

WATER PERMIT NO. 7142-3

Name of Applicant: **Aurora-Brule Rural Water System**

Address: **PO Box 140, Kimball SD 57355**

Phone: **605 778-6110**

Amount of Water Claimed: **621 AF**

Total Acres: **NA**

Source of Water Supply: **Missouri River**

Water to be used for: **rural water system use**

County: **Brule**

Type of Waste Disposal System: **NA**

Location: **1 mile south of Chamberlain**

PRIORITY Date Received: **May 21, 2009**

Application/License Fee: **\$375**

Corrected Application Received: **June 3, 2009**

Period of Annual Use: **January 1 – December 31**

Remarks: **changing the location of the diversion point and increasing the annual volume**

Diversion Point: **NW ¼ SW ¼ Sec 21-T104N-
R71W**

Land to be Irrigated: **NA**

Depth of Well: **NA**

Well Driller:

Remarks:

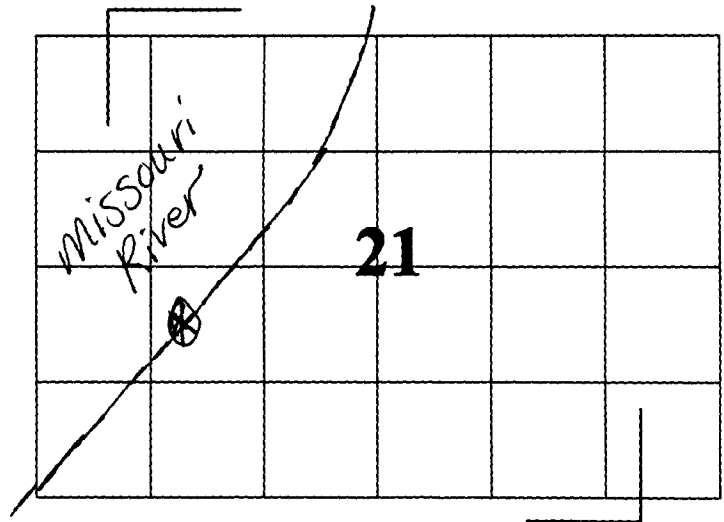
Type of Map: **aerial**

Prepared by: **Ross G Hanson, PE**

Reviewed and the Number Assigned on: **6-3-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7142-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>See list</u>

RECEIVED
MAY 21 2009
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☒ Place to Beneficial Use Water Reserved by Future Use Permit No. 4456-3
☒ Amendment/Correction to Permit No. 5909-3

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

Change diversion point, change diversion rate, Increase annual volume.

- Name of Applicant Aurora-Brule Rural Water System Phone (605) 778-6110
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 117 West 2nd St. P.O. Box 140 Kimball State SD 57355
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.0 addl *CFS or 621 **GPM increase by ***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 River - Lake Francis Case
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brule
NW1/4 SW1/4 Sec 21 - 104 N. 71 W
- County or counties where water will be used Aurora, Brule, Buffalo & Terrell
- Annual period during which water is to be used continual Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Replacing existing intake system.

STATE OF SOUTH DAKOTA)

County of Brule) SS

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

I, Wade Blasius, 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 Wade Blasius

Subscribed and sworn to before me this 20th day of May 20 09

Erin Bergreen

Notary Public signature

January 10, 2014
My Commission expires

SOUTH DAKOTA
WATER PERMIT NO. 7142-3

Date of first receipt of application May 21, 2009.

Date of return to applicant for corrections, amendments or changes May 27, 2009.

Date of receipt of corrected application June 3, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7142-3 to Aurora-Brule Rural Water System, c/o Wade Blasius, Manager, PO Box 140, Kimball SD 57355 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7142-3 authorizes increasing the diversion rate and annual volume and changes the location of the diversion point authorized by Water Right No. 5909-3. Water Right No. 5909-3 authorizes an annual diversion of 1,000 acre-feet of water at a maximum diversion rate of 2.33 cubic feet of water per second (cfs) from the Missouri River located in the SW 1/4 SE 1/4 Section 20-T104N-R71W. This permit appropriates an additional 621 acre-feet of water annually and increases the authorized diversion rate by 1.0 cfs from a diversion point to now be located in the NW 1/4 SW 1/4 Section 21-T104N-R71W.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7142-3 is August 31, 2009.
5. The date from which applicant may claim right is May 21, 2009.
6. One-fifth of the construction is to be completed on or before February 28, 2012.
7. All construction is to be completed on or before August 31, 2014.
8. Water is to be put to beneficial use on or before August 31, 2018.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Aurora-Brule Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri River.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

SEP 24 2009

date



(type or print in ink)

NA

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

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

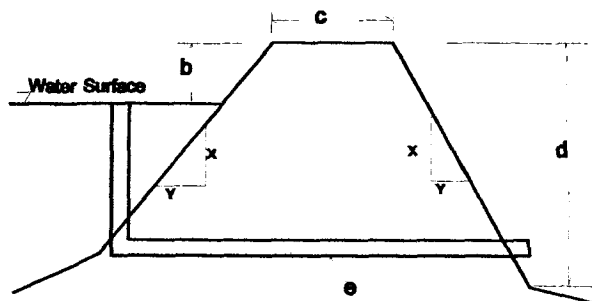
3. Dugout Information

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

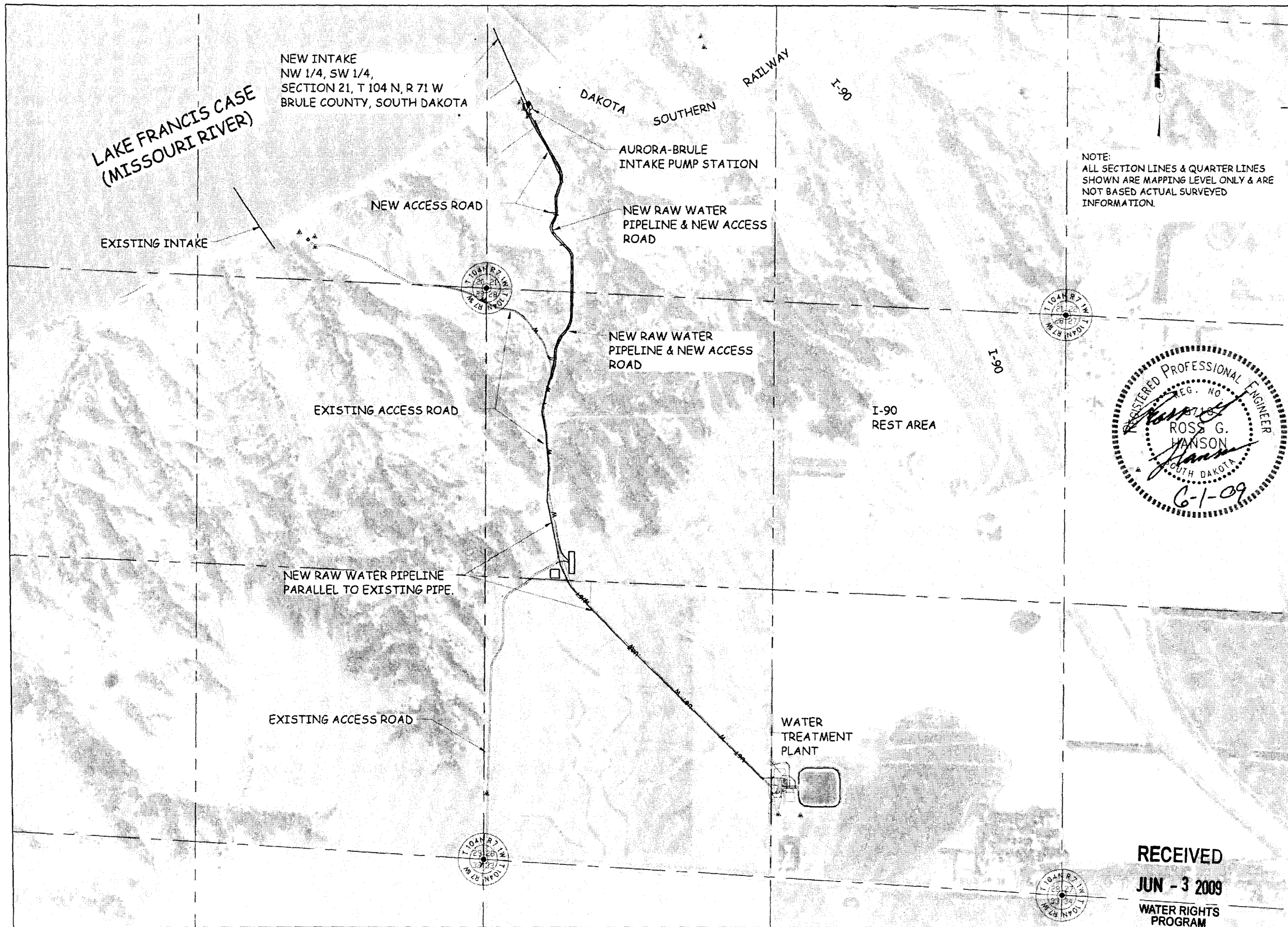
4. Water Storage Dams

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

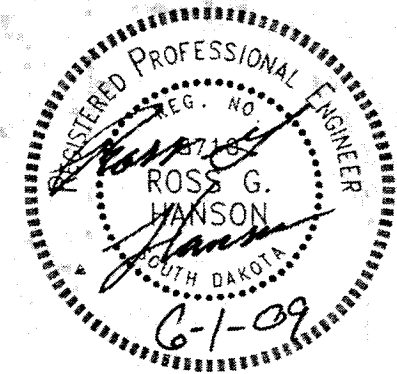
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



NOTE:
ALL SECTION LINES & QUARTER LINES
SHOWN ARE MAPPING LEVEL ONLY & ARE
NOT BASED ACTUAL SURVEYED
INFORMATION.



BANNER
Consulting Engineers & Architects
409 22nd Ave. S. P.O. Box 298
Brookings, South Dakota 57006
605-692-6342
www.bannerassociates.com

Designing Projects, Building Trust

CONSULTANTS:

PROJECT TITLE:

AURORA BRULE
INTAKE
STATION
2009

PROJECT LOCATION:
CHAMBERLAIN
SOUTH DAKOTA

REV	DATE	DESCRIPTION

DRAWN BY: T.C.S.
DESIGNED BY: R.G.H.
CHECKED BY: R.G.H.
JOB NO.: 207800.03
DATE: MAY, 2009

SHEET TITLE:
OVERALL
SITE
PLAN

SHEET NO.:
1

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JUN - 3 2009
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/3, 20 09

RECEIVED OF Aurora-Belle Rural Water System, P.O. Box 146, Kimball SD

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

Fee for Application for Permit No. <u>7142-3</u> to Appropriate Water, to construct and to put water to beneficial use	325	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>7142-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	\$ 375.00

No. 641-08

By Gaillard Erbelle
Chief Engineer

Aurora-Brule
Rural Water System, Inc.

P.O. Box 140
Kimball, South Dakota 57355
Phone 778-6110

RECEIVED
MAY 21 2009
WATER RIGHTS
PROGRAM

May 20, 2009

Mr. Eric Gronlund
Natural Resources Engineer
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Bldg. 523 E Capitol
Pierre, SD. 57501-3181

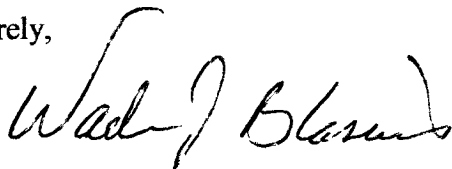
Dear Mr. Gronlund,

As a result of our proposed new intake project on the Missouri River near chamberlain, I am requesting the following changes to our current Water Permit # 5909-3:

- 1) Diversion Rate Authority increase – from 1050 gpm to 1500 gpm. (This is the capacity of the proposed turbine pumps from the intake station to the water plant. – One pump with a maximum flow rate of 1500 gpm will run at a time, with the other pump serving as a back-up).
- 2) Change in Diversion Point - from the SW ¼ SE ¼ of Section 20: T104N R71W, to the SW ¼ of Section 21, Township 104 North, Range 71 West of the 5th PM, Brule County, South Dakota (Map enclosed)
- 3) Increase in Annual Volume - by 621 acre feet. (This is the amount of our Future Use Permit #4456-3, and represents near 60%of our requested Diversion Rate)

I have enclosed the completed Water Permit Application. Should you need additional information please contact me.

Sincerely,



Wade J. Blasius, Manager



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 27, 2009

Aurora-Brule Rural Water System
c/o Wade Blasius
PO Box 140
Kimball SD 57355

Dear Mr. Blasius:

Thank you for submitting the *Application for a Permit to Appropriate Water* for rural water system use. In order to complete the application, the following is required.

- ✓ Enclosed is the map submitted with the application. The map needs to reference a government section corner or quarter corner.
- ✓ Also, the map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- ✓ The application/license filing fee for this application will be \$375.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



*Karen,
Let me know if you
need anything else.
Thanks!
Wade*

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Wade Blasius (Aurora-Brule RWS)

File No 7142-3

Address: 117 West 2nd St. PO Box 140, Kimball, SD 57355

County: Brule

Date: August 3, 2009

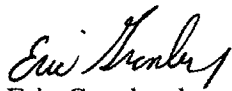
Telephone: 778-6110

RE: Water Permit Application No. 7142-3

Comments:

On August 3, 2009, Eric Gronlund and I called Wade Blasius to let him know we could not process the application as submitted because the application was to use 621 acre-feet of water from Future Use Permit No. 4456-3. He was informed the reason the application could not be processed as it was submitted was because the location of the new diversion point was not in the area of the future use permit. Permit No. 4456-3 had the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20-T104N-R71W and the new diversion point location was in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21-T104N-R71W. Wade was told there was a couple of ways to handle the application. One was to amend future use area under Permit No. 4456-3. Second was to process the application as a new permit that would be given a 2009 priority date. Wade requested the application be amended to a new application as there is little to no chance of shut-off orders being issued anytime in the foreseeable future since the diversion was from the Missouri River.

Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program



Eric Gronlund
Natural Resources Engineer Specialist
DENR, Water Rights Program

Water Rights Program - File Documentation

NAME: Aurora-Brule RWS

ADDRESS: Kimball SD

DATE: 9-15-09 **COUNTY:** Brule **TELEPHONE:**

RE: Change of location of diversion point

COMMENTS:

Water Permit No. 7142-3 authorized an increase in the diversion rate and annual volume and changes the location of the diversion point authorized by Water Right No. 5909-3. Water Right No. 5909-3 authorizes an annual diversion of 1,000 acre-feet of water at a maximum diversion rate of 2.33 cubic feet of water per second (cfs) from the Missouri River located in the SW 1/4 SE 1/4 Section 20-T104N-R71W.

Water Permit No. 7142-3 appropriates an additional 621 acre-feet of water annually and increases the authorized diversion rate by 1.0 cfs from a diversion point now located in the NW 1/4 SW 1/4 Section 21-T104N-R71W.

When Water Permit No. 7142-3 is licensed, it will incorporate Water Right No. 5909-3 and reflect the correct diversion point location.

Karen Schlaak

Karen Schlaak
Environmental Scientist



**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. 7142-3, Aurora-Brule 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. 7142-3, Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57255.

The Chief Engineer is recommending APPROVAL of Application No. 7142-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

Aurora-Brule Rural Water System shall report to the Chief Engineer annually the amount of water withdrawn from the Missouri River.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 4, 2009

REPORT ON WATER PERMIT APPLICATION No. 7142-3

Aurora-Brule Rural Water System

c/o Wade Blasius

PO Box 140

Kimball, SD 57355

Water Permit Application No. 7142-3, proposes to appropriate 621 acre-feet of water annually at a maximum diversion rate of 1.0 cubic feet per second (cfs) from the Missouri River. Water Right No. 5909-3 authorizes an annual diversion of 1,000 acre-feet of water at a maximum diversion rate of 2.33 cfs of water from the Missouri River located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20-T104N-R71W. In addition to appropriating water and diversion rate authority, the applicant also proposes to change the diversion point authorized by Water Right No. 5909-3 to a point to now be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21-T104N-R71W. The water is for a rural water system which supplies water to Aurora, Brule, Buffalo and Jerauld Counties.

Review of the Project

Water Permit Application No. 7142-3, proposes to appropriate 621 acre-feet of water annually at a maximum diversion rate of 1.0 cfs from the Missouri River. If approved, water appropriated under this permit will be combined into the same water distribution system as authorized under Water Right No. 5909-3. Water Right No. 5909-3 authorizes an annual diversion of 1,000 acre-feet of water at a maximum diversion rate of 2.33 cfs of water from the Missouri River. The applicant proposes to change the diversion point authorized by Water Right No. 5909-3 to a point to now be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21-T104N-R71W. The combined diversion rate increases from 1050 gpm to 1500 gpm which is the capacity of the turbine pumps used to pump water from the Missouri River to the water treatment plant. The combined annual volume will be 1,621 acre-feet. The applicant states only one pump will run at a time, with the other pump serving as a backup and the existing intake system will be replaced.

Review of the Water Source

The source of water is the Missouri River. The Missouri River is known to have ample supplies of non-appropriated water available.

Review of Existing Water Rights

There are numerous water rights/permits diverting water from the Missouri River downstream from the diversion point for Water Permit Application 7142-3. Because there is ample water in the Missouri River, Application No. 7142-3 is unlikely to cause adverse effects to downstream water rights.

Conclusion

1. Water Permit Application No. 7142-3, proposes to appropriate 621 acre-feet of water annually at a maximum diversion rate of 1 cubic feet per second (cfs) from the Missouri River.
2. If approved, water appropriated under this permit will be combined into the same water distribution system as authorized under Water Right No. 5909-3 which authorizes an

annual diversion of 1,000 acre-feet of water at a maximum diversion rate of 2.33 cfs of water from the Missouri River.

3. The applicant proposes to change the diversion point authorized by Water Right No. 5909-3 to a point to now be located in the NW ¼ SW ¼ Section 21-T104N-R71W.
4. The combined diversion rate for the distribution system increases from 1050 gpm to 1500 gpm which is the capacity of the turbine pumps used to pump water from the Missouri River to the water treatment plant. The combined annual volume will be 1,621 acre-feet.
5. The source of water is the Missouri River. Because there is ample water in the Missouri River, Application No. 7142-3 is unlikely to cause adverse effects to downstream water rights/permits.



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Reviewed By:



 Mark Rath
Natural Resources Engineer Specialist
DENR, Water Rights Program

Form 8

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WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Jerault) SS

I, Penny Wenzel

certify that the attached printed Notice was taken

from the Wessington Springs
True Dakotan

printed and published in Wes. Spr

County of Jerault and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Aug 11, 2009

Aug. 18, 2009

Cost of Printing 56¹⁴

Penny Wenzel
(Signature)

Bookkeeper
(Title)

8/31/09
(Date Signed)

NOTICE OF APPLICATION NO. 7142-3 to Appropriate Water

Notice is given that Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355 has filed an application to increase the diversion rate and annual volume and change the location of the diversion

point authorized by Water Right No. 5909-3. Water Right No. 5909-3 authorizes an annual diversion of 1,000 acre-feet of water at a maximum diversion rate of 2.33 cubic feet of water per second (cfs) from the Missouri River located in the SW 1/4 SE 1/4 Section 20-T104N-R71W. This application proposes to appropriate an additional 621 acre-feet of water annually and increase the authorized diversion rate by 1.0 cfs from a diversion point to now be located in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The water is for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7142-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 31, 2009.

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

Published twice in the State

Publisher's Affidavit of Publication

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WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA)
COUNTY OF BRULE)SS)

Dawn Hopkins, of said county and state being duly sworn on her oath says: The Chamberlain/Oacoma Sun is a weekly newspaper of general circulation and published in Chamberlain, Brule County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Brule more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

Notice of Applications NO.
7142-3 Appropriate Water

a printed copy of which is hereto attached and published in the said newspaper for 2 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 12 day of Aug, A.D., 2009 and that the succeeding publications were severally
Wednesday, the _____ day of _____ A.D., 2009
Wednesday, the _____ day of _____ A.D., 2009
Wednesday, the _____ day of _____ A.D., 2009
Wednesday, the _____ day of _____ A.D., 2009
Wednesday, the _____ day of _____ A.D., 2009
Wednesday, the _____ day of _____ A.D., 2009
Wednesday, the _____ day of _____ A.D., 2009
Wednesday, the _____ day of _____ A.D., 2009

and the last publication on Wednesday, the 19 day of Aug, 2009, that the full sum of fees charged for publishing the same, to-wit: the sum of \$ 12.32 insures solely to the editor of The Chamberlain/Oacoma Sun. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Dawn Hopkins

Eric C. Gronlund
Notary Public

Subscribed and sworn to before me this 31 day of Aug, 2009

My Commission expires 5-4, 2015

NOTICE OF APPLICATION NO. 7142-3 to Appropriate Water

Notice is given that Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355 has filed an application to increase the diversion rate and annual volume and change the location of the diversion point authorized by Water Right No. 5909-3. Water Right No. 5909-3 authorizes an annual diversion of 1,000 acre-feet of water at a maximum diversion rate of 2.33 cubic feet of water per second (cfs) from the Missouri River located in the SW 1/4 SE 1/4 Section 20-T104N-R71W. This application proposes to appropriate an additional 621 acre-feet of water annually and increase the authorized diversion rate by 1.0 cfs from a diversion point to now be located in the NW 1/4 SW 1/4 Section 21-T104N-R71W. The water is for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7142-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Published twice August 12 and August 19, 2009 at the total

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AUG 24 2009

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Aurora) SS

I, J. P. Studeny, Jr.

certify that the attached printed Notice was
taken

from the South Dakota
Mail Newspaper

printed and published in Plankinton

County of Aurora and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

August 13, 2009

August 20, 2009

Cost of Printing \$58.99

J. P. Studeny, Jr.
(Signature)

Co-publisher
(Title)

8-21-09

(Date Signed)

NOTICE OF APPLICATION NO. 7142-3 to Appropriate Water

Notice is given that Aurora-
Brule Rural Water System,
c/o Wade Blasius, PO Box 140,
Kimball SD 57355 has filed an
application to increase the
diversion rate and annual
volume and change the
location of the diversion point
authorized by Water Right
No. 5909-3. Water Right No.
5909-3 authorizes an annual
diversion of 1,000 acre-feet of
water at a maximum diversion
rate of 2.33 cubic feet of water
per second (cfs) from the
Missouri River located in the
SW 1/4 SE 1/4 Section 20-
T104N-R71W. This application
proposes to appropriate an
additional 621 acre-feet of
water annually and increase
the authorized diversion rate
by 1.0 cfs from a diversion
point to now be located in
the NW 1/4 SW 1/4 Section 21
T104N-R71W. The water is for
rural water system use.

Pursuant to SDCL 46-
2A-2, the Chief Engineer
recommends APPROVAL
of Application No. 7142-3
because 1) unappropriated
water is available, 2) existing
rights will not be unlawfully
impaired, 3) it is a beneficial
use of water, and 4) it is in the
public interest. In accordance
with SDCL 46-2A-23, the Chief
Engineer will act on this
application, as recommended,
unless a petition is filed
opposing the application
or the applicant files a
petition contesting the Chief
Engineer's recommendation.
If a petition opposing the
application or contesting the
recommendation is filed, then
a hearing will be scheduled and
the Water Management Board
will consider this application.
Notice of the hearing will be
given to the applicant and any
person filing a petition.

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

August 31, 2009.

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

Steven M. Pirner,
Secretary,
Department of Environment
and Natural Resources.
Published twice at the total
approximate cost of \$58.99.

24c-Aug 09

m. vissia
PAMELA M. VISSIA
Aurora County, SD
ion Expires September 3, 2010

RECEIVED



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 4, 2009

True Dakotan
PO Box T
Wessington Springs SD 57382

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7142-3 to Appropriate Water to be published twice. Please publish the first notice on August 11, 2009 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 Aurora Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355 (Ph # 605-778-6110).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 7142-3

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

Date _____

We are in receipt of your letter of August 4, 2009 enclosing Notice to Appropriate Water by Application No. 7142-3 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

August 4, 2009

Central Dakota Times
PO Box 672
Chamberlain SD 57325

ATTENTION: Legal Public Notice

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Natural Resources Engineer
605 773-3352

enclosures

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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

August 4, 2009

South Dakota Mail
PO Box 367
Plankinton SD 57368

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7142-3 to Appropriate Water to be published twice. Please publish the first notice on August 13, 2009 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 Aurora Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355 (Ph # 605-778-6110).

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-----

No. 7142-3

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

Date _____

We are in receipt of your letter of August 4, 2009 enclosing Notice to Appropriate Water by Application No. 7142-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 4, 2009

Aurora Brule Rural Water System
c/o Wade Blasius
Po Box 140
Kimball SD 57355

Dear Mr. Blasius:

Water Permit Application No. 7142-3 for rural water system use has 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 newspapers:

South Dakota Mail, Plankinton, 605-942-7770
Central Dakota Times, Chamberlain, 605-234-1444
True Dakotan, Wessington Springs, 605-539-1281

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 applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on August 11, 2009 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 NO. 7142-3 to Appropriate Water

Notice is given that Aurora-Brule Rural Water System, c/o Wade Blasius, PO Box 140, Kimball SD 57355 has filed an application to increase the diversion rate and annual volume and change the location of the diversion point authorized by Water Right No. 5909-3. Water Right No. 5909-3 authorizes an annual diversion of 1,000 acre-feet of water at a maximum diversion rate of 2.33 cubic feet of water per second (cfs) from the Missouri River located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20-T104N-R71W. This application proposes to appropriate an additional 621 acre-feet of water annually and increase the authorized diversion rate by 1.0 cfs from a diversion point to now be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21-T104N-R71W. The water is for rural water system use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7142-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 31, 2009.

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

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

SEP 24 2009

Aurora Brule Rural Water System
c/o Wade Blasius Manager
PO Box 140
Kimball SD 57355

Dear Mr. Blasius:

Enclosed is Water Permit No. 7142-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

Permit No. 7142-3 & 5909-3
Missouri River - Water District

Contact Person & Address: **Wade Blasius, PO Box 140, Kimball SD 57355**

Report Of Examination Of Works

On, **March 12, 2015**, I made a thorough examination of the water use system constructed by **Aurora-Brule RWS** holder of License No. **5909-3**, bearing the priority of **December 17, 1979** authorizing the diversion of **2.33** cu. ft. per second with an annual volume of **1000** acre-feet and Permit No. **7142-3**, bearing the priority of **May 21, 2009** authorizing the diversion of **1.0** cu. ft. per second with an annual volume of **621** acre-feet of the waters of **surface water (Missouri River)** for **rural water** purposes, in **Brule, Aurora and Douglas** Counties.

The system is in the following condition **good**. The point of diversion is located **from the SW corner of Sec 21 T104N-R71W; 308 ft E and 1725 ft N** with latitude of **43.79787** and a longitude of **-99.35227** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **3.33** cu. ft. per second of water which is to be used for **rural water**. Water has been put to beneficial use to the maximum extent as follows: **A rural water distribution system in Aurora, Brule and Douglas Counties.**

and the license should be issued for **3.33** cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Pump: One

- 1) Make **Hasting** 2) Model **MA-209912-1** 3) Size **6 stage** 4) Capacity **1400** GPM

Motor:

- 1) Make **US Electrical** 2) Model No. **H44YPA** 3) Horsepower rating **200** hp

Pump: One

- 1) Make **Hasting** 2) Model **MA-209912-1** 3) Size **6 stage** 4) Capacity **1400** GPM

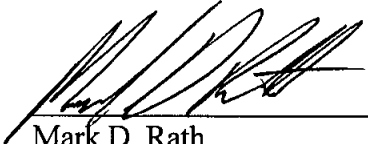
Motor:

- 1) Make **US Electrical** 2) Model No. **H44YPA** 3) Horsepower rating **200** hp

DISTRIBUTION LINES OR CANALS:

1) Type rural water distribution system

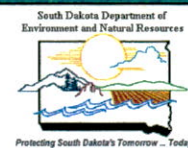
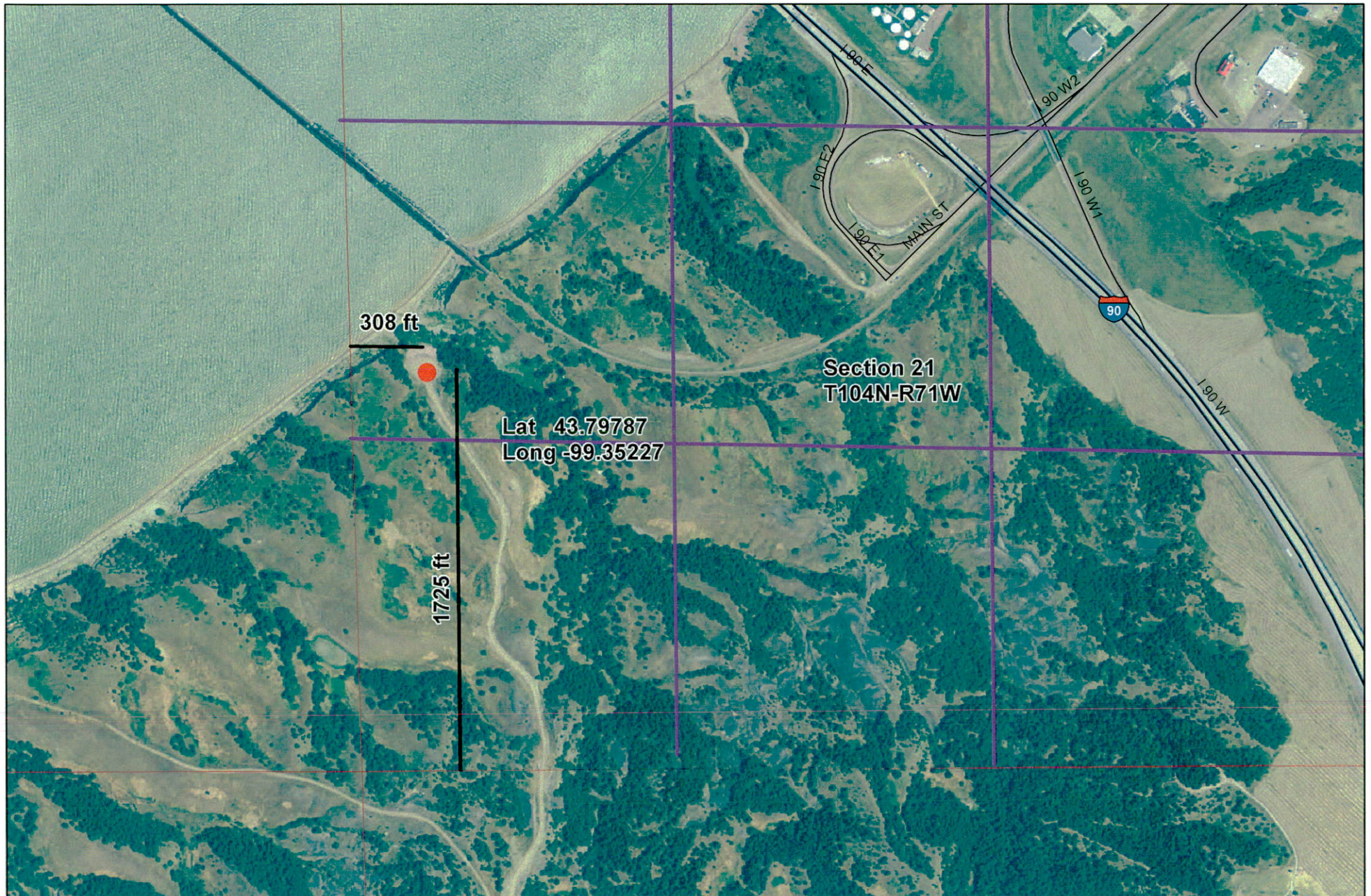
Comments : Although the system has two pumps with a combined capacity of 2800 gpm, the system is limited to the 1500 gpm capacity of the treatment filters.



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

3-17-15
Date

7142-3



Mark D Rath 3-16-15
Mark D Rath
Natural Resources Engineer



7142-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

APR 24 2015

5909-3
7142-3

Wade Blasius
Aurora-Brule Rural Water System
PO Box 140
Kimball SD 57355-0140

Dear Mr. Blasius:

Enclosed is Water License No. 7142-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

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

enclosures

Note: The applicable portions of Water Right No. 5909-3 were incorporated into Water License No. 7142-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7142-3**

(1) Aurora-Brule Rural Water System, PO Box 140, Kimball SD 57355 made Application No. 7142-3, May 21, 2009 for a water permit to divert 1.00 cubic feet of water per second (cfs), with an annual volume of 621 acre feet from the Missouri River, Brule County, South Dakota for rural water system purposes. Permit No. 7142-3, with a priority date of May 21, 2009 was approved August 31, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 31, 2014 and for the application to beneficial use of said water on or before August 31, 2018.

Water Right No. 5909-3 authorizes diversion of 2.33 cfs with an annual volume limitation of 1,000 acre feet. Water Permit No. 7142-3 was obtained to increase the diversion rate and annual volume of water authorized under Water Right No. 5909-3. The permit also served to change the point of diversion utilized under Water Right No. 5909-3.

The applicable portions of Water Right No. 5909-3 have been incorporated into this Water License No. 7142-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.33 cubic feet of water per second for beneficial use.

The location of the diversion point is 308 feet east and 1,725 feet north of the SW corner of Section 21, T104N, R71W (NW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use supplying water to distribution systems in Aurora, Brule and Douglas Counties in South Dakota.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Aurora-Brule Rural Water System, PO Box 140, Kimball SD 57355 the holder and/or owner of Incorporated Water Right No. 7142-3 is issued a license to appropriate water, the right to use 3.33 cubic feet of water per second (1,621 acre feet annually) from the Missouri River with priority dates of December 17, 1979 (2.33 cfs – 1,000 acre feet annually) and May 21, 2009 (1.00 cfs – 621 acre feet annually) from the location specified in (2) of this license for rural water system use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 7142-3 and subject to the following qualification:

- Aurora-Brule Rural Water System shall report to the chief Engineer annually the amount of water withdrawn from the Missouri River.


Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 24 2015

date

