

WATER PERMIT NO. 7274-3

Name of Applicant: TM Rural Water District

Address: PO Box 445, Parker SD 57053

Phone: 605 297-3334

Amount of Water Claimed: 287 acre-feet

Total Acres: NA

Source of Water Supply: 3 existing wells

Water to be used for: rural water system use

County: TU

Type of Waste Disposal System:

Location: near Dolton

PRIORITY

Date Received: 10-14-11

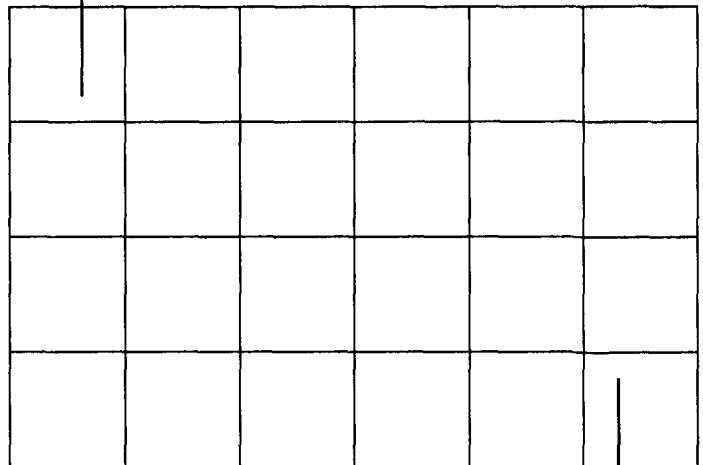
Application/License Fee: \$1,050

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Place to beneficial use water reserved by Future Use Permit No. 4979-3

Diversion Point: SE ¼ SE ¼, NW ¼ NE ¼ Sec 8-T100N-R55W and SW ¼ NW ¼ Sec 31-T101N-R54W



Land to be Irrigated:

Depth of Well:

Well Driller:

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 10-14-11

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	No. <u>7274-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>See list</u>

RECEIVED
OCT 14 2011
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. 4979-3
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant TM Rural Water District Phone 605-297-3334
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 445 (Address) Parker (City) SD (State) 57053 (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 Dolton Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner & McCook
Existing wells located as follows; Well #1 SE 1/4 SE 1/4 of Sec 8-T100N-R55W, Well #2 NW 1/4 NE 1/4 Sec 8-T100N-R55W, Well #3 SW 1/4 NW 1/4 Sec 31-T101N-R54W
- County or counties where water will be used Turner, McCook, Minnehaha, Miner, Hutchinson
- Annual period during which water is to be used All Year
- 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)
TM Rural Water District requires additional withdrawal from existing wells in the Dolton Aquifer in order to stay within permit limits.

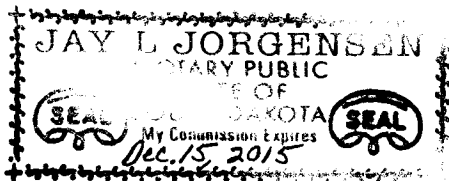
STATE OF SOUTH DAKOTA)
County of Turner) SS

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

Applicant's signature Thomas Krum

Subscribed and sworn to before me this 12th day of October 20 11



Jay L. Jorgensen
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7274-3**

Date of first receipt of application October 14, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7274-3 to TM Rural Water District, PO Box 445, Parker SD 57053 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. 7274-3 authorizes construction and placing to beneficial use an additional 287 acre-feet of water from three wells completed into the Dolton Aquifer. Water Right No. 4988-3 appropriates 816 acre feet of water at a rate of 3.34 cubic feet of water per second from three wells located in SE 1/4 SE 1/4, NW 1/4 NE 1/4 Section 8-T100N-R55W and SW 1/4 NW 1/4 Section 31-T101N-R54W. This permit increases the annual volume of water diverted from these existing wells by 287 acre feet without increasing the diversion rate. This additional water was appropriated and reserved by Future use Permit No. 4979-3.
2. The water appropriated shall be used for the purpose of rural water system use which serves users located in Turner, McCook, Minnehaha, Miner and Hutchinson Counties and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7274-3 is December 12, 2011.
5. The date from which applicant may claim right is September 28, 1983 (established by Future Use Permit No. 4979-3).
6. Water is to be put to beneficial use on or before December 12, 2020.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

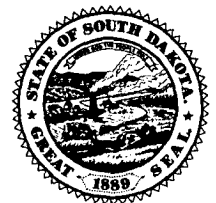
QUALIFICATIONS

1. The wells approved under Water Right No. 4988-3 and Water Permit No. 7274-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Right No. 4988-3 and Water Permit No. 7274-3 authorize a total annual diversion of 1,103 acre-feet of water from the Dolton Aquifer.
3. TM Rural Water District shall report to the Chief Engineer annually the amount of water withdrawn from the Dolton Aquifer.

WATER MANAGEMENT BOARD

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

JUN 20 2012
date



Turner Co. The New Era 297-4419
PO Box 579 (Thurs)
Parker 57053

McCook Co. Salem Special 425-2361
PO Box 220
Salem 57058 (Thurs)

Minnehaha Argus Leader 331-2200
PO Box 5034
SF 57117 (Wed)

Miner Co. Miner County Pioneer 772-5644
PO Box 220
Howard 57349 (Thurs)

Hutchinson Freeman Courier 925-7033
PO Box 950
Freeman 57029 (Wed)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/14, 20 11

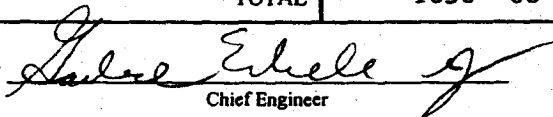
RECEIVED OF TM Rural Water PO Box 445 Parker SD 57053

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

Fee for Application for Permit No. <u>7274-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7274-3</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	1050 00

No. **05044**

By


Chief Engineer

RECEIVED

OCT 14 2011

WATER RIGHTS
PROGRAM

TM Rural Water District

Box 445, Parker, South Dakota 57053 • Phone (605) 297-3334 • Fax (605) 297-3310

October 12, 2011

PMB 2020 DENR Water Rights Program
523 East Capitol
Pierre, SD 57501-3182

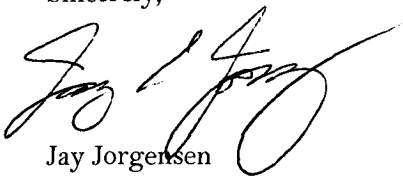
Mr. Gronlund,

TM Rural Water District, located in Parker, SD is submitting the attached water permit application along with the applicable fees in order to have the permission to legally withdraw more water from the Dolton aquifer. After speaking with you on the phone regarding this application you informed me to submit a cover letter explaining how and why TM needs this additional water.

TM Rural Water District currently utilizes two aquifers in our area which are the Dolton and the UVM. In 2010 TM utilized over 99% of the water permitted under permit # 4988-3 to feed rural, municipal and special bulk customers located in our District. At this time TM has not exceeded our permitted withdrawal for 2011 but we are concerned that we could exceed our permit level toward the end of December of this year. TM's initial plan was to submit the application at the same time the Future Use permits were recently renewed but we were advised by your office to wait until after they had been renewed before submitting an application. TM has therefore submitted an application to place to beneficial use water reserved by Future Use Permit # 4979-3 for an additional 287 AF of water each year.

TM will utilize existing wells in the Dolton aquifer to withdraw the additional water at this time if the permit is granted. No new well construction is needed at this time.

Sincerely,



Jay Jorgensen
Manager

TM Rural Water District

Ph: 605-297-3334

Email: Jay.Jorgensen@tmruralwater.com



**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. 7274-3, TM Rural Water District**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7274-3, TM Rural Water District, c/o Jay Jorgensen, PO Box 445, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 7274-3 because 1) existing rights will not be unlawfully impaired, 2) the proposed use is a beneficial use, and 3) it is in the public interest with the following qualifications:

1. The wells approved under this Water Right No. 4988-3 and Water Permit No. 7274-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Right No. 4988-3 and Water Permit No. 7274-3 authorize a total annual diversion of 1,103 acre feet of water from the Dolton Aquifer.
3. TM Rural Water District shall report to the Chief Engineer annually the amount of water withdrawn from the Dolton Aquifer.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 10, 2011

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7274-3
TM RURAL WATER DISTRICT

Water Permit Application No. 7274-3 proposes to place to beneficial use 287 acre-feet of water per year that has been appropriated and reserved by Future Use Permit No. 4979-3. This application proposes to increase the annual volume of water diverted from three existing wells authorized by Water Right No. 4988-3 without increasing the diversion rate authorized for the wells. Water Right No. 4988-3 appropriates 816 acre-feet of water annually at a rate of 3.34 cubic feet of water per second from three wells located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T100N-R55W and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T101N-R54W. The water will be used to supply the rural water district which serves users located in Turner, McCook, Minnehaha, Miner and Hutchinson Counties.

If Application No. 7274-3 is approved the maximum volume of water that can be withdrawn annually from the three wells identified above will increase from 816 ac-ft/yr to 1,103 ac-ft/yr. Since this application does not propose an increase to the maximum diversion rate authorized from the wells, approval of this application will result in an increased duration of pumping from the wells from 33.75% of full time pumping to 45.62% of full time pumping.

Future Use Permit No. 4979-3 was originally approved November 30, 1983 to reserve 4.0 cubic feet of water per second (cfs) from an aquifer later named the Dolton aquifer, for use by the rural water system. Water Permit No. 4988-3 placed 3.34 cfs of the water reserved by the future use permit to beneficial use leaving 0.66 cfs remaining reserved. The future use permit is subject to review by the Water Management Board every seven years to determine if a reasonable need exists for retaining the permit. The seven year review that was to take place in 1990 was delayed while the District investigated alternative water supplies. When the future use permit was reviewed in 2004 and the Water Management Board defined the amount of water remaining reserved by Future Use Permit No. 4979-3 to be 287 ac-ft/yr. If Water Permit Application No. 7274-3 is approved, there will not be any water remaining reserved by Future Use Permit No. 4979-3.

SDCL 46-5-38.1 requires that: "prior to the time that the holder of a future use permit initiates construction of the works and puts water to beneficial use, he shall file an application for a water permit pursuant to the procedure contained in chapter 46-2A." Pursuant to SDCL 46-2A-9: "A permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest."

Since the water that is to be placed to beneficial use has been appropriated through a future use permit, the criteria for approval required by SDCL 46-2A-9 have previously been addressed with approval of the future use permit, except for the consideration of the impact to existing rights, including domestic use wells.

Existing Water Rights and Domestic Users:

The only Water Rights/Permits appropriating water from the Dolton aquifer belong to TM Rural Water District. They include Future Use Permit Nos. 4979-3 and 5072-3 and Water Right No. 4988-3. The DENR-Water Rights Program has record of at least 17 domestic use wells completed into the Dolton aquifer. The nearest domestic use well appears to be approximately 2,000 feet east-northeast of TM's "Well No.1".

To consider the potential impact this increased appropriation may have to existing users, the Jacob Straight-Line method was used to show the difference in the amount of drawdown between the current withdrawal rate and the proposed withdrawal rate at different distances. The average transmissivity and specific capacity reported for the Dolton aquifer (i.e. 46,672 gallons per day per foot and 19 gallons per minute per foot of drawdown, respectively) (Holly and others, 1993) were used and for simplification, it was assumed that all of the withdrawals from this appropriation can be combined to a single point. This simplification probably over predicts the maximum anticipated drawdown near the pumping site and underestimates the total extent of the drawdown. The increased volume of water this application proposes to withdraw is equivalent to increasing the average diversion rate from the wells from 505.8 gpm to 683 gpm. Figure 1 shows that by increasing the average pumping rate from a well in the Dolton aquifer from 505.8 to 683 gpm, the increased drawdown 2,000 feet from the production well would around 2.5 feet. Two and one-half feet of drawdown is not expected to result in an adverse impact to an adequate domestic well.

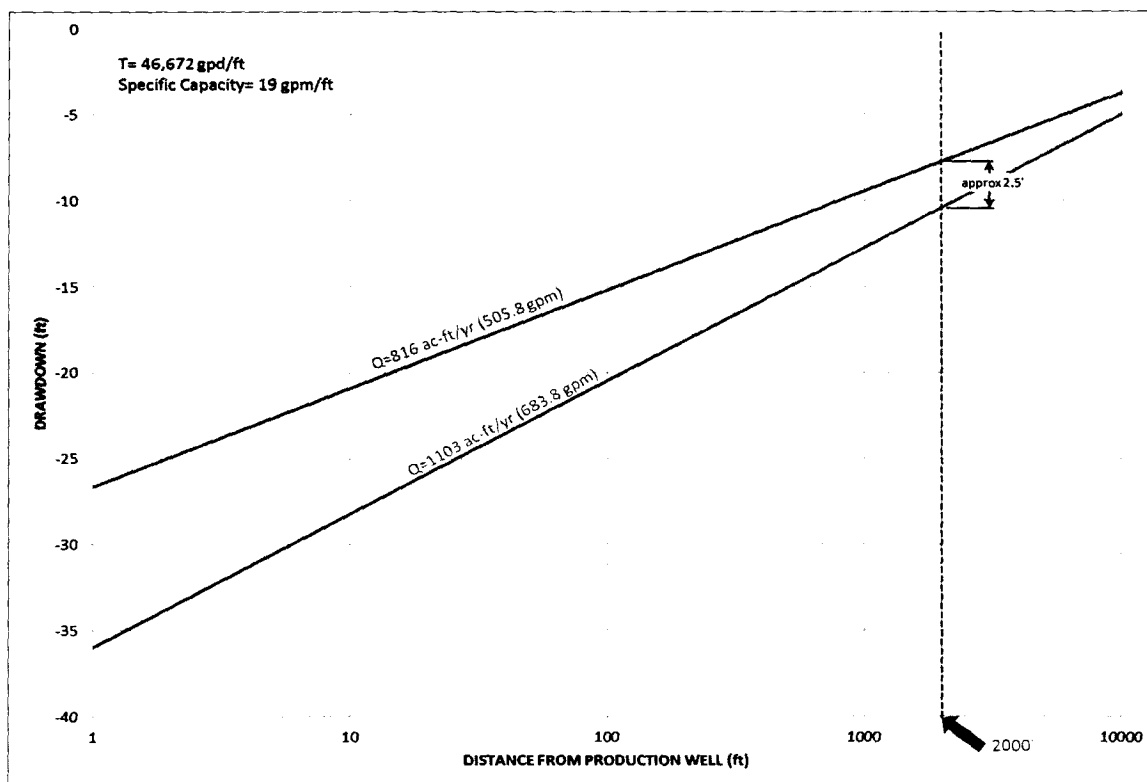


Figure 1. Distance –drawdown diagram comparing the existing average withdrawal rate and proposed average withdrawal rate proposed by this application.

Future Use Permit No. 4979-3

Future Use Permit No. 4979-3 was conditioned with the following qualification: "This permit is approved for groundwater less than 155 feet deep [emphasis added]." Based on the Report of Examination of Works and/or Application of Water to Beneficial use for Water Right No. 4988-3 (Goodman, 1999) the three wells that supply Water Right No. 4988-3 are 156, 172 and 175 feet deep respectively. Water Permit Application No. 7274-3 proposes to use the same wells as authorized by Water Right No. 4988-3.

A rationale for the Chief Engineer's recommendation and the subsequent permit qualification that limits the future use to groundwater less than 155 feet deep is not evident from a review of the future use permit (Water Rights, 2011). However, the public notice for Water Right No. 4988-3 (published less than three months after the future use permit's publication) specifically appropriates water that was "reserved by Future Use Permit No. 4979-3 from four wells approximately 159 feet deep".

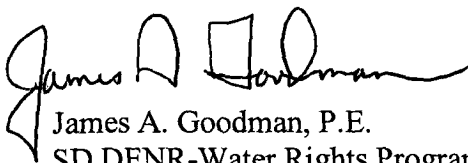
Conclusions:

1. Permit Application No. 7274-3 proposes to place to beneficial use water that has been reserved and appropriated by Future Use Permit No. 4979-3.
2. Approval of this application will not increase the appropriation from the Dolton aquifer.
3. If Application No. 7274-3 is approved the amount of water TM Rural Water District will be authorized to withdraw from the Dolton aquifer will increase from 816 ac-ft/yr to 1,103 ac-ft/yr.
4. Permit Application No. 7274-3 proposes to use existing wells and divert at the current permitted diversion rate.
5. Approval of Application No. 7274-3 will increase the duration of pumping from the existing wells.
6. Future Use Permit No. 4979-3 is conditioned to include only "groundwater less than 155 feet deep".



Ken Buhler
SD DENR-Water Rights Program

Approved by



James A. Goodman, P.E.
SD DENR-Water Rights Program

REFERENCES:

Goodman, J.A., 1999, Report of Examination of Works and/or Application of Water to Beneficial Use: Permit No. 4988-3, SD DENR-Water Rights Program

Holly, D.E., Iles, D.L, and Barari, A., 1993, Ground-Water Study for the TM Rural Water District in the Vicinities of Dolton and Parker, South Dakota: SD DENR-Division of Geological Survey Open-File Report 65-UR,112 p.

Water Rights, 2011a, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2011b, Water Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Affidavit of Publication

STATE OF SOUTH DAKOTA }

COUNTY OF TURNER }

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:

#5254 Notice of Application No. 7274-3 Develop
Reserved Water
printed copy of hereto attached, is printed and published in the said newspaper for two successive weeks, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 24th day of Nov., 2011

On Thursday, the 1st day of Dec., 2011

On Thursday, the day of , 2011

On Thursday, the day of , 2011

On Thursday, the day of , 2011

That \$77.35 being the full amount of the fees for publication of the attached notices 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 8th

Subscribed and sworn to before me this

Day of

December 2011

Paul R. Harms

Notary Public, Turner County, South Dakota

Publication Fee....\$

Notary Fees.....\$

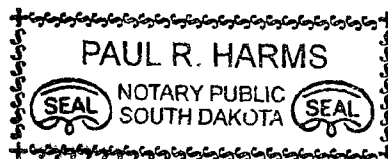
Total.....\$77.35

Received Payment Date

My Commission

Expires:

February 10, 2012



**NOTICE OF APPLICATION
NO. 7274-3 Develop
Reserved Water**

Notice is given that TM Rural Water District, c/o Jay Jorgensen, PO Box 445, Parker SD 57053 has filed an application to construct and place to beneficial use an additional 287 acre-feet of water from three wells completed into the Dolton Aquifer. Water Rights No. 4988-3 appropriates 816 acre feet of water at a rate of 3.34 cubic feet of water per second from three wells located in SE ¼ SE ¼, NW ¼ NE ¼ Section 8-T100N-R55W and SW ¼ NW ¼ Section 31-T101N-R54W. TM Rural Water District's intent is to increase the annual volume of water diverted from these existing well by 287 acre-feet without increasing the diversion rate from the three wells. This additional water was appropriated and reserved by Future use Permit No. 4979-3. The water will be used to supply the rural water district, which serves users located in Turner, McCook, Minnehaha, Miner and Hutchinson Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7274-3 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 Dec. 12, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the peti-

tioner'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 \$77.35 (#5254, 11/24/11, 12/01/11, The New Era)

Public Notice

RECEIVED

DEC - 7 2011

WATER RIGHTS
PROGRAM

Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCOOK)

NOTICE OF APPLICATION

NO. 7274-3 Develop Reserved Water

Notice is given that TM Rural Water District, c/o Jay Jorgensen, PO Box 445, Parker SD 57053 has filed an application to construct and place to beneficial use an additional 287 acre-feet of water from three wells completed into the Dolton Aquifer. Water Right No. 4988-3 appropriates 816 acre feet of water at a rate of 3.34 cubic feet of water per second from three wells located in SE 1/4 SE 1/4, NW 1/4 NE 1/4 Section 8-T100N-R55W and SW 1/4 NW 1/4 Section 31-T101N-R54W. TM Rural Water District's intent is to increase the annual volume of water diverted from these existing well by 287 ~~acre feet without increasing the diversion~~ rate from the three wells. This additional water was appropriated and reserved by Future use Permit No. 4979-3. The water will be used to supply the rural water district which serves users located in Turner, McCook, Minnehaha, Miner and Hutchinson Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7274-3 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 December 12, 2011.

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 \$50.75.

TROY SCHWANS of said County and State, being first duly sworn on his oath, says THE SALEM SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of McCook for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed.....

Appropriation Legal Notice

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

The first publication being made on.....

November 24, 2011

the second publication on.....

December 1, 2011

the third publication on.....,20

the fourth publication on.....,20

the fifth publication on.....,20

the sixth publication on.....,20

and the last publication on.....,20

that \$ *5075* being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Troy Schwans
Subscribed and sworn to before me this *2nd*

day of *December*.....,20 *11*

Tamara E. Paulsen

Notary Public,..... *McCook*..... County

My commission expires..... *08-09-14*

CUSTOMER NUMBER:	078111	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349
INVOICE NUMBER:	1361969	
RUN DATES:	11/23, 11/30, 2011	
		AMOUNT DUE: \$124.66

RECEIVED
DEC - 1 2011
WATER RIGHTS PROGRAM

T M RURAL WATER
 Attn: Jay Jorgenson
 110 North Main
 Parker, SD 57053

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

Water Permit -7274-3

AFFIDAVIT OF PUBLICATION-

Customer Number: 078111
 Invoice Number: 1361969

T M RURAL WATER

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

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

Wednesday .the 23 day of November 2011 .

Wednesday .the 30 day of November 2011 .

_____.the ____ day of _____ 2011 .

_____.the ____ day of _____ 2011 .

_____.the ____ day of _____ 2011 .

_____.the ____ day of _____ 2011 .

_____.the ____ day of _____ 2011 .

and that \$124.66 was charged for publishing the same

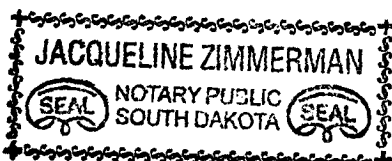
Linda Schulte

Subscribed and sworn to before me 11/30/2011 .

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF APPLICATION
NO. 7274-3 Develop
Reserved Water

Notice is given that TM Rural Water District, c/o Jay Jorgenson, PO Box 445, Parker SD 57053 has filed an application to construct and place to beneficial use an additional 287 acre-feet of water from three wells completed into the Dolton Aquifer. Water Right No. 4988-3 appropriates 816 acre feet of water at a rate of 3.34 cubic feet of water per second from three wells located in SE 1/4 SE 1/4, NW 1/4 NE 1/4 Section 8-T100N-R55W and SW 1/4 NW 1/4 Section 31-T101N-R54W. TM Rural Water District's intent is to increase the annual volume of water diverted from these existing well by 287 acre feet without increasing the diversion rate from the three wells. This additional water was appropriated and reserved by Future use Permit No. 4979-3. The water will be used to supply the rural water district which serves users located in Turner, McCook, Minnehaha, Miner and Hutchinson Counties.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7274-3 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 December 12, 2011.

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 at the total approximate cost of \$124.66.
 1361969 Nov. 23 & 30, 2011

NOTICE OF APPLICATION NO.

7274-3 Develop Reserved Water

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Published twice at the total approximate cost of \$44.30.

RECEIVED

DEC - 1 2011

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

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

Notice of Application No 7274-3
Develop Reserved Water

A printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for 2 successive weeks, the first publication being made on the 24th day of Nov. 2011...

And the last publication on the 1st day of Dec. 2011...

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

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

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

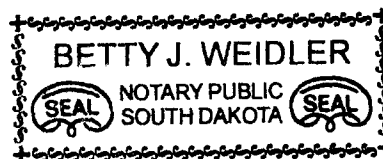
The fourth publication being made on the day of 20.....

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

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in on office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$ 44.30 and insures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

CB
Subscribed and sworn to me this 1st day of Dec. 2011....
Betty J. Weidler

My commission expires the 24th day of April 2016..



RECEIVED

NOV 30 2011

AFFIDAVIT OF PUBLICATION

WATER RIGHTS
PROGRAM

County of Hutchinson)

) ss.

State of South Dakota)

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

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

The first publication on:

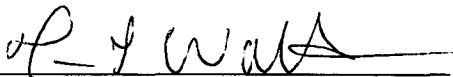
November 23, 2011

the second publication on:

November 30, 2011

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$51.55** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$51.55** is the rate for publishing legal notices.



Subscribed and sworn to before me this 30th day of November 2011.



Notary Public

Commission expires: 10/9/12

Publication fee: **\$51.55**

Notary fee:

Total: **\$51.55**

NOTICE OF APPLICATION NO. 7274-3

Develop Reserved Water

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Published twice at the total
approximate cost of \$51.55

2-34



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 14, 2011

The New Era
PO Box 579
Parker SD 57053

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7274-3 to Appropriate Water to be published twice. Please publish the first notice on November 23, 2011 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 TM Rural Water District, c/o Jay Jorgensen, PO Box 445, Parker SD 57053 (Ph # 605-297-3334).

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. 7274-3

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

Date _____

We are in receipt of your letter of November 14, 2011 enclosing Notice to Appropriate Water by Application No. 7274-3 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

November 14, 2011

Salem Special
PO Box 220
Salem SD 57058

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 14, 2011

Argus Leader
PO Box 5034
Sioux Falls SD 57117

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Natural Resources Engineer
605 773-3352

enclosures

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Joe Foss Building
Pierre SD 57501-3181

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 14, 2011

Miner County Pioneer
PO Box 220
Howard SD 57349

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 7274-3

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Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of November 14, 2011 enclosing Notice to Appropriate Water by Application No. 7274-3 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

November 14, 2011

Freeman Courier
PO Box 950
Freeman SD 57029

ATTENTION: Legal Public Notice

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

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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.

November 15, 2011

TM Rural Water District
Jay Jorgensen
PO Box 445
Parker SD 57053

Dear Mr. Jorgensen:

Water Permit Application No. 7274-3 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 papers:

The New Era Parker SD Ph: 605-297-4419
Salem Special Salem SD Ph: 605-425-2361
Argus Leader Sioux Falls SD Ph: 605-331-2200
Miner Co. Pioneer Howard SD Ph: 605-772-5644
Freeman Courier Freeman SD Ph: 605-925-7033

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

Be sure to contact the above newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspaper has 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 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 November 23, 2011 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. 7274-3 Develop Reserved Water

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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
denr.sd.gov

JUN 20 2012

TM Rural Water District
PO Box 455
Parker SD 57053

Dear Sir:

Enclosed is Water Permit No. 7274-3 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

RECEIVED**JUN 27 2012****WATER RIGHTS
PROGRAM****NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date June 25, 2012TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

TH Rural Water District (Jay Jensen Manager)
(name)PO Box 445

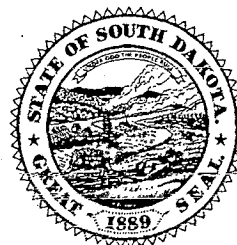
(address)

Parker, SD 57053
(city, state, zip)605-297-3834
(phone)

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

Water Permit No. 7274-3 states that the water use system is to be constructed byExisting Infrastructure, and water is to be put to beneficial use by Dec 12, 2020
(date) (date)The water use system was completed on Existing Infrastructure
(date)Applying the water to beneficial use was completed on Dec 12, 2011
(date)

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

Jay Jensen
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

June 28, 2012

7274-3

Jay Jorgensen, Manager
TM Rural Water District
PO Box 445
Parker SD 57053

Dear Mr. Jorgensen:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the water use system authorized under Water Permit No. 7274-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

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