

WATER PERMIT NO. 8754-3

Name of Applicant: **Lewis & Clark Regional Water System**

Address: **46986 Monty Street, Tea SD 57064** Phone: **605-368-2400**

Amount of Water Claimed: **19,121 AF** Total Acres:

Source of Water Supply: **Missouri: Elk Point Aquifer**

Water to be used for: **Rural Water System** County: **Clay, Lake, Lincoln, McCook, Minnehaha, Turner, Union**

Type of Waste Disposal System:

Location: **Approx. 3 miles southwest of Vermillion SD**

PRIORITY Date Received: **4-12-2023**

Application/License Fee: **\$1,655.00**

Corrected Application Received: **4-12-2023**

Period of Annual Use: **Jan 1 – Dec 31**

Remarks: **Future use**

Diversion Point: **S 1/2 Sec 15, Sec 22 -T32N-R4E**

Nebraska Survey

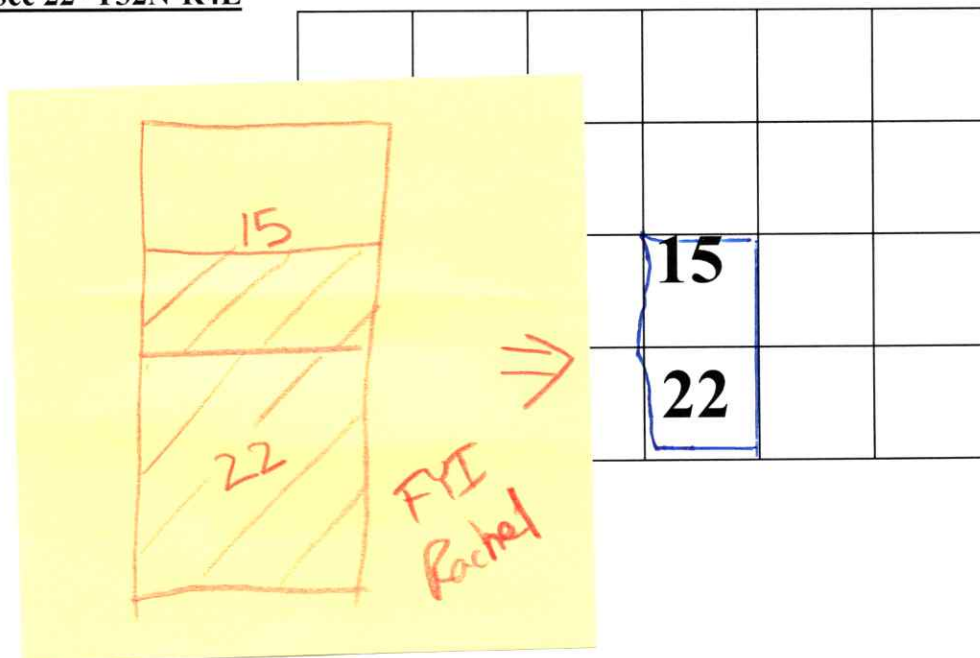
Land to be Irrigated:

Depth of Well: **H0**

Well Driller:

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **4-17-2023**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
FUTURE USE WATER PERMIT NO. 8754-3**

Date of first receipt of application April 12, 2023.

Date of return to applicant for corrections, amendments or changes April 12, 2023.

Date of receipt of corrected application April 17, 2023.

The Water Management Board approved Future Use Permit No. 8754-3 on May 8, 2024, for Lewis and Clark Regional Water System, 1800 Monty Street, Tea SD 57064, subject to the following limitations, conditions, and qualifications:

1. Future Use Permit No. 8754-3 reserves for future use 19,121 acre-feet of water annually from the Missouri Elk Point Aquifer. The area to be reserved for future use is S 1/2 Section 15, Section 22; all in T32N-R4E, Nebraska Survey. The water is reserved for future water supplies for a rural water system. This permit does not authorize construction of works or application of water to beneficial use. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; and Rock and Nobles Counties in Minnesota. This future use area is located approximately 3 miles southwest of Vermillion SD.
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 date from which applicant may claim right is April 12, 2023.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Future Use Permit No. 8754-3 reserves 19,121 acre-feet of water annually from the Missouri: Elk Point Aquifer.
2. Future Use Permit No. 8754-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

By: *Eric Gronlund*
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAY 17 2024
date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8754-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri</u>
	Newspaper <u>see list</u>

RECEIVED

APR 12 2023

OFFICE OF
WATER

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ 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. _____		
☐ Amendment/Correction to Permit No. _____		

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

1. Name to Appear on Water Permit Lewis & Clark Regional Water System

Mailing Address 1800 46988 Monty Street Tea SD 57064

(Address) (City) (State) (Zip Code)

Phone 605.368.2400 Mobile _____ Email _____

2. Amount of water claimed 100.24 *CFS or 19,121 **GPM and 19,121 ***AF or _____ Gallons

Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Missouri: Elk Point Aquifer

4. Location of point of diversion Future Use Area: See Attachment S 1/2 Sec 15 Sec 22 T32N-R4E County Clay Nebraska Survey

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Turner, Lincoln, Minnehaha, Union, Lake, McCook. also sec. #7

6. Annual period during which water is to be used January 1 - December 31

7. 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)

Water will be reserved to meet the ultimate build out of the 60 MGD base system (a total of 72,563 acre-feet/year including system minor losses) of the Lewis & Clark Regional Water System that serves twenty public water systems in South Dakota (counties of Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake), Iowa (counties of Lyon, Sioux, O'Brien, and Osceola), and Minnesota (counties of Rock and Nobles).

I, Troy Larson Executive Director, L&C RWS, the applicant, certify under

Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

For either Existing or Proposed Wells: [Please refer to the attached information.](#)

c) Well Depth (required) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ 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 (e.g. 3 to 1 is a typical slope)

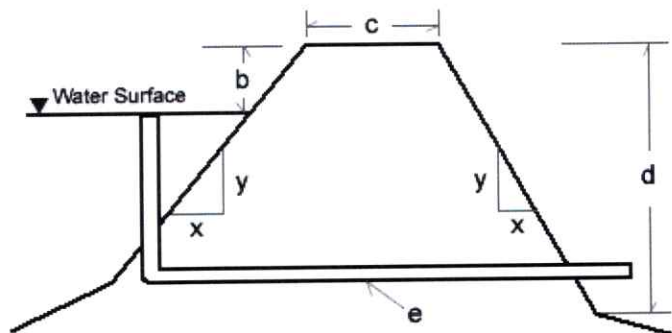
Upstream ____

Downstream ____

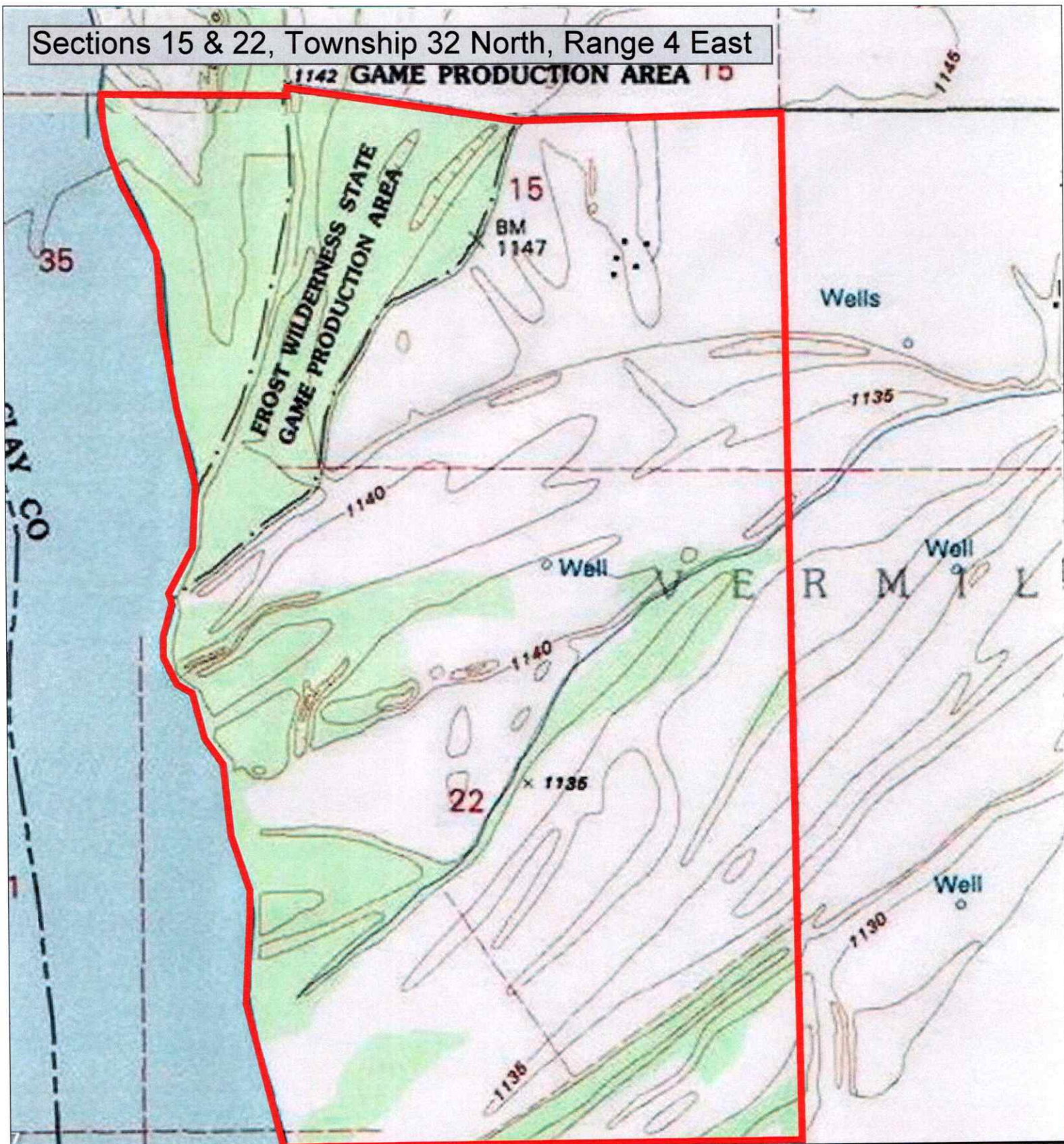
h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



Sections 15 & 22, Township 32 North, Range 4 East

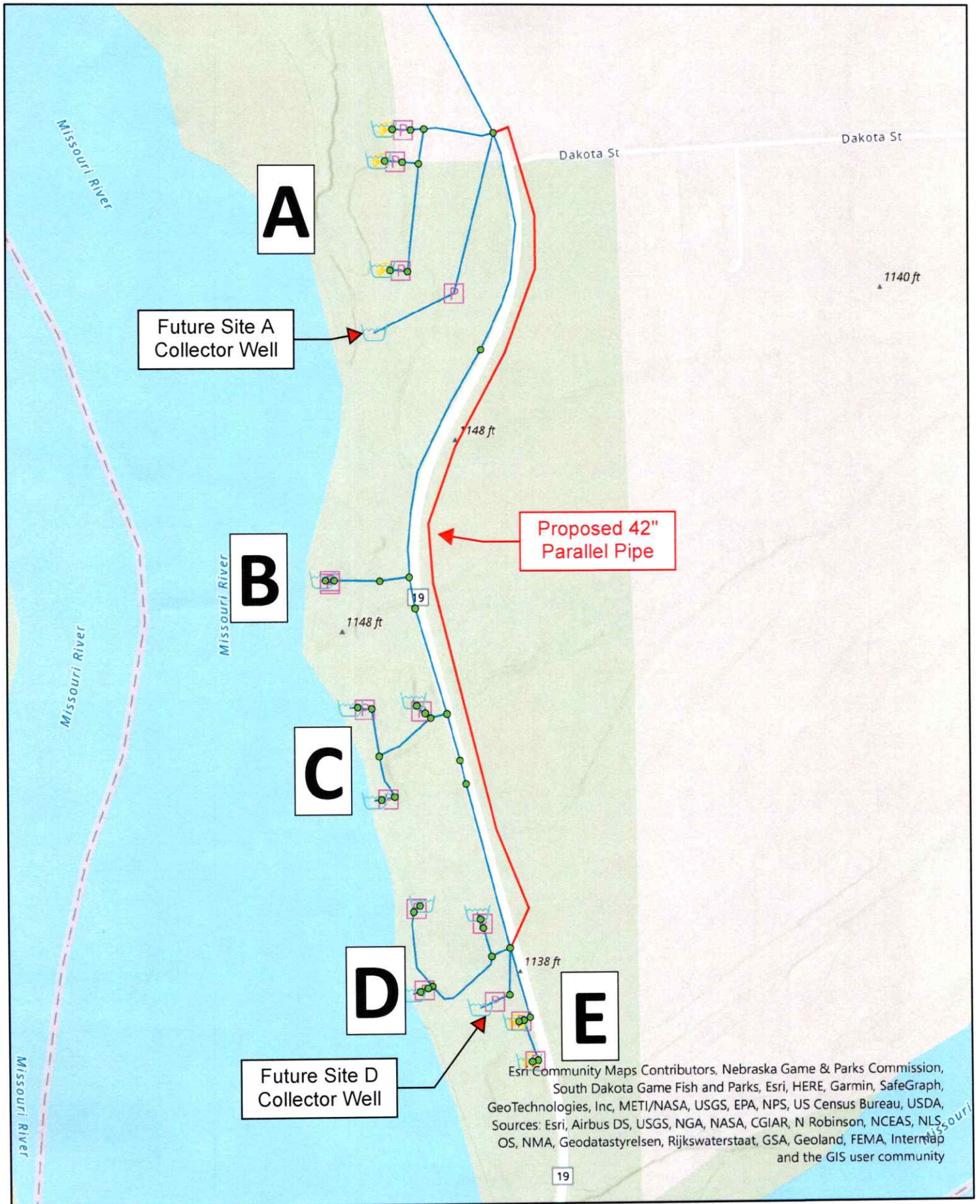


Lewis & Clark Regional Water System

Future Use Area
Clay County, South Dakota

Esri, NASA, NGA, USGS, Nebraska Game & Parks Commission,
South Dakota Game Fish and Parks, Esri Canada, Esri, HERE,
Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS

Figure 1: Lewis & Clark Mulberry Point Well System



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 17, 2023

RECEIVED OF Lewis & Clark RWS/Troy Larson 46986 Monty St., Tea SD 57064

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

Fee for Application for Permit No. <u>8754-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1655.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>1655.00</u>

By Eric Gronlund
Chief Engineer
ERG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 22, 2024

NOTICE OF HEARING

TO: Troy Larson, Executive Director
Lewis and Clark Regional Water System
46986 Monty Street
Tea SD 57064

Jennifer L. Verleger, Assistant Attorney General
Legal Counsel for Chief Engineer
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

FROM: Ron Duvall, Engineer III
SD DANR, Water Rights Program

SUBJECT: Notice of Hearing on Future Use Water Permit Application No. 8754-3, Lewis and Clark Regional Water System

The South Dakota Legislature approved Senate Joint Resolution 502 providing legislative approval of the Future Use Water Permit Application No. 8754-3 filed by the Lewis and Clark Regional Water System. The approved resolution was filed with the South Dakota Secretary of State on February 2, 2024 (see enclosure). Pursuant to South Dakota Codified Law (SDCL) 46-5-20.1, Application No. 8754-3 is now eligible for final consideration by the Water Management Board. Approval of the application by the Legislature does not mandate approval by the Water Management Board.

The Water Management Board will conduct a hearing to consider Application No. 8754-3 at 9:45 AM **(Central Time)**, on Wednesday, May 8, 2024, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda. Remote connection information will be made available on the Water Management Board webpage at <https://boardsandcommissions.sd.gov/>.

Pursuant to SDCL 46-2-9, 46-2-11, 46-2A-23, and 46-5-20.1, the Board has legal authority and jurisdiction to conduct this hearing. As a legal entity, Lewis and Clark Regional Water System is required to be represented by legal counsel in this administrative proceeding. Applicable provisions of the public notice published in the Argus Leader, The Special, Madison Daily Leader, Lennox Independent, New Era, and Leader-Courier on June 8, 2023, and Vermillion Plain Talk on June 9, 2023, still apply. Lewis and Clark Regional Water System may request an automatic delay of the hearing which will delay the hearing date by at least 20 days. The deadline for the request for an automatic delay is April 2, 2024.

Questions regarding the hearing process may be directed to Ron Duvall, Water Rights Program at (605) 773-3352 or ron.duvall@state.sd.us.

Enclosure

c: David McVey, Assistant Attorney General, Legal Counsel for Water Management Board

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated March 22, 2024, scheduling Future Use Water Permit Application No. 8754-3, Lewis and Clark Regional Water System, for hearing and Senate Joint Resolution 502 was served upon the following by enclosing the same in envelopes with first class postage prepaid, and depositing said envelopes in the United States mail on March 22, 2024.

Troy Larson, Executive Director
Lewis and Clark Regional Water System
46986 Monty Street
Tea SD 57064

Above also Sent Inter-office to:

Jennifer L. Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



Ron Duvall
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this _____ day of March, 2024.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





2024 South Dakota Legislature
Senate Joint Resolution 502
ENROLLED

AN ACT

A JOINT RESOLUTION, Providing legislative approval for a future use water permit application by the Lewis and Clark Regional Water System.

Section 1. WHEREAS, pursuant to § 46-5-20.1, any application for an appropriation of water, in excess of ten thousand acre-feet annually, must be presented by the Water Management Board to the Legislature for approval, prior to action by the board; and

Section 2. WHEREAS, pursuant to § 46-5-20.1, the Lewis and Clark Regional Water System submitted a future use water permit application numbered 8754-3 to the chief engineer of the water rights program within the Department of Agriculture and Natural Resources, seeking to have annually appropriated and reserved nineteen thousand one hundred and twenty-one acre-feet of unappropriated water from the Missouri: Elk Point Aquifer for the purpose of providing future water supplies to the Lewis and Clark Regional Water System, which is located in the South Dakota counties of Clay, Lake, Lincoln, McCook, Minnehaha, Turner, and Union; in the Iowa counties of Lyon, O'Brien, Osceola, and Sioux; and in the Minnesota counties of Nobles and Rock; and

Section 3. WHEREAS, the chief engineer, pursuant to § 46-2A-2, considered the permit application and recommended approval, with qualifications, because there is a reasonable probability that unappropriated water is available for the proposed use, the quantity of water sought to be reserved will be needed by the Lewis and Clark Regional Water System, the proposed use is a beneficial use, and the proposed use is in the public interest; and

Section 4. WHEREAS, after a public hearing held on July 12, 2023, in Pierre, South Dakota, the Water Management Board moved to present the application to the Legislature with a recommendation of approval, subject to the following qualifications:

- (1) That Future Use Water Permit No. 8754-3 annually reserve nineteen thousand one hundred twenty-one acre-feet from the Missouri: Elk Point Aquifer;

CT

- (2) That Future Use Water Permit No. 8754-3 is approved with the stipulation that it is subject to review, every seven years, by the Water Management Board and subject to cancellation if the board determines, during a seven-year review, that the Lewis and Clark Regional Water System cannot demonstrate a reasonable need for the permit; and
- (3) That at the time plans are made to construct the works and put the water reserved by Future Use Water Permit No. 8754-3 to beneficial use, an application for all or part of the reserved water must be submitted to the Water Management Board, pursuant to § 46-5-38.1:

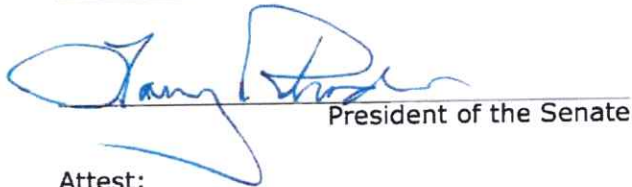
Section 5. NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the Lewis and Clark Regional Water System's Future Use Water Permit No. 8754-3 is approved and returned to the Water Management Board for final action.

A JOINT RESOLUTION, Providing legislative approval for a future use water permit application by the Lewis and Clark Regional Water System.

I certify that the attached Resolution originated in the:

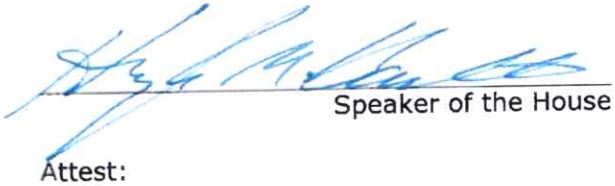
Senate as Joint Resolution No. 502


Secretary of the Senate


President of the Senate

Attest:


Secretary of the Senate


Speaker of the House

Attest:

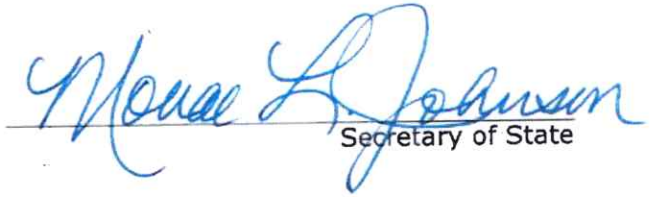

Chief Clerk

STATE OF SOUTH DAKOTA,

SS.

Office of the Secretary of State

at 9:00 Filed February 2, 2024
o'clock A M.


Secretary of State

By _____
Asst. Secretary of State

Senate Joint Resolution No. 502
File No. _____
Chapter No. 5

Andy

From: Troy Larson <tlarson@lcrws.org>

Sent: Monday, June 19, 2023 3:13 PM

To: Adam Jans <ajans@parkersd.org>; Brad Preheim <bpreh@iw.net>; Heidi Kramer <heidik@cityofhull.org>; Jerry Lonneman <jolly42@frontiernet.net>; Jerry Lonneman (2) <jerry.lonneman@gmail.com>; Jim Hoyer <jhoyer@rockrapids.net>; Larry Pedley <c44dash8@yahoo.com>; Murray Hulstein <murrayh@siouxcenter.org>; Nate Vander Plaats <nvp@cityoflennoxsd.com>; Nolan Meyer <nolan.meyer@harrisburgsd.gov>; Pat Baustian <pbastian@cityofluverne.org>; Ralph Hammer <rhammer1@svtv.com>; Robin Dykstra <rdykstra@lincolncoruralwater.com>; Ryan Hegg <ryan.hegg@cityofmadisonsd.com>; Ryan Holtz <ryan.holtz@co.rock.mn.us>; Ryan Johnson <rjohnson@siouxfalls.org>; Scott Buss <mcwc@siouxvalley.net>; Scott Hain <shain@worthingtonutilities.com>; Sid Munson <sjmunson50@gmail.com> <sjmunson50@gmail.com>; Todd Uhl <tuhl@cityofsheldon.com>; Tom Erickson <ericksont211@yahoo.com>

Cc: Adam Fedders <adamf@siouxcenter.org>; Andrew Krege <akrege@lincolncoruralwater.com>; Andrew Pietrus <andrew.pietrus@harrisburgsd.gov>; Brent Kleinwolternick <brentk@cityofhull.org>; Chad Comes <ccomes@siouxfalls.org>; Chris Myers <cmyers2@siouxfalls.org>; Clinton Koehn <ckoehn@lcrws.org>; Cory Dykstra <sibleywater@premieronline.net>; Dan Zulkosky <dzulkosky@teasd.org>; Dustin Preheim <dustin.preheim@harrisburgsd.gov>; Eric Roos <eroos@worthingtonutilities.com>; Gene Metzger <gdmetzger@premieronline.net> <gdmetzger@premieronline.net>; Jason Overby <lprw@itctel.com>; Jerry Zeimetz <jerry@bmtc.net> <jerry@bmtc.net>; Jill Wolf <jwolf@cityofluverne.org>; Jim Auen <jauen@lcrws.org>; Joe Pick <joseph.pick@co.rock.mn.us>; Kevin Aaker <kevinaaker.lbs@gmail.com>; Kristin Bisgard <kristinb@bannerassociates.com>; Kristin Hazen <cvillecity@hcinet.net>; Lloyd Poppens <lloyddepoppens@gmail.com> <lloyddepoppens@gmail.com>; Lori Seten <lseten@lcrws.org>; Mike Duchscher <mduchscher@lcrws.org>; Nick Borns <nborns@siouxfalls.org>; Ryan Allen <mcwcoperations@outlook.com>; Sam Kooiker <sam@cityofsheldon.com>; Scott Wynja <scottw@siouxcenter.org>; Susan Sembach <sibleyclerk@premieronline.net>; Tim Conner <timc@bannerassociates.com>; Todd Giffin <tgiffin@lcrws.org>; Tom Rausch <tom@slrws.com> <tom@slrws.com>; Alicia Waters <awaters@usbr.gov>; Dworshak, Kyle L <kdworshak@usbr.gov>; Danielle (Dani) Fettig <dfettig@usbr.gov>; Durrant, James L <JDurrant@usbr.gov>; Nafts, Lindsey R <LNafts@usbr.gov>; Fink, Jerry L <jfink@usbr.gov>; Jon Brown <jbrown@dehs.com>; Vince Roche <vroche@dehs.com>; Joel Rische <jrische@dehs.com>; Lynn M. Doppenberg <LDoppenberg@dehs.com>; Doug Moss <dmoss@insightmarketingdesign.com>; Roger Nolan <rnolan@insightmarketingdesign.com>; Jenny Jacobson <jjacobson@lcrws.org>; Carrol McCracken <carrol.mccracken@jcglad.com> <carrol.mccracken@jcglad.com>; JC Carmichael <jc.carmichael@jcglad.com>; Michael Holsapple <michael.holsapple@jcglad.com>; Mike Johnson <michael.p.johnson@hdrinc.com>; Laber, Gabriel <gabriel.laber@hdrinc.com>; Erickson, Al <Allan.Erickson@hdrinc.com>; 'Dawn Murphy' <tea@iw.net>; Marlon Duke <mduke@usbr.gov>; 'Scott Vander Meulen' <scottvm@bannerassociates.com>; 'Bryan Lipp' <bryanl@bannerassociates.com>; Adam Hanson <adamh@bannerassociates.com>; Kevin Kuebler <kevink@bannerassociates.com>; Brenda Turenne <brendat@bannerassociates.com>; jbame@sdarws.com <jbame@sdarws.com>; 'Kurt Pfeifle' <kpfeifle@sdarws.com>; 'Jeremiah Corbin' <jcorbin@sdarws.com>; Scott Shover <sshoyer@iowaruralwater.org>; lori.blair@mrwa.com <lori.blair@mrwa.com>; Bert Griggs <bgriggs@mc-mail.com>; Overman, Justin <Justin.Overman@MarshMMA.com>; Nathan Fleming <NFleming@trcsolutions.com>; Matthew Holmes <Matt@nrwa.org>; Shain Becker <sbecker@lcrws.org>; Jay Nelson <jnelson@lcrws.org>; Justin Walsh <jwalsh@lcrws.org>; Roger Adam <radam@lcrws.org>; Bruels, Andrew <Andrew.Bruels@state.sd.us>; Cowman, Tim <Tim.Cowman@usd.edu>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Becky Baker <beckyb@bannerassociates.com>; Leslie Murphy <lesliem@bannerassociates.com>; dscheidt@worthingtonutilities.com <dscheidt@worthingtonutilities.com>; Dave Lorang <davel@bannerassociates.com>; Jane Lucas <jane.lucas@alston.com>; Evan Collier <evan.collier@alston.com>; Joe Munson <joem@bannerassociates.com>

Subject: [EXT] Address change

All,

With annexation into the Tea city limits, the address of our administrative office has changed. **The new address is 1800 Monty Street.** For those of you who are tequila connoisseurs, to help you remember "1800" is a very good brand of tequila. ☺

Schlaak, Karen

From: Leslie Murphy <lesliem@bannerassociates.com>
Sent: Thursday, April 13, 2023 8:37 AM
To: Duvall, Ron
Cc: Troy Larson (tlarson@lcrws.org); Becky Baker; bill.taylor; Schlaak, Karen; Rodriguez, Rachel; Gronlund, Eric
Subject: Re: [EXT] Lewis & Clark - Future Use Application

Good Morning, Ron. I heard back on the last bullet. Assuming the new collector wells would be constructed similar to Collector B, depth will be within the range you specified. **Collector B was 110 feet**. Let me know if you need anything else.

Thanks!

From: Leslie Murphy
Sent: Wednesday, April 12, 2023 4:30:30 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Troy Larson (tlarson@lcrws.org) <tlarson@lcrws.org>; Becky Baker <beckyb@bannerassociates.com>; bill.taylor <bill.taylor@taylorlawsd.com>; Schlaak, Karen <Karen.Schlaak@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: Lewis & Clark - Future Use Application

Hi Ron.

My answers are below in red. I'll check on the last bullet point and get you that answer tomorrow.

Thanks!

Leslie Murphy | Environmental Scientist

Banner Associates, Inc. | Brookings, SD
Tel | 605.692.6342 Toll Free | 1.855.323.6342
Direct Dial | 605.696.9155 Cell | 605.280.5930
www.bannerassociates.com

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, April 12, 2023 4:16 PM
To: Leslie Murphy <lesliem@bannerassociates.com>
Cc: Troy Larson (tlarson@lcrws.org) <tlarson@lcrws.org>; Becky Baker <beckyb@bannerassociates.com>; bill.taylor <bill.taylor@taylorlawsd.com>; Schlaak, Karen <Karen.Schlaak@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: Lewis & Clark - Future Use Application

Leslie,

I have looked over what you submitted and we need the following to complete the application:

- The application fee to reserve 19,121 acre-feet is \$1,655.00. **Please remit the fee. Troy has this one completed.**

- The reservation is only for a volume of water (19,121 acre-feet) so the 100.24 cfs specified on the application should be removed. **Do you agree to removing the cfs?** Eventually, a cfs diversion rate and volume will both be identified when you place the reserved water to beneficial use at some future date. **Yes, agree.**
- The future use area identified on the map submitted with the application will be described as within the S1/2 section 15 and section 22; all in T32N-R4E, Nebraska survey. **Please confirm. Confirmed.**
- The Form 2A, Supplemental Information page references "Please refer to the attached information." I am not certain whether something else was going to be included or if you are just referring to the maps submitted with the application. **Please clarify. The attached information was the two figures showing the future use area and well locations; you aren't missing anything.**
- The future use reservation will be for a specific water source which you identified as the Missouri Elk Point aquifer on the application form. **To confirm the aquifer designation, please confirm that the approximate depth of any well completed into the aquifer to eventually place water to beneficial use will be in the 100 to 140 feet deep range. I will confirm with the design team and get back to you on this tomorrow.**

Please let me know if you have any questions.

Thank you,

Ron Duvall
 Dept. of Agriculture & Natural Resources
 Office of Water, Water Rights Program
 605.773.3352
danr.sd.gov



DANR
 SOUTH DAKOTA

From: Leslie Murphy <lesliem@bannerassociates.com>
Sent: Wednesday, April 12, 2023 9:07 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>; Troy Larson (tlarson@lcrws.org) <tlarson@lcrws.org>; Becky Baker <beckyb@bannerassociates.com>; bill.taylor <bill.taylor@taylorlawsd.com>
Subject: [EXT] Lewis & Clark - Future Use Application

Good Morning, Eric.

On behalf of the Lewis & Clark Regional Water System, attached are a cover letter, application, and attachment for a future use reservation of 19,121 acre-feet of water from the Missouri: Elk Point Aquifer. This future use reservation will secure the water needed for the expansion of the system. Please let me know if you need additional information or if you or your staff have questions.

Thank you for working through this process with all of us – it is appreciated.

Leslie Murphy | Environmental Scientist

RECEIVED

APR 12 2023

OFFICE OF
WATER



April 11, 2023

Eric Gronlund, Chief Engineer
Water Rights Division
South Dakota Department of Agriculture & Natural Resources
523 East Capitol Avenue
Pierre, SD 57501

Dear Eric:

As you know, the Lewis & Clark Regional Water System (L&C) provides water to public utilities in Turner, Lincoln, Minnehaha, Union, Lake, Clay and McCook counties in South Dakota; Rock and Nobles counties in Minnesota; and Lyon, Sioux, Osceola and O'Brien counties in Iowa. With the completion of the planned connections of all 20 members in late 2024 or early 2025, water utilization will increase.

In early 2022 L&C put into beneficial use Future Use Permit Nos. 6869A-3 and 7208-3, bringing the permitted amount of water use to 45,165 acre-feet/year (40.32 MGD). In early 2023 a new water right of 8,277 acre-feet/year was approved, bringing the permitted amount of water use to 53,442 acre-feet/year (47.71 MGD).

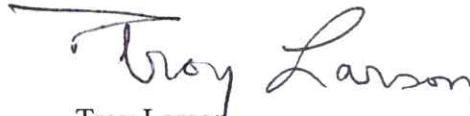
The drought and much stronger growth than predicted have accelerated expansion of the System. Construction started last year on expanding the System from 44.19 MGD of firm capacity to 60 MGD. Two more contracts related to the expansion will be awarded soon – the Hull reservoir at the end of this month and the Larchwood pump station at the end of May. In short, we're moving full speed ahead with the expansion. Our engineers currently estimate the expansion will be completed in 2030 or 2031. According to the engineers, until the entire expansion is completed no interim amount of expansion capacity can be delivered to the members. It is all or nothing.

To reach the 60 MGD of firm capacity, a total of 64.78 MGD (72,563 acre-feet/year) is needed. Current water rights are short 19,121 acre-feet/year to reach the 60 MGD of firm capacity. It is the intent of L&C to apply for a future use water right in the amount 19,121 acre-feet/year to secure the water needed for System expansion.

The expansion will cost the 20 members an estimated \$100 million combined in today's dollars. This estimate already includes the \$15 million and \$12 million approved respectively from South Dakota and Iowa. With such a significant investment planned, it is important we secure this future water right as soon as possible. You will recall we started the process a little too late last year for consideration during this past legislative session.

Pursuant to SDCL § 46-2A, enclosed is an application to secure a future use water right within the State of South Dakota. Thank you for your consideration. If you have any questions, please contact either Leslie Murphy of Banner Associates at (605) 280-5930 or me at (605) 310-0560.

Sincerely,



Troy Larson
Executive Director

Cc: Banner Associates and Taylor Law Firm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
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**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 8754-3, Lewis and Clark Regional Water System**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Application No. 8754-3, Lewis and Clark Regional Water System, Troy Larson, Executive Director, 46986 Monty Street, Tea SD 57064.

The Chief Engineer is recommending APPROVAL of Application No. 8754-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) Lewis and Clark Regional Water System has demonstrated a reasonable need to reserve water in the amount of 19,121 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Permit No. 8754-3 reserves 19,121 acre-feet of water annually from the Missouri:Elk Point aquifer.
2. Future Use Permit No. 8754-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Eric Gronlund, Chief Engineer
May 23, 2023

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8754-3
LEWIS & CLARK REGIONAL WATER SYSTEM
C/O TROY LARSON, EXECUTIVE DIRECTOR
MAY 13, 2023

Water Permit Application No. 8754-3 for Lewis & Clark Regional Water System (L&C RWS) proposes to appropriate and reserve for future use 19,121 acre-feet of water annually (ac-ft/yr) from the Missouri: Elk Point aquifer. The water is reserved for future water supplies for a rural water system. The area for future use is the S ½ Section 15 and Section 22; all in T32N-R4E of the 6th Prime Meridian commonly referred to as the Nebraska Survey. This application, if approved, does not authorize construction of works or application of water to beneficial use. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; Rock and Nobles Counties in Minnesota. The future use area is located approximately 3 miles southwest of Vermillion, South Dakota.

AQUIFER: Missouri: Elk Point (M:EP)

Aquifer Characteristics:

The Elk Point management unit of the Missouri aquifer, also known as the Missouri: Elk Point aquifer, is a deposit of quaternary aged glacial outwash and alluvium lying within the Missouri River flood plain from the Yankton area to the southeastern tip of South Dakota (Niehus, 1994; Stephens, 1967). The Missouri: Elk Point underlies approximately 219,100 acres of Clay, Union, and Yankton Counties in South Dakota and contains an estimated 3,287,100 ac-ft of recoverable water in storage (Hedges et al, 1982). The aquifer is hydrologically connected to the Lower Vermillion Missouri, Lower James Missouri, Big Sioux, and Dakota aquifers as well as the Big Sioux, James, Vermillion, and Missouri Rivers (Niehus, 1994; Stephens, 1967).

In general, the Missouri: Elk Point aquifer is under unconfined conditions, but there can be locally confined or semiconfined conditions (Condley and Lamkey, 2022; Niehus, 1994 and 1997; Water Rights, 2023b and 2023d). Water movement in the aquifer is generally toward the southeast (Niehus, 1994). At the future use area this application proposes to use, the aquifer is under unconfined conditions (Water Rights, 2023b and 2023d). In the proposed future use area, aquifer material (sand and gravel) is typically found within 5 feet of land surface and with a total thickness in the 100 to 120 feet (SDGS, 2023; Water Rights, 2023d). The static water level in the area is typically between 15 and 25 feet below land surface (Water Rights, 2023b and 2023d). Figure 1 shows a map of the approximate Missouri: Elk Point aquifer boundary (Steen, 2022) with observation wells (Water Rights, 2023b) and location of the proposed future use area.

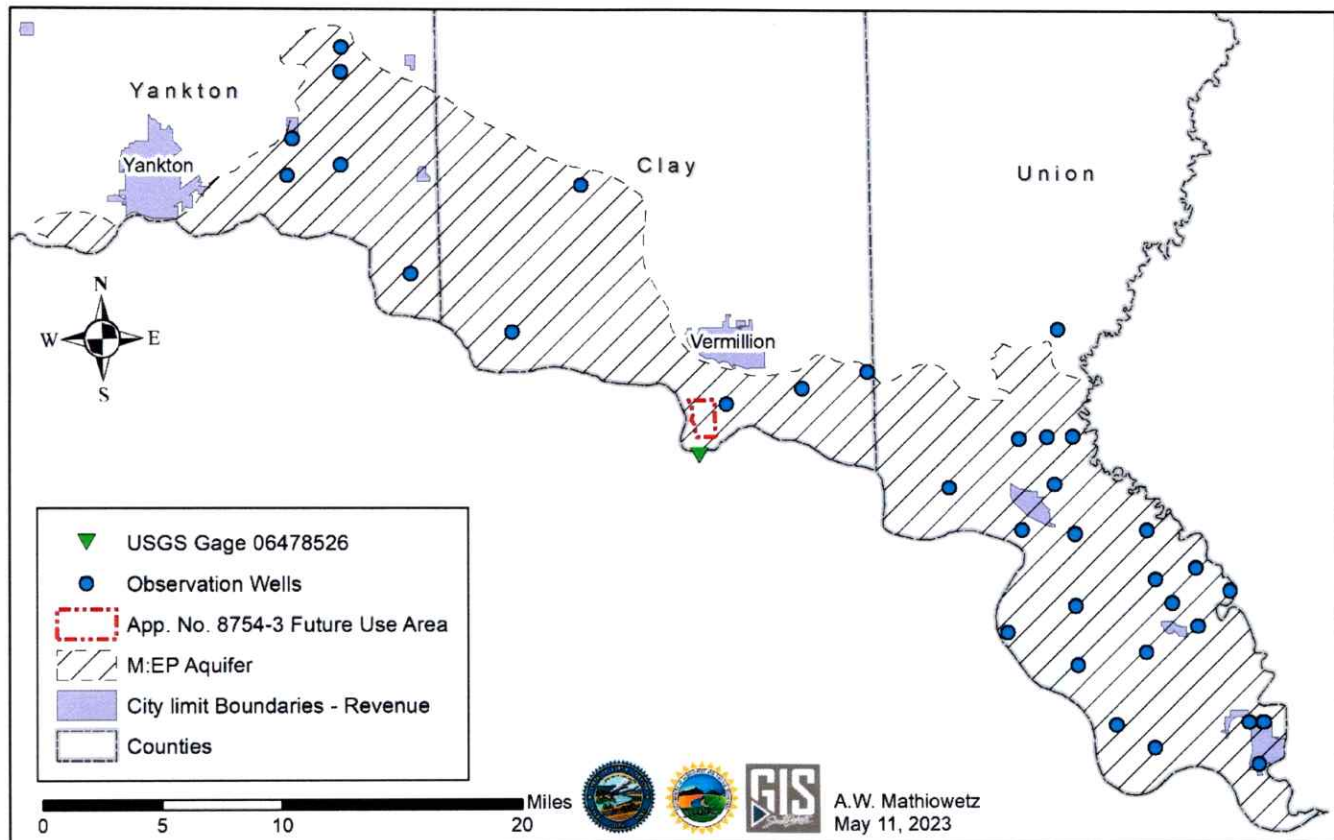


Figure 1- Map of the approximate Missouri: Elk Point aquifer boundary (Steen, 2022), observation wells (Water Rights, 2023b), USGS Missouri River gage (USGS, 2023) and L&C RWS proposed future use area for App. No. 8754-3

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-10 & 46-5-20.1

Pursuant to SDCL 46-2A-10, “A reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest.” This report will address the availability of unappropriated water and from the Missouri: Elk Point aquifer and if the quantity of water to be reserved is needed by the applicant.

Pursuant to SDCL 46-5-20.1, in short, any appropriation in excess of ten thousand acre-feet annually shall be presented by the Water Management Board to the Legislature for approval prior to the board’s acting upon the application. However, this requirement does not apply if the applicant is a South Dakota Conservancy District or for applications to use water for energy industry use. The applicant is a regional water system and is therefore not a conservancy district or energy industry user. Thus, this application must be presented to the Legislature for approval prior to the Water Management Board acting upon it.

WATER AVAILABILITY:

This application proposes to appropriate water from the Missouri: Elk Point aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires the amount of water withdrawn annually to not exceed the average estimated recharge unless the aquifer is older or lower than the Greenhorn Formation and the applicant is a water distribution system. The applicant is a water distribution system as defined in SDCL 46-1-6(17). However, the

Missouri: Elk Point aquifer is not stratigraphically lower/older than the Greenhorn Formation (Fahrenbach et al, 2010). Therefore, a comparison of average annual recharge and average annual withdrawals from the Missouri: Elk Point aquifer is required for this application.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The Water Rights Program maintains 36 observation wells completed into the Missouri: Elk Point aquifer (Water Rights, 2023b). Figure 2 shows the hydrographs for the 6 Missouri: Elk Point aquifer observation wells located within approximately 10 miles of the applicant's proposed future use area and a USGS Missouri River gage (06478526) near Maskell, NE. From the applicant's future use area, observation well CL-80A is 10 miles north-northwest, CL-80B is 7.9 miles northwest, CL-80C is 0.5 miles east, CL-80D is 3.7 miles east, CL-80E is 6.5 miles east-northeast, UN-77L is 10 miles east-southeast and the USGS Missouri River gage is approximately 0.8 miles south (Water Rights, 2023b and 2023c). The hydrographs are representative of the hydrographs for the other observation wells completed into the aquifer and are representative of the aquifer.

The hydrographs show water levels respond well to climatic conditions, rising during wetter periods (early spring snowmelt and precipitation) and declining to stable levels during drier periods. The hydrographs show that any drawdown created by pumping is temporary with water levels recovering to pre-pumping levels after the irrigation season. In most instances, pumping drawdowns are not even distinguishable from the effects caused by natural conditions on water levels, including the effects on the aquifer caused by changes in the water level of the Missouri River.

Several of the Missouri: Elk Point aquifer observation well hydrographs show a gradual long-term downward trend especially those close to the Missouri River. This downward trend is caused by entrenchment of the Missouri River bed and in some places a widening of the channel leading to lower water levels despite the river having the same rate of flow (Elliott and Jacobson, 2022). The lowering of the water level in the Missouri River downstream of the Gavins Point Dam and the subsequent lowering of the water level of Missouri: Elk Point aquifer observation wells in close proximity to the river show the strong hydrologic connection between the Missouri River and the Missouri: Elk Point aquifer. This is demonstrated by the very similar water levels between the aquifer and river as shown in the hydrographs in Figure 2. The lowering of the water levels in the aquifer, especially in close proximity to the Missouri River, is not a sign of over appropriation of the Missouri; Elk Point aquifer. The observation well water levels simply show the connection between the river and the aquifer and how the aquifer reacts to climatic conditions without showing any long-term effects from pumping. Therefore, there is a reasonable probability unappropriated water is available for this proposed appropriation based on observation well data.

DANR-Observation Wells Missouri: Elk Point Aquifer and USGS Missouri River Gage

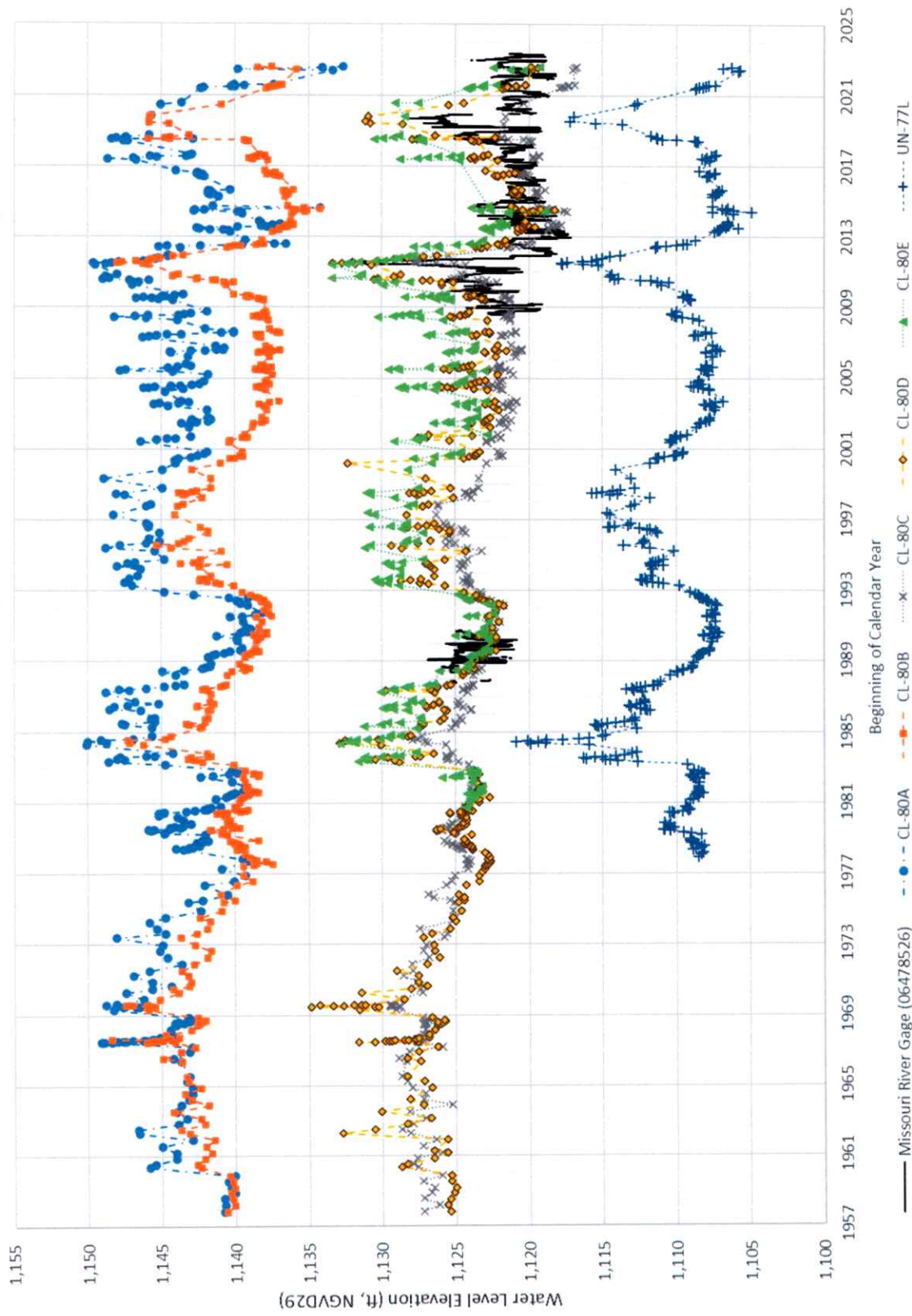


Figure 2- Hydrographs for DANR Missouri: Elk Point aquifer observation wells within approximately 10 miles of the L&C RWS future use area for Application No. 8754-3 and the USGS Missouri River Gage at Maskell, NE (USGS, 2023; Water Rights, 2023b)

Hydrologic Budget

Recharge

The Missouri: Elk Point aquifer is recharged by infiltration of precipitation, groundwater inflow from the Lower Vermillion Missouri, Lower James Missouri, and Big Sioux aquifers along its northern edges and the underlying Dakota aquifer in Union County, seepage from the Missouri, Vermillion, James and Big Sioux Rivers, and induced recharge from the Missouri River (Bugliosi, 1986; Condley and Lamkey, 2022; Niehus, 1994). There have been several studies completed to estimate average annual recharge to the Missouri: Elk Point aquifer (Condley and Lamkey, 2022; Hedges et al, 1985; Mathiowetz, 2022; Stephens, 1967; Stonesifer, 2013).

The estimated recharge rate to the Missouri: Elk Point aquifer, 3.8 inches/year (in/yr), was first estimated by Hedges and others (1985) using observation well analysis. Applying that recharge rate over the approximate aquifer extent of 219,100 acres yields an annual average recharge estimate of 69,382 ac-ft/yr. The data used for observation well analysis represents both withdrawals from and recharge to the aquifer simultaneously. Therefore, observation well analysis always produces an estimated recharge rate less than the actual recharge rate.

The wells for the L&C RWS induce recharge to the aquifer from the Missouri River (Condley and Lamkey, 2022; Stonesifer, 2013). Stonesifer (2013) estimated at least 50% of L&C RWS pumping in the well field this application proposes to use, also known as Mulberry Bend Well Field, will be induced recharge from the Missouri River. The SD DANR-Geological Survey conducted a study to more accurately quantify the percentage of induced recharge from L&C RWS's well field (Condley and Lamkey, 2022). A numerical model was created to determine the source water, either groundwater or induced river water, for each well of the 11 wells in existence during the model period (Condley and Lamkey, 2022). A 31-day and a 365-day model run were conducted. During the 31-day model run, it was determined 71.1% of the water pumped from the wells is river water. During the 365-day run, it was determined 84.6% of the water pumped from the well field was river water. The capture zone for the 365-day model run did not extend more than one mile from the river. L&C RWS is currently permitted to pump 53,442 ac-ft/yr and this application proposes reserving 19,121 ac-ft/yr for a total of 72,563 ac-ft/yr (Water Rights, 2023c). Assuming 84.6% capture and full development of existing L&C RWS water rights/permits and this application, that equates to 61,388.2 ac-ft/yr captured as induced recharge from the Missouri River.

Furthermore, the City of Yankton contracted with HDR Engineering to conduct a study for siting a collector well to be authorized under Water Right No. 8212-3 (Water Rights, 2023c). Part of the study was determining the water quality which included trying to determine the source water supply, induced Missouri River water or groundwater from the Missouri: Elk Point aquifer. While the amount of induced surface water was not modeled, it was estimated that induced surface water to the well would be in the range of 40% to 90% (HDR, 2014). This estimate is supported by the Condley and Lamkey (2022) study on the L&C RWS well field. Water Right No. 8212-3 authorizes the pumping of up to 6,050 ac-ft/yr (Water Rights, 2023c). There are also many irrigation water right/permit wells within one mile of the Missouri River that withdraw water from the Missouri: Elk Point aquifer (Water Rights, 2023c). It is highly likely some of those irrigation water right/permit wells induce recharge from the Missouri River. There may also be induced recharge from the James, Vermillion, and Big Sioux Rivers. These have yet to be quantified and would likely be very small compared to the induced recharge from the Missouri River.

Combining the recharge from Hedges and others (1985) determined through observation well analysis (69,382 ac-ft/yr) and the induced recharge from the L&C RWS well field plus what would be induced as this application is developed (Condley and Lamkey, 2022; Water Rights, 2023c), and assuming full development of L&C RWS's current water rights/permits, future use permits and this application, (61,388.2 ac-ft/yr) equates to an estimated average annual recharge of 130,770.2 ac-ft/yr.

Discharge:

Discharge from the Missouri: Elk Point aquifer occurs through evapotranspiration where the aquifer is at or near land surface, well withdrawals, leakage to the underlying Dakota aquifer, and outflow to the Missouri, Vermillion, James, and Big Sioux Rivers (Bugliosi, 1986; Niehus, 1994; Water Rights, 2023c and 2023d). Currently, there are 647 water rights/permits appropriating water plus 5 future use permits reserving water from the Missouri: Elk Point aquifer (Water Rights, 2023c). Currently, there are four pending applications, including this application (Application Nos. 8727-3, 8739-3, and 8744-3), to appropriate water from the Missouri: Elk Point aquifer. Application No. 8727-3 proposes 10 acres of turf irrigation for a golf course. Application No. 8739-3 proposes to irrigate 80 acres of crops. Application No. 8744-3 proposes to initially fill a proposed canal (20.61 acre-feet) which connects to McCook Lake and provide up to 7.99 acre-feet annually to ensure a wetted bottom to protect the liner of the canal. Future use permits currently reserve 1,900 ac-ft/yr of water from the Missouri: Elk Point aquifer (Water Rights, 2023c). The future use permits reserving no water means that water reserved under the permit has already been put to use under a water right/permit.

Table 1- Future use permits reserving water from the Missouri: Elk Point aquifer (Water Rights, 2023c)

PERMIT NO.	NAME	PRIORITY DATE	USE	AC-FT
5832-3	LEWIS & CLARK RWS	07/08/1994	RWS	0
6237-3	CITY OF VERMILLION	11/06/2000	MUN	1,900
6869-3	LEWIS & CLARK RWS	07/16/2007	RWS	0
6869A-3	LEWIS & CLARK RWS	07/16/2007	RWS	0
7208-3	LEWIS & CLARK RWS	07/13/2010	RWS	0
TOTAL				1,900

A summary of non-irrigation water rights/permits is shown in Table 2 along with estimated average annual pumpage for each water right/permit. For permits limited to an annual volume, it is assumed that the full volume will be pumped. For permits that are required to report annual pumpage and not limited by an annual volume, the average annual reported pumpage is used. Note that for Water Permit Nos. 5998-3, 5998A-3 and 7388-3, the average over their respective periods of time represents the permit(s) having been fully developed with relatively stable annual pumpage. Furthermore, the turf irrigation use under Water Permit Nos. 5998-3 and 5988A-3 is reported with the non-irrigation water use under Water Permit No. 7388-3. Several water distribution systems purchase water from other systems and maintain their wells for standby purposes (Friedeman, 2022; Water Rights 2023c). The water use under those permits is negligible and assumed to be zero for this hydrologic budget.

Table 2- Non-irrigation Missouri: Elk Point aquifer water rights/permits (Water Rights, 2023c)

Permit No.	County	Status	Use	Name	CFS	Permitted Vol. (ac-ft/yr)	Estimated/Reported Pumpage (ac-ft/yr)
8415-3	YA	PE	COM	3 SONS PROPERTIES LLC	0.100	25	
5453-3	UN	LC	IND	AALADIN INDUSTRIES INC	0.050		21.7
5616-3	YA	LC	COM	CIMPLS INC	0.440		191.2
5998-3	UN	PE	DOM; IRR	CLAY RURAL WATER SYSTEM INC	2.200		
5998A-3	UN	PE	DOM; IRR		0.000		346.2 ^A
7388-3	UN	PE	DOM; IRR		2.000		
5437-3	UN	LC	MUN	DAKOTA DUNES COMM IMPROVEMENT DISTRICT	3.330		1447.4
8031-3	CL	PE	COM	DAKOTA PROTEIN CONVERSION INC	0.220		96.0
5592-3	YA	LC	SHD	EAST WINDS COURT INC	0.110		0 ^B
5953-3	YA	LC	COM	H & K OIL CO	0.037		16.1
6170-3	YA	LC	IND	KNIFE RIVER	0.222		96.5
5581-3	YA	LC	SHD	LARSON'S LANDING	0.089		38.7
6736-3	CL, TU, LN	PE	RWS	LEWIS & CLARK RWS	27.850	20,165	
7207-3	CL	PE	RWS		20.000	12,000	
8613-3	CL	PE	WDS		29.760	13,000	
8614-3	CL	PE	RWS		0.000	8,277	
8381-3	UN	PE	COM	R P CONSTRUCTORS	0.040	1	
8435-3	UN	PE	COM	SIOUX CITY INSULATION	0.330	1	
8403-3	YA	PE	COM	STOCKMEN'S LIVESTOCK INC	2.000	40	
5907-3	YA	LC	FWP	US FISH/WILDLIFE SERVICE	3.780		1,642.9
6733-3	YA	LC	FWP		1.110		482.5
7094-3	YA	LC	FWP		2.670		1,160.5
5490-3	YA	LC	FWP	US GEOLOGICAL SURVEY	0.090		39.1
5021-3	YA	LC	IND	VISHAY-DALE ELECTRONICS INC	0.100		43.5
5593-3	YA	LC	IND		0.056		24.3
7059-3	UN	PE	REC	WE INVESTMENTS LLC	3.110		18.7 ^C
6580-3	UN	LC	COM	WEST SHORE ACRES LLC	0.100		43.5
1255-3	UN	LC	MUN	CITY OF ELK POINT	1.130		491.1
5782-3	UN	LC	MUN	CITY OF NORTH SIOUX CITY	1.140		495.5
143-3	CL	LC	MUN	CITY OF VERMILLION	1.780		773.7
147-3	CL	LC	MUN		2.660		1236.9 ^D
6236-3	CL	LC	MUN		2.600		
6354-3	CL	LC	MUN		0.022		9.6
8212-3	YA	LC	MUN	CITY OF YANKTON	20.120	6,050	
5827-3	UN	LC	COM	DON LANTIS	0.022		9.6
8147-3	UN	PE	COM; LCO	DOUG LAFLEUR	1.000	160	
4501-3	YA	LC	COM	EDDIE WOHL	0.050		21.7
6744-3	CL	PE	DOM; COM	JUDITH I GRANT	0.780		339.0
5388-3	UN	LC	IND	L G EVERIST INC	0.450		195.6
1965-3	YA	LC	MUN	TOWN OF GAYVILLE	0.370		0 ^B
5118-3	YA	LC	MUN		0.330		0 ^B
4207-3	UN	LC	MUN	TOWN OF JEFFERSON	0.900		391.2
6151-3	UN	LC	COM	VERNON & NORMA VAKOC	0.670		291.2
CL= Clay, LN= Lincoln, UN= Union, YA=Yankton; LC=Water Right, PE= Water Permit; COM= Commercial, DOM= Domestic, FWP= Fish & Wildlife Propagation, IND= Industrial, IRR= Irrigation, LCO= Livestock Confinement Operation, MUN= Municipal, REC= Recreation, RWS= Rural Water System, SHD= Suburban Housing Development, WDS= Water Distribution System					TOTAL	69,682.9	
					A= 2012-2021 avg.; B= Standby; C= Evaporative consumption; D= 2003-2021 avg.		

Water Permit No. 7059-3 is for recreational use to maintain the water level of a small lake with a surface area of 17.6 acres (Water Rights, 2023c). It is assumed the only consumptive use of water is due to evaporation. Annual evaporation of water from shallow lakes in this area is estimated to be 42 inches per year (NOAA, 1982) and the average annual total precipitation at the Sioux City, IA airport was determined to be 29.27 inches over the 30-year period of 1991 to 2020 (NOAA, 2022). That is an annual average consumptive use of 18.7 ac-ft/yr. The remaining non-irrigation permits are assumed to pump at their permitted diversion rates 60% of the time including Water Right No. 5437-3 which was licensed for a reduced diversion rate which prevents pumping the allotted volume of water specified on the permit. This is a method developed by DANR-Water Rights Program engineers for estimating average annual withdrawals that is a safe and conservative method to likely somewhat overestimate use for those permits (Water Rights, 2023c). Estimated average annual pumpage by non-irrigation appropriations plus the ongoing use for pending Application No. 8744-3 is 69,690.9 ac-ft/yr.

There are 607 water rights/permits authorized to withdraw water from the Missouri: Elk Point aquifer primarily for irrigation purposes plus 2 pending irrigation applications (Water Rights, 2022). Water Permit Nos. 5998-3 and 5998A-3 are accounted for in Table 1 with the non-irrigation water rights/permits as the permit holder is not required to submit an annual irrigation questionnaire (Water Rights, 2023c). Irrigation water rights/permits have typically been required to report their annual pumpage on an irrigation questionnaire since 1979. Farmer (2018 and 2021) analyzed the amount of water pumped per permitted acre for the period from 1979 to 2005. This period was chosen due to the relatively stable number of permitted acres across the entire period. There was a continual annual increase in the number of permitted acres from 2006 to 2013/2014 (see Figure 3). Since 2013/2014 the total number of permitted acres has been relatively stable. However, there has been an uptick in the number of applications in the last year. Farmer (2021) determined that it would be best to separate the review of pumpage per permitted acres between crops, such as corn and soybeans, and turf, such as golf courses and lawn irrigation, to describe the pumpage more accurately per permitted acres. Turf irrigation typically requires more water per acre annually than crop irrigation. Figures 3 and 4 show the annual reported irrigation pumpage and permitted acres for crop irrigation from 1979 to 2021 (Figure 3) and turf irrigation (Figure 4).

The average annual pumpage rate from 1979-2021 is 18,703.2 ac-ft/yr (Water Rights, 2023a). When considering the 2012-2021 average annual pumpage, which is likely to be more reflective of current management and irrigation practices, the average annual reported pumpage is 27,247.35 ac-ft/yr (Water Rights, 2023a). The application rate per permitted acre for the 1979-2005 period was determined to be 0.343 ft/yr for crops and 0.97 ft/yr turf (Farmer, 2021). Across the entire period of record, 1979 through 2021, the crop application rate per permitted acre is 0.331 ft/yr (3.97 in/yr) and 0.908 ft/yr for turf (10.9 in/yr) (Mathiowetz, 2022).

Currently, there are 82,306.5 acres authorized for crop irrigation plus 80 acres for pending Application No. 8739-3 for a total of 82,386.5 acres (Water Rights, 2023c). There are 809.6 acres plus 10 acres proposed by Application No. 8727-3 for turf irrigation equaling a total of 819.6 acres (Water Rights, 2023c). Using the 1979-2021 application rate per permitted acre rates, the average annual use for crop irrigation is expected to be 27,269.9 ac-ft/yr and 744.2 ac-ft/yr for turf irrigation by current and pending applications. That is a total estimated average annual irrigation usage of 28,014.1 ac-ft/yr.

There are a number of domestic wells that withdraw water from the Missouri: Elk Point aquifer (Water Rights, 2023d). The withdrawal rate is limited to a daily average rate of 18 gallons per minute and typically

are not used continuously. Furthermore, over much of the area of the Missouri: Elk Point aquifer there are rural water systems and other water distribution systems available, so many of these wells may no longer be in use. The annual quantity of water withdrawn for domestic use is considered to be negligible to the overall hydrologic budget of the aquifer.

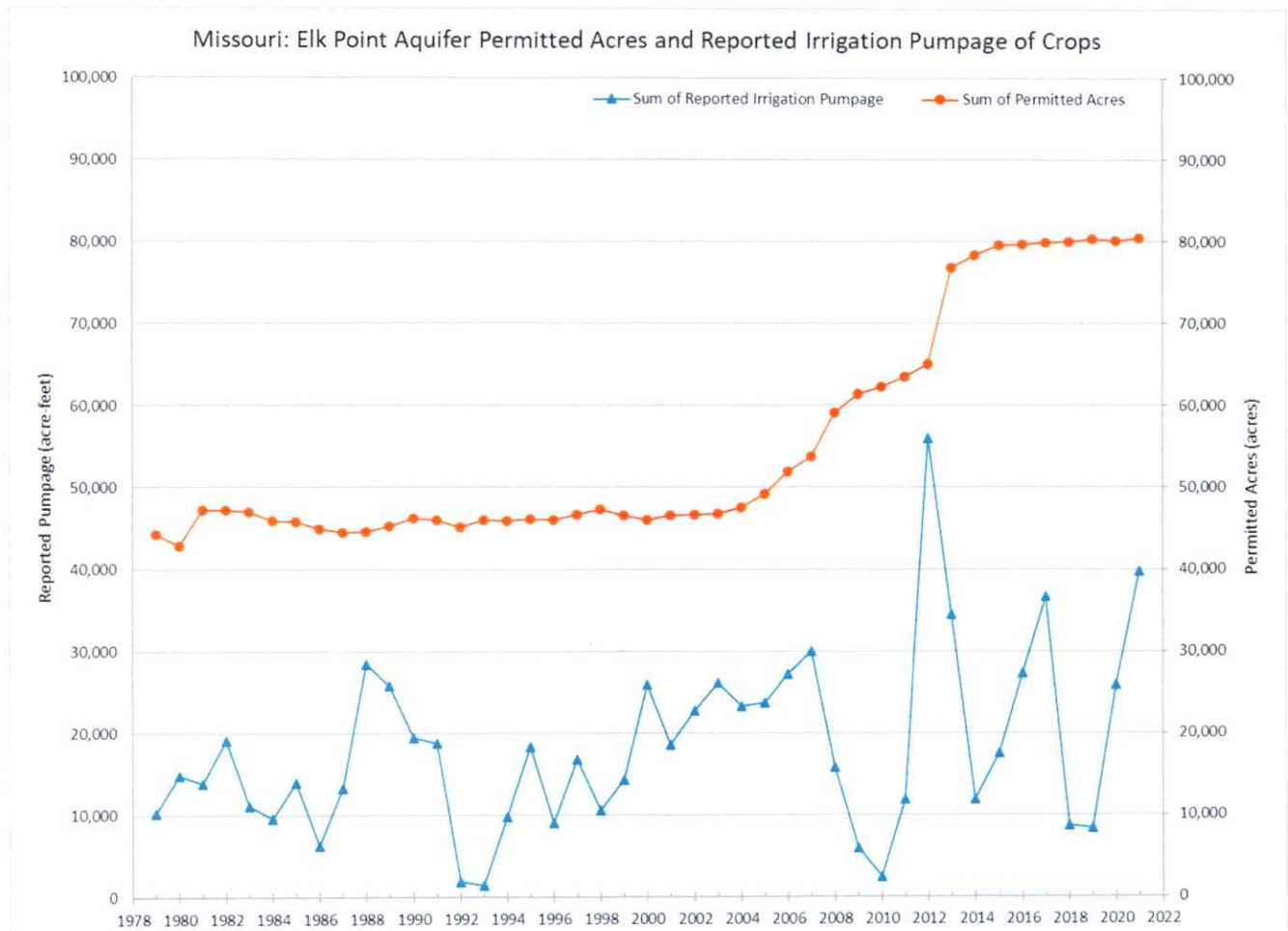


Figure 3- Permitted acres and reported pumpage for crop irrigation 1979-2021 (Water Rights, 2023a)

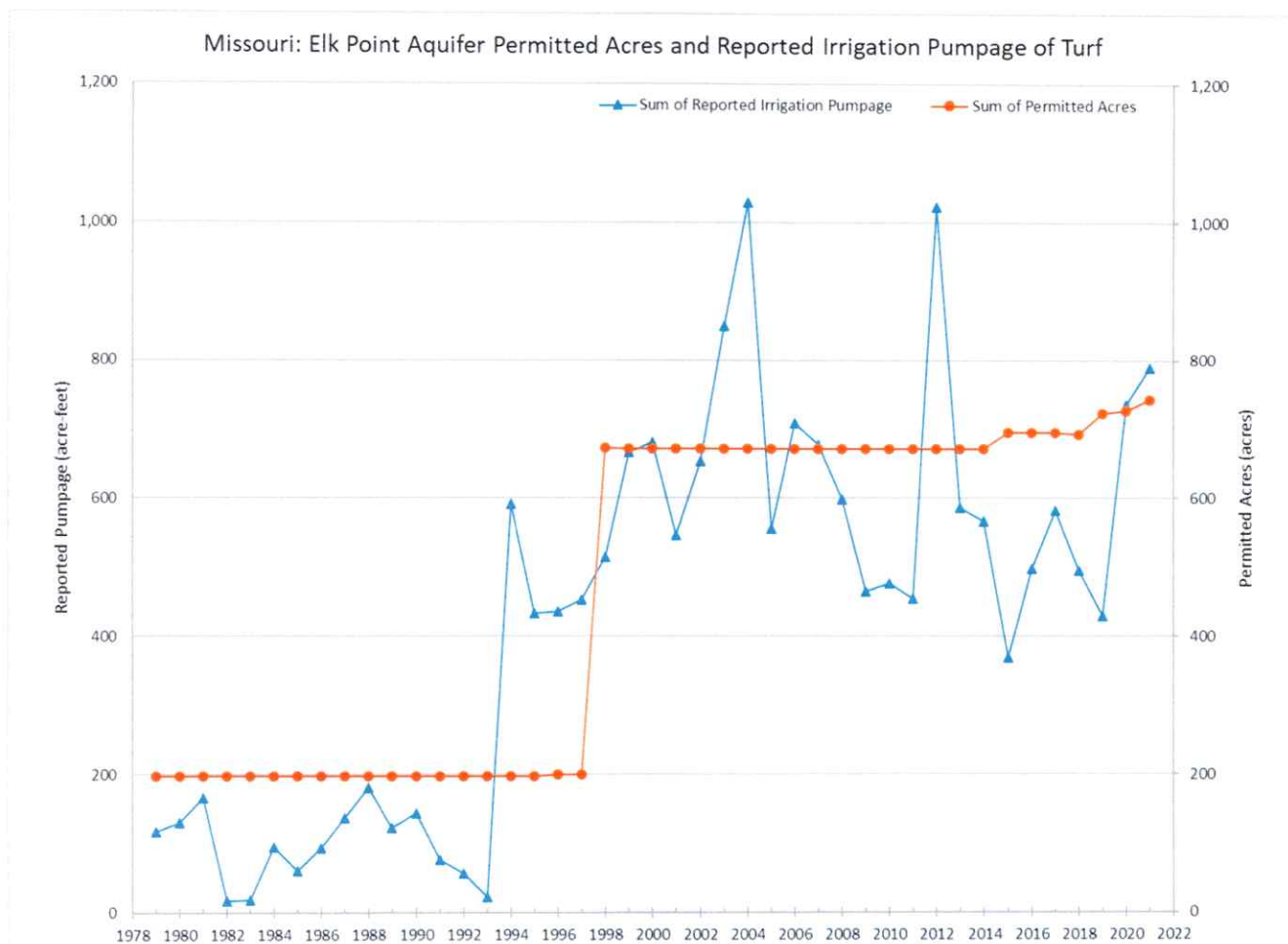


Figure 4- Permitted acres and reported pumpage for turf irrigation 1979-2021 (Water Rights, 2023a)

Balance of Hydrologic Budget

The estimated average annual recharge to the Missouri: Elk Point aquifer is 130,770.2 ac-ft/yr. The estimated average annual withdrawals from the Missouri: Elk Point aquifer, assuming approval of this application and the three other pending irrigation applications is 118,276 ac-ft/yr (1,900 ac-ft/yr future use; 69,690.9 ac-ft/yr non-irrigation; 28,014.1 ac-ft/yr irrigation, including pending applications; and 19,121 ac-ft/yr this application). Based on the hydrologic budget, there is a reasonable probability there is unappropriated water available for this proposed appropriation. This conclusion agrees with the information shown by the observation well data.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Pursuant to SDCL 46-2A-10, future use applications are not reviewed for the potential for unlawful impairment of existing rights since approval of a future use reservation does not authorize construction of works or application of water to beneficial use. If this application is approved and an application is filed to put the reserved water to beneficial use, then there will be a review of the potential for unlawful impairment of adequate domestic wells and existing water rights/permits with adequate wells.

NEED FOR REQUESTED QUANTITY OF WATER

As a condition to reserve water for future use, SDCL 46-2A-10 requires a showing that the quantity of water to be reserved will be needed. Currently, L&C RWS has water permits appropriating 53,442 ac-ft/yr. The desired system capacity is 60 million gallons per day (MGD) which requires a total annual volume of 72,563 ac-ft/yr. This increase in annual volume is needed to supply current and future demand as the system completes its targeted expansion by 2030/2031 as explained in a letter from Troy Larson, Executive Director of the system, included with the application. Based on this information, water reserved by this application will be needed by L&C RWS to meet future demands.

CONCLUSIONS:

1. Application No. 8754-3 proposes to reserve for future use 19,121 ac-ft/yr from a future use area located in the S ½ Section 15 and Section 22; all in T32N-R4E of the 6th Prime Meridian commonly referred to as the Nebraska Survey. This site is located approximately 3 miles southwest of Vermillion, South Dakota.
2. Pursuant to SDCL 46-5-20.1, this application, because it is in excess of 10,000 ac-ft/yr and does not meet the exceptions in the law, is required to be presented by the Water Management Board to the Legislature for approval prior to the Board acting upon the application.
3. Based on the observation well data and a hydrologic budget, there is a reasonable probability unappropriated water is available for this proposed appropriation.
4. Pursuant to SDCL 46-2A-10 potential for unlawful impairment is not reviewed as part of a future use application but will be reviewed at the time an application is filed to place water reserved by this application to beneficial use.
5. The applicant has shown there is a need to reserve the requested amount of water to serve current and future water system needs.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

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- Water Rights. 2023c. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2023d. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

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

May 11, 2022

Lewis & Clark Regional Water System
Troy Larson, Executive Director
46986 Monty St
Tea SD 57064

*papers 8754-3
that needs to go to*

Dear Mr. Larson:

Water Permit Application No. 8613-3 for rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers:

New Era, Parker 605 297-4419
Argus Leader 605 331-2200
Daily Leader, Madison 605 256-4555
The Special, Salem 605 425-2361

Sioux Valley News, Canton 605 764-2000
Leader-Courier, Elk Point 605 356-2632
Plain Talk, Vermillion 605 624-2695

You will need to contact the newspapers to authorize publication and arrange for payment 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 from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

- ✓ Turner * ^{Parleur} ~~Turner City~~ New Era (w) ^{received} 605 297 4419 (Thurs)
- ✓ Lincoln * Lennox Independent (w) 605 647-2284 ^{received} (Thurs)
- ✓ Minnehaha * Sioux Falls Argus Leader (w) ^{received} email Louis Clark info (Thurs) ^{email sent 5/26/23}
- ✓ Clay * Vermillion Plain Talk (w) 605 624-2695 (Fri) ^{received}
- ✓ McCook * Salem Special (w) 605-425-2361 (Thurs) ^{received}
- Union * Elk Point/Southern Union City Leader-Courier (w) ^{received} (Thurs) 605-356-2632
- ✓ Lake * Madison Daily Leader (w) 605 256-4555 ^{received} (Thurs)
- will be filed at a date



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

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

May 25, 2023

Lewis & Clark Regional Water System
Troy Larson, Executive Director
46986 Monty Street
Tea SD 57064

Dear Mr. Larson:

Future Use Permit Application No. 8754-3 for future use reservation has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following newspapers:

- Turner County New Era in Parker SD (Ph # 605 297-4419)
- Lennox Independent in Lennox SD (Ph # 605 647-2284)
- Argus Leader in Sioux Falls SD (see attachment for contact number)
- Plain Talk in Vermillion SD (Ph # 605 624-2695)
- The Special in Salem SD (Ph # 605 425-2361)
- Southern Union County Leader-Courier in Elk Point SD (Ph # 605 356-2632)
- Madison Daily Leader in Madison SD (Ph # 605 256-4555)

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 from you, the publishers have been instructed to publish your notice. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(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 the Notice on June 8 or 9, 2023. The Lewis & Clark Regional Water System is responsible for payment.

NOTICE OF APPLICATION NO. 8754-3 to Reserve Water for Future Use

Notice is given that Lewis and Clark Regional Water System, Troy Larson, Executive Director, 46986 Monty Street, Tea SD 57064 has filed an application for a future use permit. Application No. 8754-3 proposes to appropriate and reserve for future use 19,121 acre-feet of water annually from the Missouri Elk Point aquifer. The area to be reserved for future use is S 1/2 Section 15, Section 22; all in T32N-R4E, Nebraska Survey. The water is reserved for future water supplies for a rural water system. This application does not authorize construction of works or application of water to beneficial use. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; and Rock and Nobles Counties in Minnesota. This future use area is located approximately 3 miles southwest of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8754-3 with qualifications because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time), July 12, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD to present Application No. 8754-3 to the Legislature for consideration during the 2024 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled July 12, 2023 agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on July 12, 2023.

Any person who intends to participate in any Board hearing following legislative approval shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the Board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 20, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application.

Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

As applicable, the following provides the legal authority and jurisdiction under which any future hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at an approximate cost of_____.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 1:25 PM
To: newera@ncppub.com
Subject: 8754-3 Lewis & Clark Regional Water System - Public Notice
Attachments: 8754-3public.wmb_draft.final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

Lewis & Clark Regional Water System, Troy Larson, Executive Director, 46989 Monty Street, Tea SD 57064, (605 368-2400) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 1:28 PM
To: ads lennoxnews.com
Subject: 8754-3 Lewis & Clark Regional Water System - Public Notice
Attachments: 8754-3public.wmb_draft.final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

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Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 1:31 PM
To: legals@argusleader.com
Subject: 8754-3 Lewis & Clark Regional Water System - Public Notice
Attachments: 8754-3public.wmb_draft.final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

Lewis & Clark Regional Water System, Troy Larson, Executive Director, 46989 Monty Street, Tea SD 57064, (605 368-2400) has been notified to contact you to authorize publication and arrange for payment.

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Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

Plain Talk

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 1:33 PM
To: Kelly Kronaizl
Subject: 8754-3 Lewis & Clark Regional Water System - Public Notice
Attachments: 8754-3public.wmb_draft.final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 9, 2023.

Lewis & Clark Regional Water System, Troy Larson, Executive Director, 46989 Monty Street, Tea SD 57064, (605 368-2400) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

Salem Special

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 1:37 PM
To: tschwans@triotel.net
Subject: 8754-3 Lewis & Clark Regional Water System - Public Notice
Attachments: 8754-3public.wmb_draft.final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

Lewis & Clark Regional Water System, Troy Larson, Executive Director, 46989 Monty Street, Tea SD 57064, (605 368-2400) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

Union City
So. Dak.
Leader-Courier

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 1:41 PM
To: timesleader1@gmail.com
Subject: 8754-3 Lewis & Clark Regional Water System - Public Notice
Attachments: 8754-3public.wmb_draft.final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023 in the Southern Union County Leader-Courier.

Lewis & Clark Regional Water System, Troy Larson, Executive Director, 46989 Monty Street, Tea SD 57064, (605 368-2400) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, May 25, 2023 1:44 PM
To: ads@madisondailyleader.com
Cc: ann@madisondailyleader.com
Subject: 8754-3 Lewis & Clark Regional Water System - Public Notice
Attachments: 8754-3public.wmb_draft.final.docx; FORM8.FRM.doc

Attached is a notice to be published on June 8, 2023.

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Let me know if you have questions. Please acknowledge receipt of this email.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No.: SFA-055555

Ad No.: 0005718857

PO #: 8754-3

Lines : 276

Ad Total: \$81.57

LEWIS & CLARK REGIONAL WATER
46986 MONTY ST STE A
TEA, SD 57064

This is not an invoice

of Affidavits: 1

Account No.: SFA-055555

Ad No.: 0005718857

Argus Leader AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper 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 issue(s) :

Thursday, June 8, 2023

Sworn to and subscribed before me this 13 day of June, 2023.

Legal Clerk

[Signature]
[Signature]

Notary Public, State of Wisconsin, County of Brown

4-6-27

My Commission expires

DENISE ROBERTS
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8754-3
to Reserve Water for
Future Use

Notice is given that Lewis and Clark Regional Water System, Troy Larson, Executive Director, 46986 Monty Street, Tea SD 57064 has filed an application for a future use permit. Application No. 8754-3 proposes to appropriate and reserve for future use 19,121 acre-feet of water annually from the Missouri Elk Point aquifer. The area to be reserved for future use is S 1/2 Section 15, Section 22; all in T32N-R4E, Nebraska Survey. The water is reserved for future water supplies for a rural water system. This application does not authorize construction of works or application of water to beneficial use. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; and Rock and Nobles Counties in Minnesota. This future use area is located approximately 3 miles southwest of Vermillion SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8754-3 with qualifications because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time), July 12, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD to present Application No. 8754-3 to the Legislature for consideration during the 2024 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled July 12, 2023 agenda item is for the

Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on July 12, 2023.

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The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application. Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing

will be an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

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46-5-49; 46-6-1 thru 46-6-3.1,
46-6-6.1, 46-6-10, 46-6-13,
46-6-14, 46-6-21, 46-6-26; and
Board Rules ARSD
74:02:01:01 thru
74:02:01:01:25.02;
74:02:01:35.01.
Published June 8, 2023 at
the total approximate cost
of \$81.57 and may be viewed
free of charge at
www.sdpublicnotices.com.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McCook) SS

I, Troy Schwans

certify that the attached printed Notice was taken

from the The Special

printed and published in Salem SD

County of McCook and

state of South Dakota. The notice was published

in the newspaper on the following date:

6-8-23

Cost of Printing \$77.86


(Signature)

Editor
(Title)

6/14/23
(Date Signed)

RECEIVED
JUN 16 2023
OFFICE OF
WATER

THE CLASSIFIEDS

Phone 605-425-2361 to place an ad, or E-mail to tschwans@triotel.net

Farmland

FARMLAND rents are strong. Do you need representation or a Farmland Manager? Contact Tim Peters at 605-270-9410 or tpeters@pifers.com. Pifer's Land Management, www.pifers.com

Rentals

FOR RENT: Spencer Development Corp. in Spencer, SD, has a 1 or 2-bedroom apartment available. Rent is based on 30% of income. Equal Housing Opportunity. Phone 605-246-2335 or 605-246-2763

Miscellaneous

LAST CHANCE! Have a few very nice radio controlled model airplane left for sale. Also very good dark room photo equipment. Phone 605-352-4373

For Sale

AVAILABLE: Progressive Salem Association gift certificates are available at Blindert Insurance and Zapp Hardware. These certificates make great gifts and can be redeemed at MOST businesses in Salem. Get your certificates today! 605-331-4550

Notices

ADVERTISE IN NEWSPAPERS statewide for only \$150.00. Put the South Dakota Statewide Classifieds Network to work for you today! (25 words for \$150. Each additional word \$5.) Call this newspaper or 800-658-3697 for details.

INTERSTATE AUCTION CENTER June 17, 10:00am. 3 Miles East of SF, exit 402, Brandon, SD. Heavy machinery consignments: construction, farm, lawn... Full listing: actionzip.com 605-331-4550

Help Wanted

CUSTER SCHOOL DISTRICT is seeking a HS Special Education Teacher and paraprofessionals starting 8/16/23. Apply online at cod.k12.sd.us. Custer School District, 527 Montgomery St., Custer, SD 57730 605-673-3154 EOE.

We have a complete line of building materials for you...
- Custom Homes
- Pole Barns
- Cabinets
- Floor Coverings
Subcontractors available
Contact: Brad Kranz
Salem Lumber
www.salemlumberco.com
425-2221 Salem, SD



McCook County Emergency Medical Services

FULL-TIME PARAMEDIC POSITION

We are looking to fill a full-time Paramedic position. McCook County EMS Inc. is a family owned and operated Advanced Life Support ambulance that has been in service for over 40 years. We are looking to add another full-time Paramedic. Must have South Dakota Diploma or equivalent (GED), Current NREMT Paramedic South Dakota EMT Paramedic Eligible, Valid Driver's License, Pass background check and Medical Assessment

Paramedic Salary DOE - Health insurance provided 100% paid. 401K with Match - Must live within the city limits of Salem.

Brad Stiehr Jr. President
McCook County EMS Inc.
Office: 605-425-2085
Email: Mcems@triotel.net

344845

PUBLIC NOTICES

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 8754-3

Reserve Water for Future Use

Notice is given that Lewis and Clark Regional Water System, Troy Larson, Executive Director, 46986 Monty Street, Tea, SD 57064 has filed an application for a future use permit. Application No. 8754-3 proposes to appropriate and reserve for future use 10,121 acre-feet of water annually from the Missouri Elk Point aquifer. The area to be reserved for future use is S. 1/2 Section 15, Section 24, all in T28N, R4E, Nebraska Survey. The water is reserved for future water supplies for a rural water system. This application does not authorize construction of works or application of water to beneficial use. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; and Rock and Nobles Counties in Minnesota. This future use area is located approximately 3 miles southwest of Vermillion, SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8754-3 with qualifications because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danielsd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time) July 12, 2023, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD to present Application No. 8754-3 to the Legislature for consideration during the 2024 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled July 12, 2023 agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on July 12, 2023.

Any person who intends to participate in any Board hearing following legislative approval shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the Board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danielsd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 20, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the

petitioner, the petitioner's reasons for opposing the application, and their name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application. Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions

of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be held with personal notice provided to the applicant and all petitioners regarding the new time, date, and location.

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46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23, 46-5-1, 46-5-2 thru 46-5-26, 46-5-30.2, 46-5-30A, 46-5-31, 46-5-32 thru 46-5-34, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49, 46-6-1 thru 46-6-3, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 740201.01 thru 740201.25; 740201.35.01.

Published once at the total approximate cost of \$77.86 and may be viewed free of charge at www.sdpublishnotices.com.

6-8 324259

MUNICIPALITY OF SPENCER STATEMENT OF FUND CASH BALANCES ALL FUNDS December 31, 2022										
General Fund	Fund	Fund	Other Governmental Funds	Water Fund	Sewer Fund	Enterprise Funds	Coffee Shop Fund	Event Center Fund	Total	
Cash Assets:										
Cash in Checking Accounts	534,852.31			848.19	48,778.64	4,728.04	16,381.62	69,880.81	22,277.14	697,746.75
Change and Petty Cash										0.00
Passbook Savings										0.00
Savings Certificates	375,000.00				20,000.00	20,000.00				415,000.00
Restricted Checking-Water Deposits					5,720.46					6,720.46
Spencer Little League	2,045.92									2,045.92
										0.00
101 FUND CASH BALANCES	911,898.23	0.00	0.00	848.19	75,499.10	24,728.04	16,381.62	69,880.81	22,277.14	1,121,513.13
Municipal funds are deposited or invested with the following depositories:										
			Security State Bank							1,121,513.13
			P.O. Box 67							
			Spencer, SD 57374							
										1,121,513.13
STATEMENT OF RECEIPTS, DISBURSEMENTS AND CHANGES IN FUND CASH BALANCES ALL FUNDS For the Year Ended December 31, 2022										
General Fund	Fund	Fund	Other Governmental Funds	Water Fund	Sewer Fund	Enterprise Funds	Coffee Shop Fund	Event Center Fund	Total	
Receipts (Source):										
311 Property Taxes	79,034.66									79,034.66
313 Sales Tax	35,432.79									35,432.79
311-319 Other Taxes	346.14									346.14
320 Licenses and Permits	153.00									153.00
331 Interest Income										0.00
335-1 Bank Franchise Tax	593.63									593.63
335-2 Private License Fees	1,502.16									1,502.16
335-3 Liquor Tax Reversion	923.97									923.97
335-4 Motor Vehicle Licenses (5%)	7,292.14									7,292.14
335-5 Fire Insurance Premium Reversion										0.00
335-6 Local Government Highway and Bridge Fund	10,673.10									10,673.10
338-1 County Road Tax (25%)	326.19									326.19
338-2 County Highway and Bridge Reserve Tax (25%)										0.00
338-3 County Water Tax	2,666.54									2,666.54
331-339 Other Intergovernmental Revenue	14,700.99									14,700.99
341-349 Charges for Goods and Services	14,208.03									14,208.03
351-359 Fees and Fines										0.00
361 Investment Earnings	5,269.28									5,269.28
362 Rentals										0.00
369-369 Other Revenues	13,968.42			600.00				128.79		14,597.21
ENTERPRISE FUNDS										0.00
330 Operating Grants										0.00
371 Surcharge in Security of Debt										0.00
372-385 Enterprise Operating Revenue (380)										0.00
380-385 Enterprise Revenues										0.00
Total Receipts	186,651.58	0.00	0.00	0.00	25,178.61	9,405.50	7,817.93	6,880.42	4,634.31	240,117.14
Disbursements (Function):										
411-419 General Government	54,321.92									54,321.92
421 Police										0.00
422 Fire	8,866.00									8,866.00
423-429 Other Public Safety										0.00
431 Highways and Streets	8,379.29									8,379.29
432 Sanitation	13,854.15									13,854.15
437 Cemeteries										0.00
439-439 Other Public Works	2,062.50									2,062.50
441-449 Health and Welfare										0.00
451-459 Culture-Recreation	7,288.50									7,288.50
461-469 Conservation and Development										0.00
470 Debt Service										0.00
480 Intergovernmental Expenditures										0.00
490-499 Miscellaneous										0.00
410 Personal Services										0.00
420 Other Expenses										0.00
426 Supplies and Materials										0.00
Total Disbursements	97,772.36	0.00	0.00	0.00	23,983.93	17,468.23	6,808.20	8,478.87	3,118.95	152,853.54
391-391 Transfers In										0.00
311 Transfers Out										0.00
391-391 Sale of Municipal Property										0.00
391-04 Compensation for Loss or Damage to Capital Assets										0.00
391-2 Money Received from Borrowing										0.00
391-07 Capital Contributions (Grants)										0.00
430 Capital Assets										0.00
441 Debt Service Principal										0.00
442 Debt Service Interest										0.00
Subtotal of Receipts, Disbursements and Transfers	93,879.22	0.00	0.00	0.00	1,195.68	(8,062.73)	1,029.73	(1,798.45)	1,014.15	87,265.60
Fund Cash Balance, January 1, 2022	810,870.66			848.19	81,307.87	36,375.59	15,361.89	71,791.26	21,262.99	1,037,743.55
Adjustments										0.00
ADD TO CORRECT ERROR FROM PREVIOUS REPORT	7,148.35				(7,004.55)	(3,579.82)		(60.00)		(3,496.02)
Revised Fund Cash Balance, January 1, 2022	818,019.01	0.00	0.00	848.19	74,303.32	32,795.77	15,361.89	71,791.26	21,262.99	1,034,247.53
FUND CASH BALANCE, December 31, 2022	911,898.23	0.00	0.00	848.19	75,499.10	24,728.04	16,381.62	69,880.81	22,277.14	1,121,513.13
Do amounts equal Exhibit 1 Fund Cash Balance?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Published once at the total approximate cost of \$140.00 and may be viewed free of charge at www.sdpublishnotices.com.

6-8 324263

AFFIDAVIT OF PUBLICATION

Madison Daily Leader
PO Box 348
(605) 256-4555

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

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Wick Communications, Michelle Albers, Business Manager, and has been such legal newspaper during the times hereinafter mentioned; That the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Business Manager of the said newspaper, a member of the Madison Daily Leader, staff thereof, and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Notice of Application No.8754-3

printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

PUBLICATION DATES:

8 Jun 2023

Notice ID: 9rxKEpnJcrHYEH94Si60

Notice Name: Notice of Application No.8754-3

That \$84.49 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication 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.

Michelle Albers
Business Manager

VERIFICATION

STATE OF SOUTH DAKOTA
COUNTY OF LAKE

Subscribed and sworn before me this

12th day of June, A.D. 2023.

Ann L. Koch
Notary Public
Exp. 11-14-25



NOTICE OF APPLICATION NO. 8754-3 to Reserve Water for Future Use

Notice is given that Lewis and Clark Regional Water System, Troy Larson, Executive Director, 6966 Monty Street, Tea, SD 57064 has filed an application for a future use permit. Application No. 8754-3 proposes to appropriate and reserve for future use 19,121 acre-feet of water annually from the Missouri Elk Point aquifer. The area to be reserved for future use is S 1/2 Section 15, Section 22, all in T22N-R4E, Nebraska Survey. The water is reserved for future water supplies for a rural water system. This application does not authorize construction of works or application of water to beneficial use. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; and Rock and Nobles Counties in Minnesota. This future use area is located approximately 3 miles southwest of Vermillion SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8754-3 with qualifications because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://dair.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below. The Water Management Board is scheduled to take action at 9:45 AM (Central Time) July 12, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 633 E Capitol Avenue, Pierre, SD to present Application No. 8754-3 to the Legislature for consideration during the 2024 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE

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The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application. Notice of this hearing will be provided

to the applicant and any person filing a petition opposing the application. This hearing will be an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01. Published Jun 8, 2023 at the total approximate cost of \$34.49 and may be viewed free of charge at www.sdpublicnotices.com

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

:SS

COUNTY OF LINCOLN

Julia Eng

being first duly sworn, disposes and says: That (he/she) is a resident of the County of Lincoln and State of South Dakota; that THE LENNOX INDEPENDENT is a weekly legal newspaper of general circulation, printed and published in Lennox, in said County and State, and is now, and has been such newspaper continuously, during all the times hereinafter mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed

Notice of Application No.

8754-3 to Reserve Water

for Future Use

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper 1 successive issues. That the first publication of said notice in said newspaper aforesaid was on Thursday the 8 day of June A.D., 2023 and that the succeeding publication was severally

on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____
on Thursday the _____ day of _____ A.D., 20_____

that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 72 Dollars and 78 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Lennox Independent, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever.

Julia Eng

Subscribed and sworn to before me this 21 day of

June, 2023.

Anne Hornum

Notary Public

Lincoln County, South Dakota

My Commission expires Oct. 26, 2024.

RECEIVED

JUN 23 2023

OFFICE OF
WATER

LINCOLN COUNTY RURAL WATER SYSTEM

NOTICE OF APPLICATION NO. 8754-3 to Reserve Water for Future Use

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technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

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Published once at the total approximate cost of \$72.78 and can be viewed free of charge at www.sdpublishnotices.com. (06-08)

STATE OF SOUTH DAKOTA
County of Lincoln

IN THE CIRCUIT COURT
JUDICIAL CIRCUIT

VS.

Affidavit of Publication

The within Affidavit of Publication of

was filed in my office this

day of , 20

Clerk of Circuit Court of the

Judicial Circuit of the State of South

Dakota within and for Lincoln County.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Jessica Kleinsasser, 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, New Century Press, publishers, and has been such legal newspaper during the times here in after 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 here unto 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 Assistant 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:

N0601-3-NTC of App 8754-3

once printed copy of hereto attached, is printed and published in the said newspaper for one successive week, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 1st day of June 2023

That \$62.16 being the full amount of the fees for publication of the attached notices insure 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.

Jessica Kleinsasser

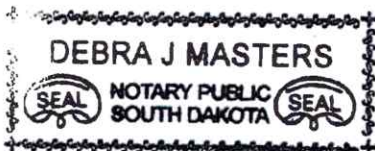
Subscribed and sworn to before me this

5th

Day of June 2023

Debra J. Masters
Notary Public, Turner County, South Dakota

My Commission Expires: 8-6-27



Clipping on
back.

Publication Fee \$62.16
Notary Fees \$
Total \$62.16

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8754-3 to Reserve Water for
Future Use**

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Published once at a total approximate cost of \$62.16 and may be viewed free of charge at www.sdpublicnotices.com.

(N0601-3)

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

I, Jessica Kleinsasser, 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, New Century Press, publishers, and has been such legal newspaper during the times here in after 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 here unto 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 Assistant 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:

N0608-1- NTC of App 8754-3

once printed copy of hereto attached, is printed and published in the said newspaper for one successive week, one each week and on the same day of the week, on the following dates, to wit:

On Thursday, the 8th day of June 2023

That \$90.20 being the full amount of the fees for publication of the attached notices insure 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.

Jessica Kleinsasser

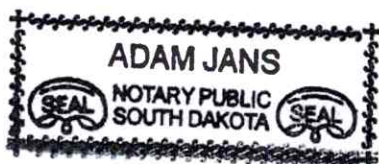
Subscribed and sworn to before me this 8th

Day of June, 2023

Adam Jans
Notary Public, Turner County, South Dakota

My Commission Expires: 5.22.27

Publication Fee \$90.20
Notary Fees \$
Total \$90.20



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(N0600-1)

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 10 2023

State of South Dakota)

:ss

OFFICE OF
WATER

County of Union)

Shannon L. Jost,

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

The Leader-Courier

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

NO. 8754-3

Water appropriation - CRWS

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

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

on Thursday, the 8 day of June, 2023

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

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

\$ 76.47, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me

this 8 day of June, 2023



Notary Public

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Publish June 8, 2023

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AFFIDAVIT OF PUBLICATION

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JUN 12 2023

OFFICE OF
WATER

PLAIN TALK

TROY LARSON
46986 MONTY STREET
TEA SD 57064

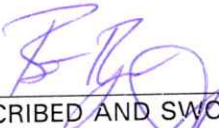
STATE OF SOUTH DAKOTA
COUNTY OF CLAY

BETH RYE, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE ADVERTISING DIRECTOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
PLAIN TALK, A LEGAL WEEKLY NEWSPAPER PUBLISHED AND CIRCULATED
IN THE CITY OF VERMILLION, SAID COUNTY AND STATE, AND ONE OF
THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN
THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 9th DAY OF June, 2023
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$71.04 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 06/09/2023

FILED ON: 06/09/2023


SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF June, 2023

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 05/23/2029

6/15/28



Ad text : NOTICE OF APPLICATION NO. 8754-3 to Reserve Water for Future Use

Notice is given that Lewis and Clark Regional Water System, Troy Larson, Executive Director, 46986 Monty Street, Tea SD 57064 has filed an application for a future use permit. Application No. 8754-3 proposes to appropriate and reserve for future use 19,121 acre-feet of water annually from the Missouri Elk Point aquifer. The area to be reserved for future use is S 1/2 Section 15, Section 22; all in T32N-R4E, Nebraska Survey. The water is reserved for future water supplies for a rural water system. This application does not authorize construction of works or application of water to beneficial use. The system serves twenty public water systems located in Turner, Lincoln, Minnehaha, Clay, McCook, Union, and Lake Counties in South Dakota; Lyon, Sioux, Osceola, and O'Brien Counties in Iowa; and Rock and Nobles Counties in Minnesota. This future use area is located approximately 3 miles southwest of Vermillion SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8754-3 with qualifications because 1) unappropriated water is available, 2) the quantity of water reserved will be needed, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

The Water Management Board is scheduled to take action at 9:45 AM (Central Time), July 12, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD to present Application No. 8754-3 to the Legislature for consideration during the 2024 Legislative Session. The Chief Engineer's recommendation is not final or binding upon the Board or Legislature. Pursuant to SDCL 46-5-20.1, the Board shall present the application to the Legislature for approval prior to the Board acting upon the application. Disapproval of the application by the Legislature constitutes disapproval by the Board and no further action need be taken by the Board. PLEASE NOTE, the scheduled July 12, 2023 agenda item is for the Board to present the application to the Legislature, NOT to conduct an evidentiary hearing. If approved by the Legislature, the Board will then schedule a time and place to conduct the evidentiary hearing for final consideration of the application. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the evidentiary hearing. No evidence or testimony will be accepted on July 12, 2023.

Any person who intends to participate in any Board hearing following legislative approval shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the Board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 20, 2023.

The petition shall be in writing and shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the Legislature approves the application, an evidentiary hearing will be scheduled for the Board to consider the application. Notice of this hearing will be provided to the applicant and any person filing a petition opposing the application. This hearing will be an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Upon scheduling the Board's evidentiary hearing, the applicant or any person who has filed a petition to oppose the application may request an automatic delay of the hearing within ten days of the date of the notice scheduling the hearing. Upon receipt of a timely request for an automatic delay, the evidentiary hearing date will be delayed at least 20 days. If delayed, the evidentiary hearing will be rescheduled with personal notice provided to the applicant and all petitioner's regarding the new time, date, and location.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 20, 2023.

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Published June 9, 2023.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAY 17 2024

Lewis and Clark Regional Water System
c/o Troy Larson, Executive Director
1800 Monty Street
Tea SD 57064

Dear Mr. Larson:

Enclosed is Future Use Permit No. 8754-3 as approved by the Water Management Board.

When plans for facilities are prepared to construct and place to beneficial use any portion of the water reserved by this future use permit, an application for such facilities and water use shall be submitted to this office for review, and approval before construction is initiated.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8754-3

Name of Applicant: Lewis & Clark RWS, Troy Larson

Date of Posting: 6/6/2023

Date of Removal: 5/17/2024



Ron Duvall, Engineer III

5/17/2024

Date

Subscribed and sworn to before me, a notary public, this 17th day of May, 2024.



Notary Public - South Dakota
My commission expires: **Rachel Rodriguez
My Commission Expires
May 16, 2029**

(SEAL)

