion of the land described is actually within the future use area. A map of the future use area and well locations may be obtained by contacting the Water Rights Program. The general location is along the Missouri River south of Vermillion beginning near Mulberry Point and traveling in a northwest direction along the river approximately six miles. A detailed legal description is provided below. The applications are as follows:

Application No. 6869A-3 serves to correct and clarify the location of original future use area and proposes to amend Future Use Permit No. 6869-3 to expand the future use area. Future Use Permit No. 6869-3 reserves 8,700 acre-feet of water (Missouri Elkh Point Aquifer) for future development of the system. The correct location of the original future use area is the S 1/4 Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W. This application proposes to expand the future use area to include in addition to the previous description Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer Lot 1 SW 1/4 Section 22, Blickle Lot 1 NW 1/4 Section 22, Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and

35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

Application No. 7207-3 proposes to construct and place to beneficial use 12,000 acre-feet of water annually at a total maximum diversion rate of 20 cubic feet of water per second from five wells completed into the Missouri Elkh Point Aquifer located in Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, T32N, R4E, Brewer Lot 1 SW 1/4 Section 22, T32N, R4E, Blickle Lot 1 NW 1/4 Section 22, T32N, R4E, Blickle Lot 1; Parcels X, Y and Z except Lots H1 and except that part Parcel Z E of Lot H1 N 1/2 Section 15, T32N,

R04E; and Lots 1, 2, 3 and 4 Except Lot H1 Section 24, T92N, R52W. This water has been appropriated and reserved under existing Future Use Permits. The applicant is proposing to apply to beneficial use the remaining 6,835 acre-feet annually reserved by Permit No. 5832-3 and 5,165 acre-feet reserved by Permit Nos. 6869-3 and 6968A-3.

Application No. 7208-3 proposes to appropriate and reserve for future use and additional 9,465 acre-feet of water from the Missouri Elkh Point Aquifer. The area to be reserved for future use is set forth above in Application No. 6869A-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6869A-3, 7207-3 & 7208-3 because 1) water has been reserved or in the case of 7208-3 unappropriated water is available; 2) existing rights will not be unlawfully impaired; 3) it is a beneficial use of water; and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with both the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by Jan. 3, 2011.

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

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

Published twice at the total
approximate cost of \$142.80
(#5037, 12/16/10, 12/23/10,
The New Era)

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereir after mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

**Lewis & Clark Regional Water System
DENR Notice**

a printed copy of which is hereto attached, was printed and published in said newspaper for TWO successive week(s) upon the following dates, to-wit:

December 16, 2010
December 23, 2010

that the full amount of the fees charged for publishing the same to-wit: the sum of \$98.77 insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Andy Wilcox
Subscribed and sworn to before me this 23rd day of
December, 2010.

Teresa J. Wilcox
Notary Public, South Dakota



My Commission Expires
12/9/2014

**NOTICE OF APPLICATION NOS.
6869 A-3, 7207-3 AND 7208-3 Amend
Future Use Area, Develop Reserved
Water and Appropriate and
Reserve Water**

Notice is given that Lewis and Clark Regional Water System, c/o Troy Larson, Director, 401 E. 8th St., Suite 306, Sioux Falls, SD 57013 has filed three applications for water permits. The Water is to be reserved for future use or placed to beneficial use for the purpose of providing water supplies for the regional water system which supplies 20 public water systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa.

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Application No. 68-69A-3 serves to correct and clarify the location of original future use area and proposes to amend Future Use Permit No. 6869-3 to expand the future use area. Future Use Permit No. 6869-3 reserves 8,700 acre-feet of water (Missouri: Elk Point Aquifer) for future development of the system. The correct location of the original future use area is the S 1/4 Section 20, Lot A of Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W. This application proposes to expand the future use area to include in addition to the previous description Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y, Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer Lot 1 SW 1/4 Section 22, Blickle Lot 1 NW 1/4 Section 22, Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and 35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

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R4E, Brewer Lot 1 SW 1/4 Section 22, T32N, R4E, Blickle Lot 1 NW 1/4 Section 22, T32N, R4E, Blickle Lot 1; Parcels X, Y and Z except Lots H1 and except that part Parcel Z E of Lot H1 N 1/2 Section 15, T32N, R04E; and Lots 1, 2, 3 and 4 Except Lot H1 Section 26, T92N, R52W. This water has been appropriated and reserved under existing Future Use Permits. The applicant is proposing to apply to beneficial use the remaining 6,835 acre-feet annually reserved by Permit No. 5832-3 and 5,165 acre-feet reserved by Permit Nos. 6869-3 and 6968A-3.

Application No. 7208-3 proposes to appropriate and reserve for future use and additional 9,465 acre-feet of water from the Missouri:Elk Point Aquifer. The area to be reserved for future use is set forth above in Application No. 6869A-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6869A-3, 7207-3 & 7208-3 because 1) water has been reserved or in the case of 7208-3 unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published in the Sioux Valley News on
December 16 and 23, 2010 at the total
approximate cost of \$98.77.

RECEIVED

DEC 27 2010

WATER RIGHTS
PROGRAM

CUSTOMER NUMBER:	078106	Argus Leader	
INVOICE NUMBER:	1307750		
DATES	12/17, 12/24, 2010	P.O. Box 677349, Dallas, TX 75267-7349	
			\$237.28

LEWIS & CLARK REGIONAL WATER SYSTEM
401 E 8TH ST, STE 306
SIOUX FALLS, SD, USA 57103-7032

RECEIVED
DEC 29 2010
WATER RIGHTS PROGRAM

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 078106
Invoice Number: 1307750

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

Friday the 17 day of December 2010 ,
Friday the 24 day of December 2010 ,
_____, the _____ day of _____ 2010
_____, the _____ day of _____ 2010 ,
_____, the _____ day of _____ 2010 ,
_____, the _____ day of _____ 2010 ,
_____, the _____ day of _____ 2010 ,

and that \$237.28 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 12/27/2010

Judy Wiese
JUDY WIESE
NOTARY PUBLIC
SOUTH DAKOTA

My Commission expires December 20, 2010

Nov 3, 2012

NOTICE OF APPLICATION NOS. 6869A-3, 7207-3 and 7208-3 Amend Future Use Area, Develop Reserved Water and Appropriate and Reserve Water

Notice is given that Lewis and Clark Regional Water System, c/o Troy Larson, Director, 401 E 8th St, Suite 306, Sioux Falls SD 57103 has filed three applications for water permits. The water is to be reserved for future use or placed to beneficial use for the purpose of providing water supplies for the regional water system which supplies 20 public water systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa.

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Application No. 7208-3 proposes to appropriate and reserve for future use and additional 9,465 acre-feet of water from the Missouri:Elk Point Aquifer. The area to be reserved for future use is set forth above in Application No. 6869A-3.

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Published twice at the total approximate cost of \$237.28. 1307750 Dec. 17 & 24, 2010

**NOTICE OF APPLICATION
NOS. 6869A-3, 7207-3 AND
7208-3 AMEND FUTURE
USE AREA, DEVELOP
RESERVED WATER
AND APPROPRIATE
AND RESERVE WATER**

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Publish December 16 and 23, 2010
Published twice at the total approximate cost of \$111.15
50-4-166

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Southern Union County

Leader-Courier

printed and published in Elk Point

County of Union and

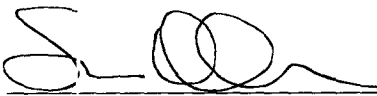
state of South Dakota. The notice was published

in the newspaper on the following two dates:

December 16, 2010

December 23, 2010

Cost of Printing \$111.15



(Signature)

Affidavits Coordinator

(Title)

December 23, 2010

(Date Signed)

**RECEIVED
DEC 27 2010
WATER RIGHTS
PROGRAM**

AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF SOUTH DAKOTA }
County of Lake } ss.

DEC 29 2010

WATER RIGHTS PROGRAM

Sue Anne Artko of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Lewis & Clark Regional Water System

Notice of Application to Appropriate Water

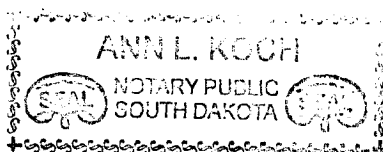
printed copy of which hereunto attached, was printed and published in the said newspaper for Two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Friday, the 17th day of December, 2010;
On Thursday, the 23rd day of December, 2010;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;

That \$109.09 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Sue Anne Artko

Subscribed and sworn to before me this 27th day of December, 2010



Ann L. Koch
Notary Public, Lake County, South Dakota

Dec. 17 2010

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Application No. 6869A-3 serves to correct and clarify the location of original future use area and proposes to amend Future Use Permit No. 6869-3 to expand the future use area. Future Use Permit No. 6869-3 reserves 8,700 acre-feet of water (Missouri Elk Point Aquifer) for future development of the system. The correct location of the original future use area is the S 1/4 Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots, 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W. This application proposes to expand the future use area to include in addition to the previous description Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer

Publication Fees \$ _____

Notary Fees \$ _____

Total \$ _____

Received Payment,

In Court
County of

AFFIDAVIT OF PUBLICATION

Filed in the office of on the
..... day of

20

Attorneys for

Lot 1 SW 1/4 Section 22, Blickle Lot 1 NW 1/4 Section 22 Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and 35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

Application No. 7207-3 proposes to construct and place to beneficial use 12,000 acre-feet of water annually at a total maximum diversion rate of 20 cubic feet of water per second from five wells completed into the Missouri:Elk Point Aquifer located in Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, T32N, R4E, Brewer Lot 1 SW 1/4 Section 22, T32N, R4E, Blickle Lot 1 NW 1/4 Section 22, T32N, R4E, Blickle Lot 1; Parcels X, Y and Z except Lots H1 and except that part Parcel Z E of Lot H1 N 1/2 Section 15, T32N, R04E; and Lots 1, 2, 3 and 4 Except Lot H1 Section 26, T92N, R52W. This water has been appropriated and reserved under existing Future Use Permits. The applicant is proposing to apply to beneficial use the remaining 6,835 acre-feet annually reserved by Permit No. 5832-3 and 5,165 acre-feet reserved by Permit Nos. 6869-3 and 6968A-3.

Application No. 7208-3 proposes to appropriate and reserve for future use an additional 9,465 acre-feet of water from the Missouri: Elk Point Aquifer. The area to be reserved for future use is set forth above in Application No. 6869A-3.

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

Application Nos. 6869A-3, 7207-3 & 7208-3 because 1) water has been reserved or in the case of 7208-3 ~~unappropriated~~ water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 3, 2011.

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

STEVEN M. PIRNER
Secretary, Department of
Environment
and Natural Resources

Published twice at the total
approximate cost of \$109.09

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Susan Forma

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

THE PLAIN TALK

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

DENR

NOTICE ON APPLICATIONS

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

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

was on Friday, the 17 day of December 20 10, and that the succeeding publications were severally

on Friday, the 24 day of December, 20 10,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

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

One Hundred Fourteen dollars and 10 cents

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

Susan Forma

Subscribed and sworn to before me

this 30th day of December 20 10

Sandra Brown

Notary Public

My Commission Expires _____

SANDRA BROWN

My Commission Expires August 5, 2014

NOTICE OF APPLICATION NOS.
6869A-3, 7207-3 and 7208-3 Amend
Future Use Area, Develop Reserved
Water and Appropriate and Reserve
Water

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RECEIVED

JAN - 3 2011

WATER RIGHTS PROGRAM

Section 22, T32N, R4E, Blickle Lot 1; Parcels X, Y and Z except Lots H1 and except that part Parcel Z E of Lot H1 N 1/2 Section 15, T32N, R04E; and Lots 1, 2, 3 and 4 Except Lot H1 Section 26, T92N, R52W. This water has been appropriated and reserved under existing Future Use Permits. The applicant is proposing to apply to beneficial use the remaining 6,835 acre-feet annually reserved by Permit No. 5832-3 and 5,165 acre-feet reserved by Permit Nos. 6869-3 and 6968A-3.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6869A-3, 7207-3 & 7208-3 because 1) water has been reserved or in the case of 7208-3 unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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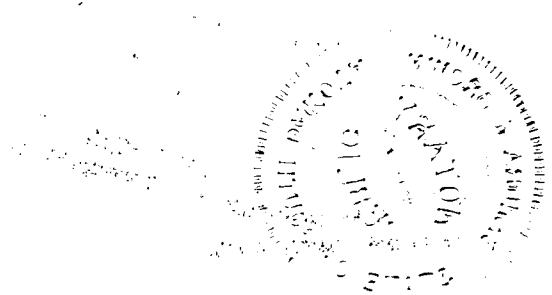
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Estimated publishing cost per published copy: \$0.0307

Estimated publishing cost per published copy:

Publish: December 17 & 24, 2010

Estimated publishing cost per published copy: \$0.0307



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DEC 29 2010

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SSI, Troy Schwanscertify that the attached printed Notice was
takenfrom the Salem Specialprinted and published in SalemCounty of McCook andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

December 16, 2010December 23, 2010Cost of Printing \$98.19

(Signature)

Owner
(Title)12/27/10

(Date Signed)

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6869A-3, 7207-3 and 7208-3 Amend
Future Use Area, Develop Reserved
Water and Appropriate
and Reserve Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6869A-3, 7207-3 & 7208-3 because 1) water has been reserved or in the case of 7208-3 unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published twice at the total approximate cost of \$98.18.

12-16,23



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 6, 2010

The New Era
PO Box 579
Parker SD 57053

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6869A-3, 7207-3 & 7208-3 to Appropriate Water to be published twice. Please publish the first notice on December 16, 2010 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.

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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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 6869A-3, 7207-3 & 7208-3

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

Date _____

We are in receipt of your letter of December 6, 2010 enclosing Notice to Appropriate Water by Application Nos. 6869A-3, 7207-3 & 7208-3 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

December 6, 2010

Sioux Valley News
PO Box 255
Canton SD 57013

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

December 6, 2010

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

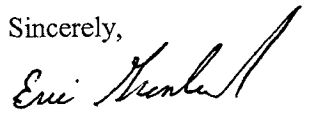
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PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 6, 2010

Leader Courier
PO Box 310
Elk Point SD 57025

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

December 6, 2010

Daily Leader
PO Box 348
Madison SD 57042

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

December 6, 2010

Plain Talk
201 W Cherry St
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6869A-3, 7207-3 & 7208-3 to Appropriate Water to be published twice. Please publish the first notice on December 17, 2010 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 Lewis & Clark Regional Water System, c/o Troy Larson, 401 E 8th St., Ste. 306, Sioux Falls SD 57103 (Ph # 605-336-8688).

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-----

Nos. 6869A-3, 7207-3 & 7208-3

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

Date _____

We are in receipt of your letter of December 6, 2010 enclosing Notice to Appropriate Water by Application Nos. 6869A-3, 7207-3 & 7208-3 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

December 6, 2010

Salem Special
PO Box 220
Salem SD 57058

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6869A-3, 7207-3 & 7208-3 to Appropriate Water to be published twice. Please publish the first notice on December 16, 2010 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 Lewis & Clark Regional Water System, c/o Troy Larson, 401 E 8th St., Ste. 306, Sioux Falls SD 57103 (Ph # 605-336-8688).

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-----

Nos. 6869A-3, 7207-3 & 7208-3

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

Date _____

We are in receipt of your letter of December 6, 2010 enclosing Notice to Appropriate Water by Application Nos. 6869A-3, 7207-3 & 7208-3 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 NEWSPAPER RIGHT AWAY.

December 6, 2010

Lewis & Clark Regional Water System
Troy Larson - Director
401 E 8th St Ste 306
Sioux Falls SD 57103

Dear Mr. Larson:

Water Permit Application Nos. 6869A-3, 7207-3 & 7208-3 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:

The New Era printed at Parker SD (605-297-4419)
The Sioux Valley News printed at Canton SD (605-764-2000)
The Argus Leader printed at Sioux Falls SD (605-331-2200)
Leader Courier printed at Elk Point SD (605-356-2632)
Daily Leader printed at Madison SD (605-256-4555)
Plain Talk printed at Vermillion SD (605-624-2695)
Salem Special printed at Salem SD (605-425-2361)

You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports 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 publishers have 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
eric.gronlund@state.sd.us

enclosures

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

Instruction to Newspaper - Publish first Notice on December 16, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 6869A-3, 7207-3 and 7208-3 Amend Future Use Area, Develop Reserved Water and Appropriate and Reserve Water

Notice is given that Lewis and Clark Regional Water System, c/o Troy Larson, Director, 401 E 8th St, Suite 306, Sioux Falls SD 57103 has filed three applications for water permits. The water is to be reserved for future use or placed to beneficial use for the purpose of providing water supplies for the regional water system which supplies 20 public water systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa.

The legal descriptions in the following application may include parcels or lots within the described areas that are excluded or only a portion of the land described is actually within the future use area. A map of the future use area and well locations may be obtained by contacting the Water Rights Program. The general location is along the Missouri River south of Vermillion beginning near Mulberry Point and traveling in a northwest direction along the river approximately 6 miles. A detailed legal description is provided below. The applications are as follows:

Application No. 6869A-3 serves to correct and clarify the location of original future use area and proposes to amend Future Use Permit No. 6869-3 to expand the future use area. Future Use Permit No. 6869-3 reserves 8,700 acre-feet of water (Missouri:Elk Point Aquifer) for future development of the system. The correct location of the original future use area is the S $\frac{1}{4}$ Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots, 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W. This application proposes to expand the future use area to include in addition to the previous description Lot A Missouri River Accretion Land NW $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15, NW $\frac{1}{4}$ Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, Parcels X, Y Z of Lot H1 N $\frac{1}{2}$ Section 15, Brewer Lot 1 and Lot 2 SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Section 27, Brewer Lot 1 SW $\frac{1}{4}$ Section 22, Blickle Lot 1 NW $\frac{1}{4}$ Section 22 Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and 35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

Application No. 7207-3 proposes to construct and place to beneficial use 12,000 acre-feet of water annually at a total maximum diversion rate of 20 cubic feet of water per second from five wells completed into the Missouri:Elk Point Aquifer located in Brewer Lot 1 and Lot 2 SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Section 27, T32N, R4E, Brewer Lot 1 SW $\frac{1}{4}$ Section 22, T32N, R4E, Blickle Lot 1 NW $\frac{1}{4}$ Section 22, T32N, R4E, Blickle Lot 1; Parcels X, Y and Z except Lots H1 and except that part Parcel Z E of Lot H1 N $\frac{1}{2}$ Section 15, T32N, R04E; and Lots 1, 2, 3 and 4 Except Lot H1 Section 26, T92N, R52W. This water has been appropriated and reserved under existing Future Use Permits. The applicant is proposing to apply to beneficial use the remaining 6,835 acre-feet annually reserved by Permit No. 5832-3 and 5,165 acre-feet reserved by Permit Nos. 6869-3 and 6968A-3.

Application No. 7208-3 proposes to appropriate and reserve for future use and additional 9,465 acre-feet of water from the Missouri:Elk Point Aquifer. The area to be reserved for future use is set forth above in Application No. 6869A-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6869A-3, 7207-3 & 7208-3 because 1) water has been reserved or in the case of 7208-3 unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the

Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 3, 2011.

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

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 03 2011

6869A-3
7207-3
7208-3

Lewis & Clark Regional Water System
c/o Troy Larson, Director
401 E 8th St, Suite 306
Sioux Falls SD 57103

Dear Mr. Larson:

Enclosed are Future Use Permit Nos. 6869A-3 and 7208-3 as issued by the Water Management Board. When plans for facilities are prepared to put any portion of the water granted in the future use permits to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Also, enclosed is Water Permit No. 7207-3 authorizing construction and placing to beneficial use 12,000 acre feet of 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.

Sincerely,

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

enclosures

McMath, Genny

From: McMath, Genny
Sent: Tuesday, August 23, 2011 9:37 AM
To: McMath, Genny
Subject: FW: Lewis & Clark Rural Water Info Update

Water Permits this pertains to: 5832-3, 6736-3, 6869-3, 6869A-3, 7207-3, 7208-3

From: Froelich, Stacy
Sent: Tuesday, August 23, 2011 9:30 AM
To: DENR FINANCIAL & TECH ASSIST; DENR ENVIRONMENTAL SERVICES
Subject: Lewis & Clark Rural Water Info Update

Effective Monday, August 29, the mailing address will be 46986 Monty Street, Tea, SD 57064. Telephone lines will not be installed until Sept. 1. The calls to the office will be forwarded to a cell phone for a few days. **The new telephone number will be 605-368-2400 and our fax number will be 605-368-2800.** The e-mail addresses will not change.



6869A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

December 6, 2017

Lewis & Clark Regional Water System
c/o Troy Larson
46986 Monty St
Tea SD 57064

Dear Mr. Larson:

I am writing in regard to the seven year review of Future Use Water Permit Nos. 6869A-3 and 7208-3 from Missouri:Elk Point Aquifer held by the Lewis & Clark Regional Water System. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. These permits reserve water for future water supply needs for the system. Currently, our records show that 3,535 acre-feet remain in reserve under Permit No. 6869A-3 and 9,465 acre-feet remain in reserve under Permit No. 7208-3. These permits were issued in 2011.

Please respond in writing by January 6, 2018 regarding the system's intention for the future use permits. If the system plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 6869A-3 and 7208-3 will then be public noticed at the system's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 3,535 acre-feet remain in reserve for Permit No. 6869A-3, the fee will be \$355.00. If the entire 9,465 acre-feet remain in reserve for Permit No. 7208-3, the fee will be \$845.00 (\$1,200.00 total).

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

December 22, 2017

Karen Schlaak
SD Department of Environment & Natural Resources
Water Rights Program
523 East Capitol
Pierre, SD 57501-3182



RECEIVED

DEC 27 2017

**WATER RIGHTS
PROGRAM**

Dear Ms. Schlaak,

This letter is in response to your December 6, 2017 letter regarding the Water Management Board's seven year review of Future Use Water Permits Nos. 6869A-3 and 7208-3.

Lewis & Clark Regional Water (L&C) does intend to retain these permits. L&C is roughly 70% complete and we will definitely need these Future Use Permits in the coming years as we complete our system and new and existing members fully utilize their ability to receive water from L&C.

As I am sure you are aware, L&C is a vital water supplier to 14 public water systems in the tristate region, with six more public water systems to be connected in the coming years. L&C provides or will provide water to systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyon, Sioux, Osceola and O'Brien counties in Iowa. In order to supply these systems with their contracted amounts, L&C will need to construct water supply pumping capacity of approximately 49.6 million gallons per day (mgd).

Since we started delivering water to our first members in July of 2012, our production has increased exponentially. Our diversions from the Missouri: Elk Point aquifer by year have been: 2012 1.25 billion, 2013 3.05 billion, 2014 3.75 billion, 2015 5.08 billion and 2016 5.56 billion gallons of water. Currently, we have appropriated water rights that allow a diversion rate of roughly 34.53 mgd. Our peak day so far has been nearly 24 mgd. We will be appropriating the water available under the Future Use Water Permits as we connect more members and the existing members utilize more water from L&C. The timing of the L&C system completion is entirely dependent upon future federal funding for construction. Given recent levels of funding, our current estimate is that our system will be nearing completion in the year 2031.

Please let me know if you have any questions.

Sincerely,

Jim Auen
Operations Manager
Lewis & Clark Regional Water System
46986 Monty Street
Tea, SD 57064



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NOS. 6869-3 and 6869A-3, Lewis & Clark Regional Water System

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit Nos. 6869-3 and 6869A-3, Lewis & Clark Regional Water System, Jim Auen, Operations Manager, 46986 Monty St, Tea SD 57064.

The Chief Engineer is recommending that Future Use Permit Nos. 6869-3 and 6869A-3 REMAIN in EFFECT for 3,535 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under permits, 2) the system has demonstrated a reasonable need for the water reserved by the permits, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit Nos. 6869-3 and 6869A-3 are subject to payment of the \$355.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the system after the Board hearing.


Jeanne Goodman, Chief Engineer
January 17, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

January 17, 2018

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

Lewis & Clark Regional Water System
Jim Auen, Operations Manager
46986 Monty St
Tea SD 57064

Dear Mr. Auen:

Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice the counties where water will be diverted or used. Notice of this review has been sent to the following papers:

New Era, Parker - 297-4419
Argus Leader, Sioux Falls - 331-2200
Daily Leader, Madison - 256-4555
Salem Special, Salem - 425-2361

Sioux Valley News, Canton - 764-2000
Leader-Courier, Elk Point - 356-2632
Plain Talk, Vermillion - 624-2695

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

BE SURE TO CONTACT THE ABOVE NEWSPAPER(S) IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the papers can eliminate delays. The publishers have been instructed to publish this notice on January 25 or 26, 2018. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 6869-3, 6869A-3 and 7208-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 held by Lewis & Clark Regional Water System, c/o Jim Auen, Operations Manager, 46986 Monty St, Tea SD 57064 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits.

Permit Nos. 6869-3 and 6869A-3 currently reserve 3,535 acre-feet from the Missouri:Elk Point Aquifer located in the S 1/4 Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots, 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W; Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer Lot 1 SW 1/4 Section 22, Blickle Lot 1 NW 1/4 Section 22 Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and 35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

Permit No. 7208-3 was approved in 2011 and currently reserves 9,465 acre-feet from the Missouri:Elk Point Aquifer located in same area as described above.

Lewis & Clark Regional Water System provides water to systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 6869-3 and 6869A-3, combined REMAIN in EFFECT for 3,535 acre-feet annually and Permit No. 7208-3 REMAIN in EFFECT for 9,465 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 Water Management Board will conduct the hearing to review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 6869A-3 and 7208-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018.

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

Published once at the approximate cost of_____.

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing to Review

Future Use Water Permit Nos. 6869-3, 6869A-3, 7208-3

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

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 25 day of January, 2018

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 56.85, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 25 day of January, 2018

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 6869-3, 6869A-3 AND 7208-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 held by Lewis & Clark Regional Water System, c/o Jim Auen, Operations Manager, 46986 Monty St, Tea SD 57064 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits.

Permit Nos. 6869-3 and 6869A-3 currently reserve 3,535 acre-feet from the Missouri:Elk Point Aquifer located in the S 1/4 Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots, 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W; Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer Lot 1 SW 1/4 Section 22, Blickle Lot 1 NW 1/4 Section 22 Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and

35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

Permit No. 7208-3 was approved in 2011 and currently reserves 9,465 acre-feet from the Missouri:Elk Point Aquifer located in same area as described above.

Lewis & Clark Regional Water System provides water to systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 6869-3 and 6869A-3, combined REMAIN in EFFECT for 3,535 acre-feet annually and Permit No. 7208-3 REMAIN in EFFECT for 9,465 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 Water Management Board will conduct the hearing to review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned

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PROGRAM

future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 6869A-3 and 7208-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

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will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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Published once at the total approximate cost of \$56.85
4-4-185

JAN 29 2018

AFFIDAVIT OF PUBLICATION

Madison Daily Leader 1M

WATER RIGHTS
PROGRAM

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STATE OF SOUTH DAKOTA }
County of Lake } ss.

Aubrey Larsen of the City of Madison, County of Lake,
State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Lewis & Clark Regional Water System

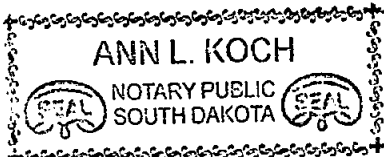
Hearing Future Use Water Permit Nos 6869-3 6869A-3 7208-3

printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 25th day of January, 2018;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;

That \$ 58.77 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Aubrey Larsen
Subscribed and sworn to before me this 26th day of
January, 2018



Ann L. Koch
Notary Public, Lake County, South Dakota

Thursday, Jan. 25

NOTICE OF HEARING
TO REVIEW FUTURE
USE WATER

PERMIT NOS. 6869-3, 6869A-3
and 7208-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 held by Lewis & Clark Regional Water System, c/o Jim Auen, Operations Manager, 46986 Monty St, Tea SD 57064 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits.

Permit Nos. 6869-3 and 6869A-3 currently reserve 3,535 acre-feet from the Missouri: Elk Point Aquifer located in the S 1/4 Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots, 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W; Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer Lot 1 SW 1/4 Section 22, Blickle Lot 1 NW 1/4 Section 22 Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and 35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

Permit No. 7208-3 was approved in 2011 and currently reserves 9,465 acre-feet from the Missouri: Elk Point Aquifer located in same area as described above.

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The Water Management Board will conduct the hearing to review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol. Pierre SD.

In Court

County of

AFFIDAVIT OF PUBLICATION

Filed in the office of

on the

day of

20

Attorneys for

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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.

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The hearing to review Future Use Permit Nos. 6869A-3 and 7208-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case

procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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STEVEN M. PIRNER
Secretary, Department of
Environment and Natural
Resources

Published once at the total
approximate cost of \$58.77

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PLAIN TALK

LEWIS & CLARK RURAL WATER SYSTEM
31474 SD HWY 19
VERMILLION SD 57069

STATE OF SOUTH DAKOTA
COUNTY OF CLAY

TERA SCHMIDT, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE CLASSIFIED MANAGER OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF HEARING TO REVI
6869-3, 6869A-3 & 7208-3
TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 26th DAY OF January, 2018
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$54.99 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 01/26/2018

FILED ON: 01/26/2018

Tera A Schmidt

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF January, 2018

Angela Schild

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 08/19/2021

Ad text : NOTICE OF HEARING
TO REVIEW FUTURE USE WATER PERMIT NOS.
6869-3, 6869A-3 and 7208-3

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JAN 29 2018
WATER RIGHTS
PROGRAM

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Permit Nos. 6869-3 and 6869A-3 currently reserve 3,535 acre-feet from the Missouri:Elk Point Aquifer located in the S 1/4 Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots, 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W; Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer Lot 1 SW 1/4 Section 22, Blickle Lot 1 NW 1/4 Section 22 Blickle Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and 35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

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Published once at the total approximate cost of \$54.99.
Publish: January 26, 2018.

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**WATER RIGHTS
PROGRAM**

STATE OF SOUTH DAKOTA)
) SS
County of McCook)

certify that the attached printed Notice was taken

County of McCook and

in the newspaper on the following date:

Cost of Printing \$56.62

Owner _____
(Title)

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JAN 29 2018
WATER RIGHTS
PROGRAM

Public Notice

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 6869-3, 6869A-3 and 7208-3

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Permit No. 7208-3 was approved in 2011 and currently reserves 9,465 acre-feet from the Missouri:Elk Point Aquifer located in same area as described above.

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EFFECT for 3,535 acre-feet annually and Permit No. 7208-3 REMAIN in EFFECT for 9,465 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.

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Published once at the total approximate cost of \$56.62.

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INVOICE NUMBER:	2675764	
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WATER RIGHTS PROGRAM

Attn: Karen Schlaak
 Water Rights Program
 523 E. Capital - Jose Foss Building
 Pierre, SD 57501-0000

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION

Customer Number: 78306
 Invoice Number: 902065

523 E. Capital - Jose Foss Building

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Sara Kruse 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 17-2-2.1, 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

Thursday	the	25	day of	January	2018	,
_____	the	_____	day of	_____	2018	,
_____	the	_____	day of	_____	2018	,
_____	the	_____	day of	_____	2018	,
_____	the	_____	day of	_____	2018	,
_____	the	_____	day of	_____	2018	,
_____	the	_____	day of	_____	2018	,
_____	the	_____	day of	_____	2018	,

and that \$128.94 pd. was charged for publishing the same

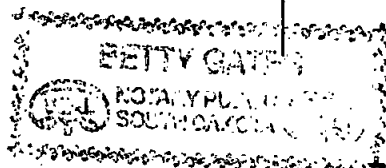
Sara Kruse

Subscribed and sworn to before me 1/25/18

Betty Gates

Notary Public, South Dakota

My Commission expires March 11, 2022



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 6869-3, 6869A-3 and 7208-3

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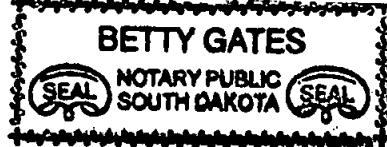
This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018.

The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$128.94. 2675764 Jan. 25, 2018



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

RECEIVED

JAN 29 2018

WATER RIGHTS
PROGRAM

ANDY WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Hearing

Water Permit NO. 6869-3, 6869A-3, 7208-3

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

January 25, 2018

that the full amount of the fees charged for publishing the same to-wit: the sum of \$57.47 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Ascribed and sworn to before me this 25th day of
January, 2018.

Notary Public, South Dakota

(Seal)



My Commission Expires
December 9, 2020

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 6869-3, 6869A-3 and 7208-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 held by Lewis & Clark Regional Water System, c/o Jim Auen, Operations Manager, 46986 Monty St, Tea SD 57064 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits.

Permit Nos. 6869-3 and 6869A-3 currently reserve 3,535 acre-feet from the Missouri:Elk Point Aquifer located in the S 1/4 Section 20, Lot A of Lot X, Lot X and acreage below Lots 3 and 4 Section 16, Lot A Section 22, The River Preserve Sections 22, 23, 26, 27 and Lots, 1, 2, 3, 4 and NW N&W Lot H1, Section 26; all in T92N, R52W; Lot A Missouri River Accretion Land NW 1/2 SW 1/4 Section 15, NW 1/4 Section 22, Sutherland Farm in Sections 10, 11, 14 and 15, Lot A Sutherland Farm, Lot D of Frost Tract 1 SW 1/4 and SE 1/4 Section 15, NW 1/4 NE 1/4 Section 22, Parcels X, Y Z of Lot H1 N 1/2 Section 15, Brewer Lot 1 and Lot 2 SW 1/4 and NW 1/4 Section 27, Brewer Lot 1 SW 1/4 Section 22, Bickler Lot 1 NW 1/4 Section 22 Bickler Lot 1 Lot H1, Section 21, Plowland Section 22 and 27, and Pasture Section 22; ALL in T32N, R04E and between Section 26 and 35 extending E HWY to N & S Dixon Line thence NE Section 24, T92N, R52W.

Permit No. 7208-3 was approved in 2011 and currently reserves 9,465 acre-feet from the Missouri:Elk Point Aquifer located in same area as described above.

Lewis & Clark Regional Water System provides water to systems in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa.

Pursuant to SDCL 46-2A-2 the Chief

Engineer of the Water Rights Program recommends that Permit Nos. 6869-3 and 6869A-3, combined REMAIN in EFFECT for 3,535 acre-feet annually and Permit No. 7208-3 REMAIN in EFFECT for 9,465 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 Water Management Board will conduct the hearing to review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits 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.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 26, 2018. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 6869A-3 and 7208-3 will be conducted pursuant to the provisions

of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 26, 2018.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by February 5, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on January 25, 2018, at the total approximate cost of \$57.47.

Form 8

RECEIVED

JAN 31 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Dawn Rye

certify that the attached printed Notice was taken
from the New Century Press,
publisher

printed and published in The New Era
County of Turner and

state of South Dakota. The notice was published

in the newspaper on the following date:

Thurs. Jan. 25, 2018

Cost of Printing \$71.16

Dawn Rye

(Signature)

Office manager

(Title)

1/25/18

(Date Signed)

**Notice of hearing to review
future use water permit
NOS. 6869-3, 6869A-3 and
7208-3**

Notice is given that the Water Management Board will review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 held by Lewis & Clark Regional Water System, c/o Jim Auen, Operations Manager, 46986 Monty St, Tea SD 57064 for progress made in the development of the water reserved and future plans for development of the water reserved by the permits.

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Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; as well as Rock and Nobles counties in Minnesota; and Lyons, Sioux, Osceola and O'Brien counties in Iowa.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 6869-3 and 6869A-3, combined REMAIN in EFFECT for 3,535 acre-feet annually and Permit No. 7208-3 REMAIN in EFFECT for 9,465 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 Water Management Board will conduct the hearing to review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3 at 10:00 am on March 7, 2018 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

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Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 26, 2018. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by Monday, Feb. 26.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If any party chooses to use the Office

of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by Monday, Feb. 5. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$71.16

(N0125-3)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

March 8, 2018

NOTICE OF ENTRY OF ORDER

Lewis & Clark Regional Water System
Jim Auen, Operations Manager
46986 Monty St
Tea SD 57064

Dear Mr. Auen:

I am writing in response to action taken by the Water Management Board at the hearing on March 7, 2018 to review Future Use Permit Nos. 6869-3, 6869A-3 and 7208-3. The Board allowed the permits to remain in effect for 3,535 acre-feet of water annually and 9,465 acre-feet of water annually. The future use permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit Nos. 6869-3 and 6869A-3 is \$355.00 and No. 7208-3 is \$845.00 (total \$1,200.00) pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

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

CERTIFICATION

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated March 8, 2018 addressed as stated below:

Jay Gilbertson
East Dakota Water Development District
132B Airport Dr.
Brookings SD 57006

Clay Rural Water System
c/o Greg Merrigan, Manager
30376 SD Hwy 19
Wakonda SD 57073

City of Parker
Adam Jans, Finance Officer
PO Box 265
Parker SD 57053

South Lincoln Rural Water System Inc
c/o Tom Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Wendy Rausch, Finance Officer
City of Hoven
PO Box 157
Hoven SD 57450

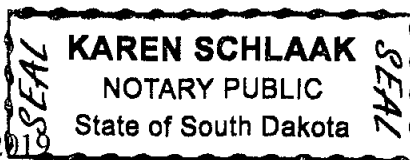
Lewis & Clark Regional Water System
Jim Auen, Operations Manager
46986 Monty St
Tea SD 57064

Vickie Maberry
Vickie Maberry
Secretary/Water Rights

[illegible]

Sworn to, before me, this 8th day of March, 2018

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires A



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 19, 20 18

RECEIVED OF Lewis & Clark Regional Water System 46986 Monty Stret Tea, Sd 57064

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	355	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>6869A-3</u> after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	355 00

No. **08629**

By Jeanne Goodman
Chief Engineer

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